

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HM 351 Condemning the Emerging Partnership between the Chinese and Cuban Governments

**SPONSOR(S):** Porras and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SM 318, SM 540

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**FINAL HOUSE FLOOR ACTION:** N/A Y's      N/A N's      **GOVERNOR'S ACTION:** N/A

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### SUMMARY ANALYSIS

HM 351 passed the House on January 23, 2024, and subsequently passed the Senate on February 1, 2024.

Communism is a political ideology and form of government by which the state owns the major resources in a society, including property, production, education, agriculture, and transportation. Communist governments currently exist in China, Cuba, North Korea, Vietnam, and Laos.

The United States and Cuba have had a contentious relationship dating back to Fidel Castro's overthrow of the United States-backed Cuban government and the establishment of a communist state allied with the Soviet Union. In January 2021, the United States re-classified Cuba as a state sponsor of terrorism.

China and the United States have also had a complicated relationship since 1949, alternating between friction and collaboration on trade, climate change, and Taiwan. In the past decade, there has been a notable increase in Chinese espionage activity against the United States, including, in February 2023, when a spy balloon from the People's Republic of China was intercepted in South Carolina and destroyed.

Various news sources reported in June 2023 that China and Havana discussed setting up an electronic surveillance facility in Cuba, but it was unclear whether China and Cuba had a formal agreement in place for the base. In November 2023, the Countering Espionage and Surveillance Entities in Cuba Act was introduced in Congress with the purpose of imposing sanctions on any foreign person that has engaged in a significant transaction or provided material support to or for a Chinese military or intelligence facility in Cuba.

The memorial provides historical background about the relations between the United States, Cuba, and China. The memorial urges the United States Secretary of State to condemn the Chinese Government for establishing a spy base in Cuba, taking aggressive steps to collect information about the United States Government and its citizens, and establishing a potential base for Chinese troops in Cuba. The memorial directs the Secretary of State to provide copies of the memorial 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.

The Memorial is not subject to the Governor's veto powers.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Communism

Karl Marx proposed his ideology of Communism in *The Communist Manifesto* in 1848.<sup>1</sup> Communism is a political ideology and form of government by which the state owns the major resources in a society, including property, production, education, agriculture, and transportation.<sup>2</sup> Communism seeks to eliminate the class system through redistribution of income<sup>3</sup> and envisions a world without private property; all property is communally owned and each person receives a portion of the property based on what he or she needs.<sup>4</sup> A strong, central government controls all aspects of economic production and provides citizens with food, housing, health care, and education.<sup>5</sup>

Communist regimes typically promise a utopian society in which the working class will enjoy unprecedented prosperity. However, communist regimes have historically been correlated with massive poverty and repression.<sup>6</sup> Documented historical injustices by communist regimes include mass murder, repression, deprivations of freedoms, loss of property, and criminalization of ordinary economic activity.<sup>7</sup>

Communist governments currently exist in China, Cuba, North Korea, Vietnam, and Laos.<sup>8</sup>

### Cuba

On January 1, 1959, Fidel Castro led an overthrow of the Batista regime and established a communist regime in Cuba.<sup>9</sup> During Castro's tenure, Cuba established close military and economic ties with the Soviet Union.<sup>10</sup> Following the collapse of the Soviet Union in 1991, the Cuban economy faltered as Soviet economic subsidies to Cuba ceased, and without Soviet support, Cuba fell into an economic crisis.<sup>11</sup> As a result, Cuba cultivated closer relations with China.<sup>12</sup>

Castro ruled Cuba until 2006, when he shifted power to his brother, Raul Castro,<sup>13</sup> who maintained power until 2018 when another member of the Communist Party of Cuba, Miguel Diaz-Canel, succeeded him.<sup>14</sup>

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<sup>1</sup> Britannica, *The Communist Manifesto*, <https://www.britannica.com/topic/The-Communist-Manifesto> (last visited Jan. 3, 2024).

<sup>2</sup> The University of North Carolina at Chapel Hill, Center for European Studies, *Communism: Karl Marx to Joseph Stalin*, <https://europe.unc.edu/iron-curtain/history/communism-karl-marx-to-joseph-stalin/> (last visited Jan. 3, 2024).

<sup>3</sup> *Id.*

<sup>4</sup> Sarah Pruitt, *How are Socialism and Communism Different?* (November 4, 2020), <https://www.history.com/news/socialism-communism-differences> (last visited Jan. 3, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> Ilya Somin, *Lessons from a Century of Communism*, Wash. Post., Nov. 7, 2017, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Jan. 3, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> Sarah Pruitt, *How are Socialism and Communism Different?* (November 4, 2020), <https://www.history.com/news/socialism-communism-differences> (last visited Jan. 3, 2024).

<sup>9</sup> History, *Communism Timeline* (July 9, 2019), <https://www.history.com/topics/russia/communism-timeline> (last visited Jan. 3, 2024).

<sup>10</sup> *Fidel Castro Biography*, <https://www.biography.com/dictator/fidel-castro> (last visited Jan. 3, 2024).

<sup>11</sup> One World Nations Online, *History of Cuba*, <https://www.nationsonline.org/oneworld/History/Cuba-history.htm> (last visited Jan. 3, 2024).

<sup>12</sup> See Jaime Suchlicki, *Those Men in Havana Are Now Chinese*, *The Wall Street Journal* (July 30, 1999), A19, available at [https://www.fpparchive.org/media/documents/communism\\_and\\_responses/Those%20Men%20in%20Havana%20Are%20Now%20Chinese\\_Jaime%20Suchlicki\\_July%202030,%201999\\_The%20Wall%20Street%20Journal.pdf](https://www.fpparchive.org/media/documents/communism_and_responses/Those%20Men%20in%20Havana%20Are%20Now%20Chinese_Jaime%20Suchlicki_July%202030,%201999_The%20Wall%20Street%20Journal.pdf) (last visited Jan. 14, 2024).

<sup>13</sup> *Fidel Castro Biography*, <https://www.biography.com/dictator/fidel-castro> (last visited Jan. 3, 2024).

<sup>14</sup> BBC News, *Cuba's Raúl Castro hands over power to Miguel Díaz-Canel* (Apr. 19, 2018), <https://www.bbc.com/news/world-latin-america-43823287> (last visited Jan. 3, 2024).

In February 2019, a newly ratified constitution codified that Cuba continues to be a one-party system in which the Communist Party is the only legal political party.<sup>15</sup>

### *The United States and Cuba*

The United States and Cuba have had a contentious relationship dating to Fidel Castro's overthrow of the United States-backed Cuban government and establishment of a communist state allied with the Soviet Union.<sup>16</sup> Following Fidel Castro's revolution, nationalization of American-owned properties, and Cuba's growing trade relationship with the Soviet Union, the United States government imposed economic penalties and instituted a ban on United States exports to Cuba. On January 3, 1961, the United States severed diplomatic ties with Cuba.

In more recent years, the United States has shown continued support for the embargo against and strict disapproval of Castro's Cuba. In 1992, President George H.W. Bush signed into law the Cuban Democracy Act of 1992, which stated Cuba had repeatedly demonstrated consistent disregard for internationally-accepted standards of human rights and democratic values.<sup>17</sup> Showing continued support of the embargo between the United States and Cuba, President Bill Clinton signed the Cuban Liberty and Solidarity Act of 1996 into law.<sup>18</sup> On December 17, 2014, under President Barack Obama, trade restrictions and sanctions were lessened with the President's Presidential Policy Directive on United States-Cuba Normalization.<sup>19</sup> However, President Donald Trump reversed President Obama's directive and re-classified Cuba as a state sponsor of terrorism on January 12, 2021.<sup>20</sup> Secretary of State Mike Pompeo cited Cuba's repeated provision of support for acts of international terrorism by harboring United States fugitives and Colombian rebel leaders as well as Cuba's support for Venezuelan President Nicolas Maduro.<sup>21</sup>

### China

On October 1, 1949, Chinese Communist leader Mao Zedong declared the creation of the People's Republic of China (PRC), which ended the civil war between the Chinese Communist Party (CCP) and the Nationalist Party. China's mainland ties to communism led the United States to suspend diplomatic ties with the PRC for decades. For more than 20 years after the Chinese revolution of 1949, there were few contacts, limited trade, and no diplomatic ties between the two countries. Until the 1970s, the United States continued to recognize the Republic of China, located on Taiwan, as China's true government and supported that government's holding the Chinese seat in the United Nations.<sup>22</sup>

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<sup>15</sup> U.S. Dept. of State, *Cuba - United States Department of State*, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/> (last visited Jan. 3, 2024).

<sup>16</sup> Council on Foreign Relations, *U.S.-Cuba Relations* (July 13, 2021), <https://www.cfr.org/backgrounder/us-cuba-relations> (last visited Jan. 3, 2024).

<sup>17</sup> Cuban Democracy Act of 1992, Pub. L. No. 102-484, H.R.5323, 102nd Cong. (September 24, 1992), <https://www.congress.gov/bill/102nd-congress/house-bill/5323> (last visited Jan. 3, 2024).

<sup>18</sup> Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Pub. L. No. 104-114, H.R.927, 104th Cong. (March 12, 1996), <https://www.congress.gov/bill/104th-congress/house-bill/927> (last visited Jan. 3, 2024).

<sup>19</sup> Presidential Policy Directive: United States -Cuba Normalization (October 14, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization> (last visited Jan. 3, 2024).

<sup>20</sup> U.S. Dept. of State, *State Sponsors of Terrorism*, <https://www.state.gov/state-sponsors-of-terrorism/> (last visited Jan. 3, 2024).

<sup>21</sup> Matt Spetalnick, *Trump Returns Cuba to U.S. List of State Sponsors of Terrorism*, Reuters, Jan. 11, 2021, <https://www.reuters.com/article/us-usa-cuba-terrorism-list/trump-returns-cuba-to-u-s-list-of-state-sponsors-of-terrorism-idUSKBN29G1Y9> (last visited Jan. 3, 2024).

<sup>22</sup> U.S. Dept. of State, Office of the Historian, *The Chinese Revolution of 1949*, <https://history.state.gov/milestones/1945-1952/chinese-rev> (last visited Jan. 3, 2024).

Despite market reforms in the late 1970s, the modern Chinese state remains a communist system.<sup>23</sup> In 2012, Xi Jinping consolidated his control over the CCP and in early 2018, China's constitution was amended to abolish presidential term limits, allowing Xi to remain in office indefinitely.<sup>24</sup>

### *The United States and China*

China and the United States have had a complicated relationship alternating between friction and collaboration on trade, climate change, and Taiwan. However, in 1979, the United States recognized the PRC and established diplomatic relations with it as the sole legitimate government of China and subsequently opened an Embassy in Beijing.<sup>25</sup>

In recent years, there has been a notable increase in Chinese espionage activity against the United States. In May 2014, a United States court indicted five Chinese hackers, allegedly with ties to China's People's Liberation Army, on charges of stealing trade technology from United States companies. In response, Beijing suspended its cooperation in the U.S.-China cybersecurity working group. In June 2015, United States authorities signaled there was evidence Chinese hackers were behind the major online breach of the Office of Personnel Management and the theft of data from 22 million current and former federal employees. Ahead of the Shangri-La Dialogue conference in May 2015, United States officials stated that images from United States naval surveillance provided evidence that China was placing military equipment on a chain of artificial islands.<sup>26</sup>

In January 2020, President Trump and Chinese Vice Premier Liu He signed the Phase One Agreement, which required structural reforms and other changes to China's economic and trade regime in the areas of intellectual property, technology transfer, agriculture, financial services, and currency and foreign exchange.<sup>27</sup>

In November 2022, President Biden and China's President Xi met to ease tensions and reopen communication channels, including climate talks. Not long after, however, a PRC spy balloon was intercepted in South Carolina and destroyed. As a result, Secretary of State Antony Blinken postponed his trip to China.<sup>28</sup>

### China and Cuba

In June 2023, various news sources reported that China held discussions with Havana about setting up an electronic surveillance facility in Cuba, but it was unclear whether China and Cuba had a formal agreement in place for the base.<sup>29</sup> National Security Council spokesman John Kirby and Cuban Deputy Foreign Minister Carlos Fernandez de Cossio denied these reports.<sup>30</sup> United States Senators Jim Risch, John Barrasso, Bill Hagerty, Pete Ricketts, and Ted Cruz introduced the Countering Espionage and Surveillance Entities in Cuba (CEASE) Act in November 2023. The purpose of the CEASE Act is to

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<sup>23</sup> Council on Foreign Relations, *The Chinese Communist Party*, <https://www.cfr.org/backgrounder/chinese-communist-party> (last visited Jan. 3, 2024).

<sup>24</sup> *China anniversary: How the Communist Party runs the country*, BBC (October 5, 2022), <https://www.bbc.com/news/world-asia-china-49631120> (last visited Jan. 3, 2024). See also Tom Phillips, *Xi Jinping's power play: from president to China's new dictator?*, The Guardian, <https://www.theguardian.com/world/2018/mar/04/xi-jinping-from-president-to-china-new-dictator> (last visited Jan. 3, 2024).

<sup>25</sup> Council on Foreign Relations, *U.S.-China Relations 1949-2023*, <https://www.cfr.org/timeline/us-china-relations> (last visited Jan. 3, 2024).

<sup>26</sup> *Id.*

<sup>27</sup> U.S. Dept. of Agriculture, Foreign Agricultural Service, *China Phase One Agreement*, <https://fas.usda.gov/topics/china-phase-one-agreement#:~:text=In%202020%2C%20the%20United%20States,services%2C%20and%20currency%20and%20foreign> (last visited Jan. 3, 2024).

<sup>28</sup> Michael Sobolik, *Preparing for the Next Spy Balloon*, American Foreign Policy Council (Feb. 15, 2023), <https://www.afpc.org/publications/articles/preparing-for-the-next-spy-balloon> (last visited Jan. 3, 2024).

<sup>29</sup> Dan De Luce, Abigail Williams and Andrea Mitchell, *Is the Biden administration downplaying China's plans for an eavesdropping post in Cuba?*, NBC News (June 10, 2023), <https://www.nbcnews.com/politics/national-security/biden-administration-turning-blind-eye-chinese-provocations-rcna88347> (last visited Jan. 3, 2024).

<sup>30</sup> Natasha Bertrand, *Cuba gives China permission to build spying facility on island, US intel says*, CNN (June 9, 2023), <https://www.cnn.com/2023/06/08/politics/cuba-china-spying-facility/index.html> (last visited Jan. 3, 2024).

impose sanctions on any foreign person that has engaged in a significant transaction or provided material support to or for a Chinese military or intelligence facility in Cuba.<sup>31</sup>

### **Effect of the Memorial**

The memorial provides historical background about relations between the United States, Cuba, and China.

The memorial urges the United States Secretary of State to condemn the Chinese Government for establishing a spy base in Cuba, taking aggressive steps to collect information about the United States Government and its citizens, and establishing a potential base for Chinese troops in Cuba.

The memorial calls for copies of the memorial to be dispatched by the Secretary of State 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.

## **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.

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<sup>31</sup> CEASE Act, s. 3225, 118th Cong. (Nov. 2, 2023).

