



(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. 4678

To prohibit modification, abrogation, abandonment, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROYCE (for himself, Mr. YOHIO, Ms. ROS-LEHTINEN, Mr. DUNCAN of South Carolina, and Mr. SALMON) introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit modification, abrogation, abandonment, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "United States Naval
5 Station Guantanamo Bay Preservation Act".

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) United States Naval Station, Guantanamo
4 Bay, Cuba, has been a strategic military asset crit-
5 ical to the defense of the United States and the
6 maintenance of regional security for more than a
7 century.

8 (2) The United States continues to exercise
9 control over the area of United States Naval Sta-
10 tion, Guantanamo Bay, Cuba, pursuant to the
11 Guantanamo Lease Agreements, which were initi-
12 ated and concluded pursuant to an Act of Congress.

13 (3) Senior United States military leaders have
14 consistently voiced strong support for maintaining
15 United States Naval Station, Guantanamo Bay,
16 Cuba, noting its strategic value for military basing
17 and logistics, disaster relief, humanitarian work, ter-
18 rorist detention, and counter-narcotics purposes.

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

25 (5) On March 12, 2015, Commander of United
26 States Southern Command, General John Kelly, tes-

1 tified that the United States facilities at Naval Sta-
2 tion Guantanamo Bay “are indispensable to the De-
3 partments of Defense, Homeland Security, and
4 State’s operational and contingency plans. . . As the
5 only permanent U.S. military base in Latin America
6 and the Caribbean, its location provides persistent
7 U.S. presence and immediate access to the region, as
8 well as supporting a layered defense to secure the
9 air and maritime approaches to the United States”.

10 (6) In testimony before Congress in 2012, then-
11 Commander of United States Southern Command,
12 General Douglas Fraser, stated that “the strategic
13 capability provided by U.S. Naval Station Guanta-
14 namo Bay remains essential for executing national
15 priorities throughout the Caribbean, Latin America,
16 and South America”.

17 (7) Following a 1991 coup in Haiti that
18 prompted a mass exodus of people by boat, United
19 States Naval Station, Guantanamo Bay, Cuba, pro-
20 vided a location for temporary housing and the or-
21 derly adjudication of asylum claims outside of the
22 continental United States.

23 (8) In 2010, United States Naval Station,
24 Guantanamo Bay, Cuba, was a critical hub for the

1 provision of humanitarian disaster relief following
2 the devastating earthquakes in Haiti.

3 (9) The United States presence at United
4 States Naval Station, Guantanamo Bay, Cuba, has
5 its origins in Acts of Congress undertaken pursuant
6 to the powers of Congress expressly enumerated in
7 the Constitution of the United States.

8 (10) By joint resolution approved on April 20,
9 1898, Congress “directed and empowered” the
10 President “to use the entire land and naval forces
11 of the United States” as necessary to ensure that
12 the Government of Spain “relinquish its authority
13 and government in the island of Cuba, and withdraw
14 its land and naval forces from Cuba and Cuban
15 waters”.

16 (11) Congress declared war against Spain on
17 April 25, 1898, which lasted until December 10,
18 1898, when the United States and Spain signed the
19 Treaty of Paris, in which Spain relinquished all
20 claims of sovereignty over Cuba, and United States
21 governance of Cuba was established.

22 (12) Nearly three years later, in the Act of
23 March 2, 1901 (Chapter 803; 31 Stat. 898), Con-
24 gress granted the President the authority to return
25 “the government and control of the island of Cuba

1 to its people” subject to several express conditions
2 including, in article VII of the Act of March 2,
3 1901, the sale or lease by Cuba to the United States
4 of lands necessary for naval stations.

5 (13) Pursuant to the authority granted by arti-
6 cle VII of the Act of March 2, 1901, the United
7 States negotiated the Guantanamo Lease Agree-
8 ments, which specified the area of, and United
9 States jurisdiction and control over, what became
10 United States Naval Station, Guantanamo Bay,
11 Cuba.

12 (14) On October 2, 1903, when approving the
13 Lease to the United States by the Government of
14 Cuba of Certain Areas of Land and Water for Naval
15 or Coaling Stations, signed in Havana on July 2,
16 1903, President Theodore Roosevelt cited the Act of
17 March 2, 1901, as providing his authority to do so:
18 “I, Theodore Roosevelt, President of the United
19 States of America, having seen and considered the
20 foregoing lease, do hereby approve the same, by vir-
21 tue of the authority conferred by the seventh of the
22 provisions defining the relations which are to exist
23 between the United States and Cuba, contained in
24 the Act of Congress approved March 2, 1901, enti-
25 tled ‘An Act making appropriation for the support

1 of the Army for the fiscal year ending June 30,
2 1902.'”.

3 (15) Obtaining United States naval station
4 rights in Cuba was an express condition of the au-
5 thority that Congress gave the President to return
6 control and governance of Cuba to the people of
7 Cuba. In exercising that authority and concluding
8 the Guantanamo Lease Agreements, President Theo-
9 dore Roosevelt recognized the source of that author-
10 ity as the Act of March 2, 1901.

11 (16) The Treaty of Relations between the
12 United States of America and the Republic of Cuba,
13 signed at Washington, May 29, 1934, did not super-
14 sede, abrogate, or modify the Guantanamo Lease
15 Agreements, but noted that the stipulations of those
16 agreements “shall continue in effect” until the
17 United States and Cuba agree to modify them.

18 (17) The Constitution of the United States ex-
19 pressly grants to Congress the power to provide for
20 the common defense of the United States, the power
21 to provide and maintain a Navy, and the power “to
22 dispose of and make all needful Rules and Regula-
23 tions respecting the Territory or other Property be-
24 longing to the United States”.

1 **SEC. 3. PROHIBITION ON MODIFICATION, ABROGATION, OR**
2 **OTHER RELATED ACTIONS WITH RESPECT TO**
3 **UNITED STATES JURISDICTION AND CON-**
4 **TROL OVER UNITED STATES NAVAL STATION,**
5 **GUANTANAMO BAY, CUBA, WITHOUT CON-**
6 **GRESSIONAL ACTION.**

7 No action may be taken to modify, abrogate, or re-
8 place the stipulations, agreements, and commitments con-
9 tained in the Guantanamo Lease Agreements, or to impair
10 or abandon the jurisdiction and control of the United
11 States over United States Naval Station, Guantanamo
12 Bay, Cuba, unless specifically authorized or otherwise pro-
13 vided by—

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

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

19 (3) a modification of the Treaty Between the
20 United States of America and Cuba signed at Wash-
21 ington, D.C. on May 29, 1934, that is ratified with
22 the advice and consent of the Senate on or after the
23 date of the enactment of this Act.

24 **SEC. 4. GUANTANAMO LEASE AGREEMENTS DEFINED.**

25 In this Act, the term “Guantanamo Lease Agree-
26 ments” means—

1 (1) the Agreement Between the United States
2 of America and the Republic of Cuba for the Lease
3 to the United States of Lands in Cuba for coaling
4 and naval stations, signed by the President of the
5 United States on February 23, 1903; and

6 (2) the Lease to the United States by the Gov-
7 ernment of Cuba of Certain Areas of Land and
8 Water for Naval or Coaling Stations, signed by the
9 President of the United States on October 2, 1903.