

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 Rules

BILL: SM 540

INTRODUCER: Senator Avila

SUBJECT: Chinese and Cuban Governments

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ingram</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Ingram</u>	<u>Twogood</u>	<u>RC</u>	Pre-meeting

I. Summary:

SM 540 is a memorial to the United States Department of State, urging the United States Secretary of State to condemn the emerging partnership between the Chinese Communist Party (CCP) and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

The memorial also urges the United States Secretary of State to condemn the CCP for taking steps to collect sensitive information regarding the United States Government and its citizens and for establishing a potential base for the CCP's military and intelligence services 90 miles from the United States, an aggressive action threatening national security.

The memorial directs the Secretary of State to dispatch copies 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 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:

Cuban Communist Regime

The Cuban Communist Party was founded in the 1920s and registered as a political party in 1939, going through several name and organizational changes until it became the Communist

Party of Cuba in 1965 under Fidel Castro.^{1, 2} 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.³

On January 3, 1961, the United States cut off diplomatic relations with Cuba due to unjustified action by the Cuban government which placed detrimental limitations on the ability of the United States Mission to carry out its customary ambassadorial functions.⁴ In an exchange of letters in June 2015, President Barack Obama and Cuban President Raúl Castro agreed to the recommencement of formal diplomatic relations between the two countries on July 20, 2015, when both countries elevated their respective Interests Sections⁵ to Embassy status.⁶

Chinese Communist Party

Founded in 1921 in Shanghai, the CCP began as a study group working within the confines of the First United Front with the Chinese Nationalist Party.⁷ Chinese communists joined with the Nationalist Army in 1926 to rid China of the warlords that prevented the formation of a strong central government. This collaboration lasted until 1927, when the Nationalists violently turned on the communists, ousting them from the Nationalist Party.⁸

On October 1, 1949, the CCP leader Mao Zedong declared the creation of the People's Republic of China (PRC). The announcement ended the costly full-scale civil war between the CCP and the Nationalist Party, which broke out immediately following World War II and had been preceded by conflict between the two sides since the 1920s. The creation of the PRC also completed the long process of governmental upheaval in China begun by the Chinese Revolution of 1911. The “fall” of mainland China to communism in 1949 led the United States to suspend diplomatic ties with the PRC for decades.⁹

In 1973, as part of an effort toward normalization, the United States and the PRC each opened a liaison office in Beijing and Washington, D.C., respectively, to conduct all matters pertaining to the United States-PRC relationship with the exception of formal diplomatic aspects. On January

¹ U.S. Dep't of State, Office of the Historian, *Foreign Relations Of The United States, 1958–1960, Cuba, Volume VI, Document 278, Growth of Communism in Cuba*, available at <https://history.state.gov/historicaldocuments/frus1958-60v06/d278> (last visited Jan. 2, 2024).

² Britannica, *History & Society, Communist Party of Cuba* (Dec. 6, 2023) available at <https://www.britannica.com/topic/Communist-Party-of-Cuba> (last visited Jan. 2, 2023).

³ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *2020 Country Reports on Human Rights Practices: Cuba*, available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/cuba/> (last visited Jan. 2, 2024).

⁴ U.S. Dep't of State, Office of the Historian, *A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Cuba*, available at <https://history.state.gov/countries/cuba> (last visited Jan. 2, 2024).

⁵ The National Museum of American Diplomacy defines an “Interests Section” as an office responsible for protecting the interests of the United States, housed in a third country embassy, in a country with which the United States has no formal diplomatic relations, available at <https://diplomacy.state.gov/encyclopedia/interest-section/> (last visited Jan. 2, 2024).

⁶ U.S. Dep't of State, *supra* note 4.

⁷ U.S. Dep't of State, Office of the Historian, *Milestones: 1945-1952, The Chinese Revolution of 1949*, available at <https://history.state.gov/milestones/1945-1952/chinese-rev> (last visited Jan. 2, 2024).

⁸ Britannica, *History & Society, Chinese Political Party* (Jan. 1, 2024) available at <https://www.britannica.com/topic/Chinese-Communist-Party> (last visited Jan. 2, 2024).

⁹ U.S. Dep't of State, *supra* note 7.

1, 1979, the United States recognized the PRC and established diplomatic relations with it as the sole legitimate government of China. Subsequently, the United States opened an Embassy in Beijing on March 1, 1979, which was the previously established United States Liaison Office.¹⁰

Office of the Secretary of Defense

Annual Report to Congress: Military and Security Developments Involving the People's Republic of China

According to the 2023 Secretary of Defense's report to Congress, the PRC's national strategy is "a determined pursuit of political, social, and military modernity to expand the PRC's national power, perfect its governance, and revise the international order in support of the PRC's system of governance and national interests."¹¹ The report expounds on China's national, economic, and military strategies, along with China's intent to develop technologically and to expand in different areas including, but not limited to, the PRC's military modernization and operational goals and "its overseas logistics and basing infrastructure to allow the [People's Liberation Army] (PLA) to project and sustain military power at greater distances. If realized, a global PLA military logistics network could disrupt United States military operations as the PRC's global military objectives evolve."¹²

Spy Balloon

Balloons, in certain instances and compositions, have a long history of technological use. Balloons have been utilized by government organizations to collect information in numerous ways including, but not limited to, weather monitoring, scientific investigations relating to space exploration, the detection and monitoring of drug-smuggling operations, and information collection on pollution and the ozone.¹³

Weather balloons used by the National Weather Service measure about 6 feet wide when launched, and as the weather balloon rises it expands in diameter to about 20 feet.¹⁴ Weather balloons remain in the air for a couple of hours and usually only travel about 100 miles from where they were launched.¹⁵

¹⁰ U.S. Dep't of State, Office of the Historian, *A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: China*, available at <https://history.state.gov/countries/china> (last visited Jan. 2, 2024).

¹¹ U.S. Dep't of Defense, *Annual Report-Military and Security Developments Involving the People's Republic of China 2023, Executive Summary, Understanding China's Strategy, p. II*, available at <https://media.defense.gov/2023/Oct/19/2003323409/-1/-1/1/2023-MILITARY-AND-SECURITY-DEVELOPMENTS-INVOLVING-THE-PEOPLES-REPUBLIC-OF-CHINA.PDF> (last visited Jan. 2, 2024).

¹² *Id.* at XI.

¹³ Government Technology, *10 Uses for Balloons That (Probably) Won't Cause an International Incident* (Feb. 15, 2023) available at <https://www.govtech.com/products/10-uses-for-balloons-that-probably-wont-cause-an-international-incident> (last visited Jan. 2, 2024).

¹⁴ Jan Wesner Childs, Tim Harris and Jonathan Belles, *Chinese Balloon Shot Down Differs From Weather Balloons*, The Weather Channel (Feb. 5, 2023) available at <https://weather.com/news/news/2023-02-04-chinese-balloon-spy-weather> (last visited Jan. 2, 2024).

¹⁵ *Id.*

Balloons may also be used for adversary surveillance, and in contrast to a weather balloon, spy balloons are typically much larger and may continue to be airborne for multiple days as opposed to just hours, as was witnessed when the PRC's high-altitude surveillance balloon purposefully crossed over the United States and Canada in February 2023.¹⁶ Unlike a typical weather balloon the PRC's surveillance balloon was 200 feet tall, and the payload¹⁷ was 90 feet across.¹⁸ China falsely claimed that the balloon was a weather balloon that was blown off-course. Its route over the United States, near many potential sensitive sites, contradicted the PRC government's explanation that it was a weather balloon.¹⁹ The spy balloon was brought down into the ocean off the coast of South Carolina when a fighter aircraft from Langley Air Force Base fired a missile into the balloon.²⁰ It was determined that the high-altitude balloon's equipment was clearly for intelligence surveillance²¹ and according the United States Secretary of State, "once over the United States, the balloon, attempted to surveil very critical, important military installations."²²

Media Reports

On June 8, 2023, it was reported that China and Cuba reached an undisclosed agreement for China to establish an electronic eavesdropping facility in Cuba²³ and on June 11, it was then reported that China had been operating a spy base in Cuba since at least 2019 as part of a global effort by Beijing to upgrade its intelligence-gathering capabilities.²⁴

According to a report in the Miami Herald, a research professor at the United States Army War College²⁵ opined that if China sets up a military training facility in Cuba, such facility placement "accelerates the level of tactical and operational coordination between China and Cuba that can be used in times of war."²⁶

¹⁶ U.S. Dep't of Defense, *Transcript-Senior Defense Official and Senior Military Official Hold an Off-Camera, On-Background Press Briefing Update on the High-Altitude Surveillance Balloon* (Feb. 4, 2023) available at www.defense.gov/News/Transcripts/Transcript/Article/3288618/senior-defense-official-and-senior-military-official-hold-an-off-camera-on-back/ (last visited Jan. 2, 2024).

¹⁷ Merriam-Webster Dictionary defines "payload" as the load carried by an aircraft or spacecraft consisting of people or things (such as passengers or instruments) necessary to the purpose of the flight, available at <https://www.merriam-webster.com/dictionary/payload> (last visited Jan. 2, 2024).

¹⁸ U.S. Dep't of State, *U.S.-China Relations FPC Briefing* (Feb. 22, 2023) available at <https://www.state.gov/briefings-foreign-press-centers/us-china-relations> (last visited Jan. 2, 2024).

¹⁹ U.S. Dep't of Defense, *supra* note 16.

²⁰ *Id.*

²¹ U.S. Dep't of State, *supra* note 17.

²² Press Release, U.S. Dep't of State, *Secretary Antony J. Blinken With Martha Raddatz of ABC This Week*, Feb. 19, 2023, available at <https://www.state.gov/secretary-antony-j-blinken-with-martha-raddatz-of-abc-this-week-2/> (last visited Jan. 2, 2024).

²³ Warren P. Strobel and Gordon Lubold, *Cuba to Host Secret Chinese Spy Base Focusing on U.S., Beijing agrees to pay Havana several billion dollars or eavesdropping facility*, The Wall Street Journal (June 8, 2023) available at https://www.wsj.com/articles/cuba-to-host-secret-chinese-spy-base-focusing-on-u-s-b2fed0e0?reflink=desktopwebshare_permalink (last visited Jan. 2, 2024).

²⁴ Aamer Madhaniap, *Washington News - US confirms China has had a spy base in Cuba since at least 2019*, AP (June 11, 2023) available at <https://apnews.com/article/china-cuba-spy-base-us-intelligence-0f655b577ae4141bdbeabc35d628b18f> (last visited Jan. 2, 2024).

²⁵ CSIS-Center for Strategic & International Studies, *Evan Ellis*, available at <https://www.csis.org/people/evan-ellis> (last visited Jan. 2, 2024).

²⁶ Nora Gámez Torres, *China has had a spy base in Cuba for decades, a former intelligence officer says*, Miami Herald, July 5, 2023 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic).

In a letter to the United States Secretary of State and the Director of the Central Intelligence Agency regarding PRC intelligence and military activities in Cuba, the Chairs of the United States Senate Foreign Relations Committee and United States House Foreign Affairs Committee both expressed their concerns regarding the reported collusion of the Cuban regime and the PRC and how the countries' working partnership undermines United States national security.²⁷

Memorial

A memorial is an official legislative document addressed to 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.

III. Effect of Proposed Changes:

SM 540 urges the United States Secretary of State to condemn the emerging partnership between the CCP and the communist regime in Cuba and the establishment of Chinese espionage and military capabilities in Cuba.

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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.

²⁷ Press Release, Congress of the United States, *Chairmen McCall, Menendez Call on Blinken, Burns to Receive Classified Briefing on China-Cuba Spy Facility*, Jun. 22, 2023, available at <https://foreignaffairs.house.gov/press-release/chairmen-mccaul-menendez-call-on-blinken-burns-to-receive-classified-briefing-on-china-cuba-spy-facility/> (last visited Jan. 2, 2024).

D. State Tax or Fee Increases:

None.

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.