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Fact Checking HASC's NDAA "Fact Check"

The House Armed Services Committee (HASC) distributed a "Detainee Fact Sheet" earlier this afternoon. It contains false information concerning H.R. 1540, the National Defense Authorization Act (NDAA).

1. HASC: The NDAA's sec. 1021 "does not address or extend new authority to detain U.S. Citizens."

Fact: The NDAA greatly expands the 9/11 AUMF: it gets rid of the original AUMF's 9/11 nexus, it expands coverage to those who "substantially support" targeted groups, it authorizes detention of those who target our "coalition partners," etc. The NDAA then applies that expanded detention authority to both U.S. citizens and foreigners.

2. HASC: "What it does do is affirm that the military may lawfully detain individuals who are engaged in armed conflict with the United States, as stated in the [9/11] Authorization of the Use of Military Force."

Fact: HASC doesn't tell you the full story. The NDAA authorizes the detention of persons who haven't engaged in armed conflict against the United States—or against any other country for that matter. The NDAA empowers the President to detain a person who "substantially supported . . . associated forces," without defining "substantial support" or "associated forces." For example, a person makes a one-time donation to a non-violent humanitarian group. Years later, the group commits hostile acts against an ally of the U.S. Under the NDAA, if the President determines the group was "associated" with terrorists, the President is authorized to detain the donor indefinitely, and without charge or trial.

3. HASC: "This provision was part of H.R. 1540, which passed the House overwhelmingly in May."

Fact: That is absolutely false. The House has never voted on sec. 1021, which is pulled word-for-word from the *Senate's* NDAA, S. 1867. The House's NDAA, which passed in May, had provisions that focused on *use of force*, not detention.

Sincerely,



Justin Amash