

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SM 160

INTRODUCER: Senator Avila

SUBJECT: Redesignation of the Revolutionary Armed Forces of Colombia (FARC) as a Foreign Terrorist Organization

DATE: February 20, 2023 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SM 160 is a memorial to the United States Department of State, urging the United States Secretary of State to redesignate the Revolutionary Armed Forces of Columbia (FARC) as a Foreign Terrorist Organization. The memorial attests to the Legislature’s firm commitment to Columbia, and opposes the Biden Administration’s removal of the FARC’s designation as a Foreign Terrorist Organization.

The memorial requires copies to be dispatched to 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 state delegation to the United States Congress.

A memorial is an official legislative document addressed to the United States Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor’s approval nor is it subject to a veto.

II. Present Situation:

Measures Against Foreign Terrorists by the Presidential Administration and Congress

Executive Order 13224

On September 23, 2001, and in response to the attacks on September 11, 2001, the President of the United States signed Executive Order 13224 (Order), to bolster existing federal action against foreign terrorists and organizations.¹ Specifically, the Order establishes a process to disrupt the

¹ The Bureau of Counterterrorism, U.S. Dep’t of State, *Executive Order 13224* (Sept. 23, 2001), available at [https://www.state.gov/executive-order-13224/#:~:text=\(d\)%20the%20term%20E2%80%9Cterrorism,by%20intimidation%20or%20coercion%3B%20or](https://www.state.gov/executive-order-13224/#:~:text=(d)%20the%20term%20E2%80%9Cterrorism,by%20intimidation%20or%20coercion%3B%20or) (last visited Jan. 27, 2023).

financial support network of terrorists and terrorist organizations. The Order does this by authorizing the government to designate and block assets of foreign individuals and entities that commit, or pose a significant risk of committing acts of terrorism.²

As used in the Order³, terrorism is defined as an action that:

- Involves a violent act or an act dangerous to human life, property, or infrastructure; and
- Appears intended to intimidate or coerce a civilian population; influence government policy by intimidation or coercion; or affect government conduct by mass destruction, assassination, kidnapping, or hostage-taking.⁴

The Order authorizes either the United States Secretary of State (Secretary) or the Secretary of the Treasury to initiate the designation of terrorists, in concert with the United States Attorney General and each other. Once designated, the Office of Foreign Assets Control (OFAC) can block assets of the person or groups.⁵

Agency Designation of Foreign Terrorists

The authority of the Secretary to designate an individual or entity as a terrorist or foreign terrorist organization is rooted in its immigration and nationality functions.⁶ The Secretary may designate an organization as a foreign terrorist organization if the Secretary finds that:

- The organization is a foreign organization;
- The organization engages in terrorist activity or terrorism, or retains the capability and intent to engage in terrorist activity or terrorism; and
- The terrorist activity or terrorism threatens the security of United States nationals or the United States.⁷

If the Secretary determines that an organization has engaged in terrorist activity or terrorism, the Secretary must:

- Provide written, classified notification with findings seven days prior to making a designation to the Speaker and Minority Leader of the United States House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the United States Senate, and members of relevant committees of the United States Congress.
- Publish the designation in the Federal Register seven days after notification.⁸

The United States Congress may through congressional act disapprove the designation.⁹ If the designation stands, the Secretary may, after a 5-year period, review the designation of the foreign terrorist organization. In its review, the Secretary will determine whether current circumstances warrant revocation.¹⁰

² *Id.*

³ 8 USC 1189.

⁴ *Id.*

⁵ *Id.*

⁶ Immigration and Nationality Act, 8 U.S.C. §1104(a) and 1189.

⁷ 8 U.S.C. §1189(a)(1).

⁸ 8 U.S.C. §1189(a)(2)(A).

⁹ 8 U.S.C. §1189(a)(2)(B)(ii).

¹⁰ 8 U.S.C. §1189(a)(2)(C)(i).

Along with publication in the Federal Register, the Secretary also publishes and maintains the list of foreign terrorist organizations on its website.¹¹ Upon publication in the Federal Register, the United States Secretary of the Treasury may freeze the assets of the designated organization.¹²

In addition to the designation authority of the Secretary, the OFAC can designate terrorists and maintain its own list.¹³ Specifically, the OFAC may classify an individual as a Specially Designated Global Terrorist (SDGT) and place his or her name on its list of Specially Designated Nationals (SDN). The assets of a SDGT are then blocked and the list of SDNs made publicly available, including to the international financial community. These federal actions curtail the ability of a SDN to conduct property or banking transactions in this country.¹⁴

History of FARC

Beginnings

In 1964, Manuel Marulanda and Jacobo Arenas founded the Revolutionary Armed Forces of Columbia, otherwise known as FARC.¹⁵ The group identified as its core mission social program development in rural areas and wealth redistribution. In furtherance of its mission, the FARC had as its original goal governmental overthrow, relying on the drug trade, ransom collected on kidnappings of politicians and elites, extortion, and illegal gold mining.¹⁶ The FARC used guns, bombs, and homemade mortars in its attacks. In so doing, the group caused significant and lengthy periods of nationwide destabilization and violence, despite various peace talks and agreements entered into with the government.¹⁷

Expansion

In the 1970s, the group rapidly expanded due to significant revenues generated from narco-trafficking.¹⁸ Although in 1982 the group changed its name to the FARC-EP, or the People's Army, the government and media still widely referred to the group as the FARC. During an agreed to cease-fire between the FARC and the government, in 1985, the FARC co-founded the political party of the Patriotic Union (UP) with the Columbia Communist Party.¹⁹ The UP made

¹¹ The Bureau of Counterterrorism, U.S. Dep't of State, *Terrorist Designations and State Sponsors of Terrorism, Foreign Terrorist Organizations*, available at <https://www.state.gov/foreign-terrorist-organizations/> (last visited Jan. 23, 2023).

¹² 8 U.S.C. §1189(a)(2)(C).

¹³ The Office of Foreign Assets Control administers and enforces economic and trade sanctions based on United States foreign policy and national security goals against entities and individuals engaged in threats to national security foreign policy, or economy of the U.S., including as targeted foreign countries and regimes, international narcotics traffickers, and terrorists. United States Department of the Treasury, Office of Foreign Assets Control – Sanctions Programs and Information, available at <https://home.treasury.gov/policy-issues/office-of-foreign-assets-control-sanctions-programs-and-information> (last visited Jan. 23, 2023).

¹⁴ United States Department of the Treasury, *Frequently Asked Questions – Specially Designated Nationals and SDN List*, available at <https://home.treasury.gov/policy-issues/financial-sanctions/faqs/topic/1631> (last visited Jan. 20, 2023).

¹⁵ Center for International Security and Cooperation, Stanford University, *Mapping Militant Organizations*, “Revolutionary Armed Forces of Columbia,” available at https://cisac.fsi.stanford.edu/mappingmilitants/profiles/revolutionary-armed-forces-colombia-farc#text_block_17686 (last visited Jan. 24, 2023.)

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

advances in securing both local and national political seats. These political wins were swiftly retaliated through forced disappearances and assassinations by the Columbian army, right-wing paramilitaries, and drug gangs. In 1999, in response to more than 3,000 kidnappings perpetrated by the FARC and a significant spike in homicide rates, 25 percent of Columbia's entire population marched in a protest against the FARC. Violence continued, and during the 2002 political season, the FARC kidnapped a presidential candidate. In return, the government ended the legal status of the UP and the party could no longer participate politically.²⁰

2016 Peace Accord

The cycle of violence coinciding with intermittent attempts at peace continued until the parties finally agreed to the 2016 Peace Accord, ending 52 years of conflict since the beginnings of the FARC. On June 27, 2017, overseen by the United Nations, the FARC officially ended disarmament, relinquishing 7,132 weapons and 77 of the FARC's 900 arms stores from the countryside.²¹ Considered to have significant impact globally, then-President Juan Manuel Santos received the Nobel Peace Prize for his role in the Accord, which concluded a 4-year negotiation.²²

By the date of the Accord, casualties of the long-term conflict totaled a minimum of 260,000 Columbians murdered, 80,000 missing, 20,000 kidnapped, 8.2 million displaced, 9.2 million government-registered as conflict victims, tens of thousands of recruited child soldiers, and untallied numbers of victims of torture, including sexual violence.²³

Combatant Groups in Columbia Currently in Operation

Although most FARC members have participated in reintegration since the 2016 Peace Accord, some former members continue to operate as dissidents in splinter groups.²⁴ One such identified group of FARC dissidents is the Segunda Marquetalia, organized in 2019.²⁵ Another splinter group is the FARC-EP.²⁶ This group consists of former FARC fighters and new recruits.²⁷

²⁰ *Id.*

²¹ *Id.*

²² Isacson, Adam, Advocacy for Human Rights in the Americas, *A Long Way to Go: Implementing Columbia's Peace Accord After Five Years* (Nov. 23, 2021), available at <https://www.wola.org/analysis/a-long-way-to-go-implementing-colombias-peace-accord-after-five-years/> (last visited Jan. 27, 2023).

²³ *Id.*

²⁴ Pursuant to the Peace Accord 13,000 former FARC members have laid down their weapons. Both splinter groups are together estimated to have 2,500 members. Bureau of Counterterrorism, U.S. Dep't of State, *Country Reports on Terrorism: 2020*, available at https://www.state.gov/reports/country-reports-on-terrorism-2020/colombia_trashed/ (last visited Jan. 25, 2023).

²⁵ *Id.*

²⁶ Astrin Suarez & Manuel Rueda, Associated Press, *Explainer: What Are Columbia's Ex-FARC Splinter Groups?*, available at <https://apnews.com/article/colombia-united-states-south-america-armed-forces-revolutionary-armed-forces-of-colombia-492c423824351ff8dc1ed4bba761d200> (last visited Jan. 27, 2023).

²⁷ *Id.*

Additionally, the National Liberation Army (ELN), the oldest combatant group in Columbia, currently estimated at 2,300 individuals, remains an active threat.²⁸ The Colombian government and the ELN are currently engaged in peace talks in Mexico.²⁹

Collectively, these combatant groups continue to engage in bombings, violence against civilian populations, kidnappings, and attacks against military, police, government, and infrastructure.³⁰

While Venezuela and its border countries have traditionally been home to the combatant group, Hezbollah, recent sightings indicate its presence in Columbia.³¹ True to the group's clandestine nature, and having used fraudulent means to obtain Colombian citizenship, Hezbollah members in Columbia portray themselves as legitimate businesspeople.³² Hezbollah's violent history in Latin America includes bomb attacks and assassinations.³³

U.S. Response to the FARC

In 1997, the Secretary designated the FARC as a Foreign Terrorist Organization.³⁴

In 2000, the United States funded Plan Columbia, a \$9 billion United States military aid program intended to support the Colombian government in defeating the drug trade, reestablishing authority, and increasing its authority country-wide.³⁵

On December 1, 2021, the Secretary revoked and delisted both the designation of the FARC as a Foreign Terrorist Organization and its listing as a SDGT.³⁶ As justification for the revocation, the Secretary provided that subsequent to the 2016 Peace Accord, the FARC formally dissolved and disarmed. As such, the FARC no longer exists as a unified organization engaging in terrorism, nor does it have capacity or intent to do so.³⁷

²⁸ U.S. Dep't of State, *supra* note 24.

²⁹ Mayela Armas & Luis Jaime Acosta, Reuters, *Columbia, ELN rebels to resume peace talks in Mexico in February*, available at <https://www.reuters.com/world/americas/colombia-eln-rebels-resume-peace-talks-mexico-february-2023-01-21/> (last visited Jan. 27, 2023).

³⁰ U.S. Dep't of State, *supra* note 24.

³¹ Aurora Ortega, The Washington Institute for Near East Policy, Policy Notes, *Hezbollah in Columbia Past and Present Modus Operandi and the Need for Greater Scrutiny* (Mar. 2022, No. 119), available at <https://www.washingtoninstitute.org/media/5546?disposition=inline> (last visited Jan. 27, 2023).

³² *Id.* at 2 and 4.

³³ *Id.* at 2.

³⁴ The Secretary of State designated FARC as a Foreign Terrorist Organization October 8, 1997. Bureau of Counterterrorism, U.S. Dep't of State, *Foreign Terrorist Organizations*, available at <https://www.state.gov/foreign-terrorist-organizations/> (last visited Jan. 24, 2023).

³⁵ Center for International Security and Cooperation, *supra* note 15.

³⁶ The Secretary of State issued his revocation press release November 30, 2021 and delisted FARC as of December 1, 2021. Antony J. Blinken, Secretary of State, U.S. Dep't 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 Jan. 23, 2023). U.S. Dep't of State, *supra* note 34.

³⁷ *Id.* The FARC political party, which formed after entry of the Peace Accord, has since changed its name to Comunes. Reuters, *Columbia's FARC party changes name to Comunes* (Jan. 24, 2021), available at <https://www.reuters.com/article/us-colombia-farc/colombias-farc-party-changes-name-to-comunes-idUSKBN29T0SF> (last visited Jan. 27, 2023).

Concurrent to the revocation of the FARC, the Secretary designated the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP) and Segunda Marquetalia, along with their leaders, as Foreign Terrorist Organizations and as a SDGT.³⁸ The new designations included a directive to block financial and property assets. As justification, the Secretary provided that the designation of FARC-EP and Segunda Marquetalia is directed at those who refused to demobilize and continue to engage in terrorist actions, such as killing former FARC members and kidnapping and killing political candidates.³⁹

Memorial

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III. Effect of Proposed Changes:

SM 160 is a memorial to the United States Department of State, urging the Secretary to redesignate the FARC as a Foreign Terrorist Organization. The memorial attests to the Legislature's firm commitment to Columbia, and opposes the Biden Administration's removal of the FARC as a Foreign Terrorist Organization.

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³⁸ Bureau of Counterterrorism, U.S. Dep't of State, *Foreign Terrorist Organizations*, available at <https://www.state.gov/foreign-terrorist-organizations/> (last visited Jan. 24, 2023).

³⁹ Blinken, *supra* note 36.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.