

AMENDMENT TO RULES COMM. PRINT 114–51

OFFERED BY MR. ROYCE OF CALIFORNIA

At the end of title X, add the following:

1 **Subtitle H—United States Naval**
2 **Station Guantanamo Bay Pres-**
3 **ervation Act**

4 **SEC. 10xx. SHORT TITLE.**

5 This subtitle may be cited as the “United States
6 Naval Station Guantanamo Bay Preservation Act”.

7 **SEC. 10xx. FINDINGS.**

8 Congress makes the following findings:

9 (1) United States Naval Station, Guantanamo
10 Bay, Cuba, has been a strategic military asset crit-
11 ical to the defense of the United States and the
12 maintenance of regional security for more than a
13 century.

14 (2) The United States continues to exercise
15 control over the area of United States Naval Sta-
16 tion, Guantanamo Bay, Cuba, pursuant to the
17 Guantanamo Lease Agreements, which were initi-
18 ated and concluded pursuant to an Act of Congress.

19 (3) Senior United States military leaders have
20 consistently voiced strong support for maintaining

1 United States Naval Station, Guantanamo Bay,
2 Cuba, noting its strategic value for military basing
3 and logistics, disaster relief, humanitarian work, ter-
4 rorist detention, and counter-narcotics purposes.

5 (4) On February 29, 2016, Secretary of De-
6 fense Ashton B. Carter, discussing United States
7 Naval Station, Guantanamo Bay, Cuba, stated that
8 “it’s a strategic location, we’ve had it for a long
9 time, it’s important to us and we intend to hold onto
10 it”.

11 (5) On March 12, 2015, Commander of United
12 States Southern Command, General John Kelly, tes-
13 tified that the United States facilities at Naval Sta-
14 tion Guantanamo Bay “are indispensable to the De-
15 partments of Defense, Homeland Security, and
16 State’s operational and contingency plans. . . . As
17 the only permanent U.S. military base in Latin
18 America and the Caribbean, its location provides
19 persistent U.S. presence and immediate access to the
20 region, as well as supporting a layered defense to se-
21 cure the air and maritime approaches to the United
22 States”.

23 (6) In testimony before Congress in 2012, then-
24 Commander of United States Southern Command,
25 General Douglas Fraser, stated that “the strategic

1 capability provided by U.S. Naval Station Guanta-
2 namo Bay remains essential for executing national
3 priorities throughout the Caribbean, Latin America,
4 and South America”.

5 (7) Following a 1991 coup in Haiti that
6 prompted a mass exodus of people by boat, United
7 States Naval Station, Guantanamo Bay, Cuba, pro-
8 vided a location for temporary housing and the or-
9 derly adjudication of asylum claims outside of the
10 continental United States.

11 (8) In 2010, United States Naval Station,
12 Guantanamo Bay, Cuba, was a critical hub for the
13 provision of humanitarian disaster relief following
14 the devastating earthquakes in Haiti.

15 (9) The United States presence at United
16 States Naval Station, Guantanamo Bay, Cuba, has
17 its origins in Acts of Congress undertaken pursuant
18 to the powers of Congress expressly enumerated in
19 the Constitution of the United States.

20 (10) By joint resolution approved on April 20,
21 1898, Congress “directed and empowered” the
22 President “to use the entire land and naval forces
23 of the United States” as necessary to ensure that
24 the Government of Spain “relinquish its authority
25 and government in the island of Cuba, and withdraw

1 its land and naval forces from Cuba and Cuban
2 waters”.

3 (11) Congress declared war against Spain on
4 April 25, 1898, which lasted until December 10,
5 1898, when the United States and Spain signed the
6 Treaty of Paris, in which Spain relinquished all
7 claims of sovereignty over Cuba, and United States
8 governance of Cuba was established.

9 (12) Nearly three years later, in the Act of
10 March 2, 1901 (Chapter 803; 31 Stat. 898), Con-
11 gress granted the President the authority to return
12 “the government and control of the island of Cuba
13 to its people” subject to several express conditions
14 including, in article VII of the Act of March 2,
15 1901, the sale or lease by Cuba to the United States
16 of lands necessary for naval stations.

17 (13) Pursuant to the authority granted by arti-
18 cle VII of the Act of March 2, 1901, the United
19 States negotiated the Guantanamo Lease Agree-
20 ments, which specified the area of, and United
21 States jurisdiction and control over, what became
22 United States Naval Station, Guantanamo Bay,
23 Cuba.

24 (14) On October 2, 1903, when approving the
25 Lease to the United States by the Government of

1 Cuba of Certain Areas of Land and Water for Naval
2 or Coaling Stations, signed in Havana on July 2,
3 1903, President Theodore Roosevelt cited the Act of
4 March 2, 1901, as providing his authority to do so:
5 “I, Theodore Roosevelt, President of the United
6 States of America, having seen and considered the
7 foregoing lease, do hereby approve the same, by vir-
8 tue of the authority conferred by the seventh of the
9 provisions defining the relations which are to exist
10 between the United States and Cuba, contained in
11 the Act of Congress approved March 2, 1901, enti-
12 tled ‘An Act making appropriation for the support
13 of the Army for the fiscal year ending June 30,
14 1902.’”.

15 (15) Obtaining United States naval station
16 rights in Cuba was an express condition of the au-
17 thority that Congress gave the President to return
18 control and governance of Cuba to the people of
19 Cuba. In exercising that authority and concluding
20 the Guantanamo Lease Agreements, President Theo-
21 dore Roosevelt recognized the source of that author-
22 ity as the Act of March 2, 1901.

23 (16) The Treaty of Relations between the
24 United States of America and the Republic of Cuba,
25 signed at Washington, May 29, 1934, did not super-

1 sede, abrogate, or modify the Guantanamo Lease
2 Agreements, but noted that the stipulations of those
3 agreements “shall continue in effect” until the
4 United States and Cuba agree to modify them.

5 (17) The Constitution of the United States ex-
6 pressly grants to Congress the power to provide for
7 the common defense of the United States, the power
8 to provide and maintain a Navy, and the power “to
9 dispose of and make all needful Rules and Regula-
10 tions respecting the Territory or other Property be-
11 longing to the United States”.

12 **SEC. 10xx. PROHIBITION ON MODIFICATION, ABROGATION,**
13 **OR OTHER RELATED ACTIONS WITH RESPECT**
14 **TO UNITED STATES JURISDICTION AND CON-**
15 **TROL OVER UNITED STATES NAVAL STATION,**
16 **GUANTANAMO BAY, CUBA, WITHOUT CON-**
17 **GRESSIONAL ACTION.**

18 No action may be taken to modify, abrogate, or re-
19 place the stipulations, agreements, and commitments con-
20 tained in the Guantanamo Lease Agreements, or to impair
21 or abandon the jurisdiction and control of the United
22 States over United States Naval Station, Guantanamo
23 Bay, Cuba, unless specifically authorized or otherwise pro-
24 vided by—

1 (1) a statute that is enacted on or after the
2 date of the enactment of this Act;

3 (2) a treaty that is ratified with the advice and
4 consent of the Senate on or after the date of the en-
5 actment of this Act; or

6 (3) a modification of the Treaty Between the
7 United States of America and Cuba signed at Wash-
8 ington, DC, on May 29, 1934, that is ratified with
9 the advice and consent of the Senate on or after the
10 date of the enactment of this Act.

11 **SEC. 10xx. GUANTANAMO LEASE AGREEMENTS DEFINED.**

12 In this subtitle, the term “Guantanamo Lease Agree-
13 ments” means—

14 (1) the Agreement Between the United States
15 of America and the Republic of Cuba for the Lease
16 to the United States of Lands in Cuba for coaling
17 and naval stations, signed by the President of the
18 United States on February 23, 1903; and

19 (2) the Lease to the United States by the Gov-
20 ernment of Cuba of Certain Areas of Land and
21 Water for Naval or Coaling Stations, signed by the
22 President of the United States on October 2, 1903.

