

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HM 167 Redesignate the Revolutionary Armed Forces of Colombia as a Foreign Terrorist Organization

SPONSOR(S): State Affairs Committee

TIED BILLS: **IDEN./SIM. BILLS:** CS/SM 160

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--------------------------------------|--------|---------|--|
| Orig. Comm.: State Affairs Committee | | Burgess | Williamson |

SUMMARY ANALYSIS

The Revolutionary Forces of Colombia (FARC) was established in 1964 by the Colombian Communist Party purportedly to redistribute wealth to the poor. Activities of FARC included bombings, murder, mortar attacks, narco trafficking, kidnapping, extortion, and hijacking. Since 1997, FARC has been designated as a foreign terrorist organization (FTO) under federal law. A peace accord with the Colombian government was signed in 2016 and FARC was formally dissolved and disarmed.

In November 2021, the United States Secretary of State released changes to the foreign terrorist designations list and among those modifications was the revocation of FARC as an FTO. The Revolutionary Armed Forces of Colombia – People’s Army and Segunda Marquetalia were added to the FTO list as FARC’s designation was revoked.

The memorial provides historical background of relations between the United States and the nation of Colombia and the role of FARC within that history. The memorial declares that the Florida House of Representatives is firm in its commitment to Colombia and urges the United States Secretary of State to redesignate FARC as an FTO.

Legislative memorials are not subject to the Governor’s veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Foreign Terrorist Organization

The United States Secretary of State (Secretary) is authorized to administer and enforce the immigration and nationality laws of the nation, including those laws which affect the nationality of a person not in the United States.¹ The Secretary may designate an organization as a foreign terrorist organization (FTO) if the Secretary finds that:

- The organization is a foreign organization.
- The organization engages in terrorist activity² or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism.
- The terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States.³

If the Secretary determines that an organization has engaged in a terrorist activity⁴ or terrorism, the Secretary must send a notice of the designation to Congress, publish the designation in the Federal Register, and deliver a notification to financial institutions to freeze the assets of the designated organization.⁵ Congress may disapprove the designation through a congressional act.⁶ In addition, designation of FTOs are reviewed in five-year periods.⁷

Revolutionary Forces of Colombia

The Revolutionary Forces of Colombia (FARC) was established in 1964 by the Colombian Communist Party purportedly to redistribute wealth to the poor. Activities of FARC include bombings, murder, mortar attacks, narcotrafficking, kidnapping, extortion, and hijacking.⁸ Since 1997, FARC has been designated as an FTO.⁹

A peace accord with the Colombian government was signed in 2016 and FARC was formally dissolved and disarmed. Some dissidents disagreed with the peace accord, retained the FARC name, continued with the illegal activities, and re-armed themselves. Prior commanders and leaders once involved with

¹ 8 U.S.C. s. 1104(a).

² "Terrorist activity" means any activity that is unlawful under the laws of the place where it is committed and involves the high jacking or sabotage of any conveyance; the seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained; a violent attack upon an internationally protected person or upon the liberty of such a person; an assassination; the use of any biological agent, chemical agent, or nuclear weapon or device, or explosive or fire arm (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property; or a threat, attempt, or conspiracy to do any of the foregoing. 8 U.S.C. s. 1182(a)(3)(B)(iii).

³ 8 U.S.C. s. 1189(a)(1).

⁴ "Engaging in terrorist activity" means, in an individual capacity or as a member of an organization, to:

- Commit or to incite, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;
- Prepare or plan a terrorist activity;
- Gather information on potential targets for terrorist activity;
- Solicit funds or other things of value for a terrorist activity or a terrorist organization with certain exceptions;
- Commit an act that the actor knows, or reasonably should know, affords material support for the commission of a terrorist activity, to any individual who the actor knows or reasonably should know has committed or plans to commit a terrorist activity, or to a terrorist organization or to any member of such organization with certain exceptions.

⁸ 8 U.S.C. s. 1182(a)(3)(B)(iv).

⁵ 8 U.S.C. s. 1189(a)(2).

⁶ 8 U.S.C. s. 1189(a)(2)(A)(ii) and (a)(5).

⁷ 8 U.S.C. s. 1189(a)(4)(C).

⁸ *Encyclopedia Britannica*, FARC, available at <https://www.britannica.com/topic/FARC> (last visited Feb. 28, 2023).

⁹ 62 Fed. Reg. 52650 (Oct. 8, 1997).

the disbanded FARC are not excused from their past crimes and remain on the terrorist list for both their past and any future activities.¹⁰

In November 2021, the Secretary of State released changes to the foreign terrorist designations list and among those modifications was the revocation of the FARC designation as an FTO.¹¹

Additional organizations, such as the Revolutionary Armed Forces of Colombia – People’s Army (FARC – EP) and Segunda Marquetalia, developed after the Peace Accord and continued to mobilize and engage in terrorist activity according to the Department of State. FARC – EP and Segunda Marquetalia have been found responsible for the killing of former FARC members and other community leaders. Segunda Marquetalia and FARC – EP have been involved in the kidnappings and ransoming of government employees, attempted killings of political leaders, and engaging in mass destruction and assassinations. These two organizations were added to the Foreign Terrorist Organizations List when FARC’s designation was revoked on November 30, 2021. The leaders of the newly added organizations¹² have also been designated as Specially Designated Global Terrorists.¹³

Florida Provisions Against FTOs

Florida also has laws related to federally-designated FTOs. Florida law prohibits a person who has received military-type training from an FTO from using, attempting to use, or conspiring to use such training with intent to unlawfully harm another person or damage a critical infrastructure facility. A person who violates this prohibition commits a second-degree felony and any person who violates the prohibition, which results in death or serious bodily injury, commits a first-degree felony.¹⁴ Furthermore, Florida law provides that a person commits a first-degree felony if the person:¹⁵

- Provides material support or resources or conceals or disguises the nature, location, source, or ownership of the material support or resources, knowing or intending that the support or resources are to be used in preparation for or in carrying out a violation of various laws involving terrorism;
- Conceals an escape for the commission of a violation of the law;
- Attempts or conspires to commit a violation of Florida’s terrorism laws; or
- Knowingly provides material support or resources to an FTO, or attempts or conspires to do so.

If a person commits any of the aforementioned crimes, which result in death or serious bodily injury, then that person commits a life felony.¹⁶

Effect of the Memorial

The memorial provides historical background of relations between the United States and the nation of Colombia and the role of FARC within that history.

The memorial declares the Florida Legislature is firm in its commitment to Colombia and urges the United States Secretary of State to redesignate FARC as an FTO.

¹⁰ Antony J. Blinken, United States Department of State, *Revocation of the Terrorist Designations of the Revolutionary Armed Forces of Colombia (FARC) and Additional Terrorist Designations*, Nov. 30, 2021, available at <https://www.state.gov/revocation-of-the-terrorist-designations-of-the-revolutionary-armed-forces-of-colombia-farc-and-additional-terrorist-designations/> (last visited Feb. 28, 2023).

¹¹ U.S. Department of State, *Foreign Terrorist Organizations*, available at <https://www.state.gov/foreign-terrorist-organizations/> (last visited on March 7, 2023).

¹² Including Luciano Marin Arango.

¹³ Executive Order 13224 (Sept. 23, 2001) authorizes the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to designate individuals and entities as Specially Designated Global Terrorists (SDGTs). SDGTs are added to a list of Specially Designated Nationals. Once added, effects include the blocking of all property and interests in property of the designated individual or entity, the prohibition of transactions of the property and interests of the designated individual or entity, and civil and criminal penalties onto the designated individual or entity, available at <https://www.state.gov/executive-order-13224/> (last visited Feb. 28, 2023).

¹⁴ S. 775.32(2), (3), and (4), F.S.

¹⁵ S. 775.33(2) and (3), F.S.

¹⁶ S. 775.33(4), F.S.

The memorial calls for copies of the memorial to be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This memorial does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The memorial neither authorizes nor requires executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES