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## NDAA: Indefinite Detention, Guantanamo Bay Battles Emerge Amid NSA Spying Scandal

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WASHINGTON -- With the nation already alarmed over revelations of massive National Security Agency data collection, Congress is set to act next week on two other contentious issues -- the power to indefinitely detain Americans and keeping open the Guantanamo Bay prison for terror suspects.

With very little notice early Thursday, the House Armed Services Committee passed the [2014 National Defense Authorization Act](#), overshadowed by news that the NSA has [gathered up phone records](#) for millions of Americans and [data-mined](#) the nation's largest Internet sites.

But the measure hits the House floor next week, when there will be a much brighter spotlight on it and the controversies over Gitmo and laws that allow the military to hold Americans.

Already included in the bill are provisions to spend some \$500 million to keep the Cuba prison facility running, and to make it permanent, in defiance of President Barack Obama's recently renewed goal to close it.

The money includes \$264 million to maintain the prison and hold trials for some of the 166 detainees there, adding up to about \$1.6 million per prisoner per year. It also includes \$247 million to build two new barracks at the facility. Obama had sought \$186 million to ensure there were acceptable barracks for personnel, but the committee boosted that by \$61 million to make them permanent.

The committee's bill also restricts Obama's ability to move prisoners out, as it has for several years. Rep. Adam Smith (D-Wash.), the top Democrat on the committee, lost a bid to restore that authority to the president. Another Democrat, Rep. Rob Andrews (N.J.), lost a vote to strip the extra construction funding.

"The continued presence of Guantanamo Bay prison, I think, is a stain upon this country," Smith said. He argued that U.S. civilian courts have convicted more than 400 terrorists, and could be used for many of the Gitmo detainees. Prisons in the United States would also be vastly cheaper, he argued, averaging \$34,000 a year per inmate.

Officials from two administrations have argued that Gitmo has become a liability that harms the nation's reputation and serves as a [recruiting tool for al Qaeda](#). Recently, more than 100 of the prisoners have [joined a hunger strike](#), prompting the military to [force feed 41](#) to keep them alive.

Republicans argued that it is simply too dangerous to ship the inmates to the U.S., and said they are being treated well at Gitmo.

"The prisoners are treated in a way that Americans can be proud of how we are handling that," said Rep. Brad Wenstrup (R-Ohio), an Iraq veteran who served at a prison facility during the war. "As far as hunger strikes, we are completing that in a very humane fashion, as well. It is a safe place. I don't think there are many people in Cuba that are trying to free the people that are held at Guantanamo. Whereas when we were in Iraq or if we are here, that may be the case."

As contentious as Gitmo is, the NDAA detention provisions may again prove more controversial.

Despite legislative attempts in the Senate last year to exempt Americans from being detained without trial by the military, such language was [stripped from the final version of 2013's NDAA](#). When the full House votes next week, Smith intends to try again to end indefinite detention for Americans.

"I have also continued to be concerned about the ability of the president to do indefinite detention on people captured here in the United States," Smith said. "I do not think that that is a necessary power. I think our [civilian] courts and our Department of Justice have proven more than up to the task of protecting this country. We do not need to jeopardize our Constitution in order to protect this country."

While [the House backed indefinite detention last year](#), Democrats picked up eight seats in the November election. There are also 36 freshman Republicans, at least some likely to join the 19 GOP lawmakers who opposed indefinite detention in 2012. Some who favored it may also reconsider in a climate in which conservatives are suddenly more concerned about civil liberties, spurred not just by revelations about the NSA, but by news of the IRS targeting tea party groups and the Justice Department targeting Associated Press and Fox News reporters.

The Senate Armed Services Committee is expected to begin marking up its version of the bill on Tuesday.

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