

A new investigation of interrogation procedures used on al-Qaida detainees would have no such benefits given that these procedures have now been changed. But an investigation into past practices could cause great harm.

An investigation could ruin careers of men and women who have sacrificed so much on our behalf and would have a chilling effect on intelligence efforts moving forward. The overhanging threat of investigations will force those in the intelligence services to be risk averse, which in turn would make us all less secure. In the war against an enemy that does not wear a uniform, that ruthlessly kills innocent civilians, that then hides among those very same civilians, and that uses our own freedoms to undermine and attack us, tough decisions under great pressure—life and death decisions—must be made by those whose job it is to protect our security and our freedom.

As CIA Director Leon Panetta recently wrote in the Washington Post:

The time has come for both Democrats and Republicans to take a deep breath and recognize the reality of what happened after September 11, 2001. The question is not the sincerity or the patriotism of those who were dealing with the aftermath of September 11. The country was frightened, and political leaders were trying to respond as best they could. Judgments were made. Some of them were wrong. But that should not taint those public servants who did their duty pursuant to the legal guidance provided.

As I said at the beginning, we must not take for granted the important fact that we have not been attacked on our homeland since September 11, 2001. That fact is not an accident nor is it just a product of good luck. It is mostly the result of the ceaseless efforts to protect our country by the brave men and women in our military, by all who work for civilian agencies involved in homeland security and counterterrorism, and last but not least, by the intelligence community. Those men and women are, as CIA Director Panetta pointed out, “truly America’s first line of defense.”

I urge the Attorney General not to go forward with the investigations being debated now. The collateral damage to America’s intelligence community could be severe and that is something no American should want.

#### SERVICE MEMBER BENEFITS EDUCATION

Mr. NELSON of Florida. Mr. President, I want to share a story I heard about retired MSG Michelle Fitz-Henry.

Michelle served our Nation for over 20 years. Her husband, Senior Chief Petty Officer Ted Fitz-Henry, was a Navy SEAL who served our Nation for 21 years.

Michelle told me that before her husband left home for the Middle East they went into the living room. He said to her, you know if anything happens to me, SBP is there for you.

When he said SBP, he was referring to the Survivor Benefit Plan, an annu-

ity that the Department of Defense (DOD) pays to survivors—the widows and orphans—of two groups of servicemembers.

The first group of survivors includes those who lost a loved one serving on active duty.

In 2001, Congress passed a law allowing active duty servicemembers who are not eligible for retirement to be included in the SBP program. The SBP program provides the survivors of these fallen heroes with a monthly payment based upon the age of the spouse and the year the servicemember entered the service.

This was the right thing to do. It showed the Nation’s gratitude for servicemembers’ sacrifice. If a servicemember dies on active duty because of a military-connected cause, the servicemember and his or her family are automatically enrolled in the SBP program.

There is a second group of survivors who can also enroll in the SBP program. A veteran who is classified as a retiree—someone who has served for at least 20 years—is eligible to enroll in the program. After they leave the service, retirees can contribute a portion of their retirement pay to SBP. This contribution entitles their survivors up to 55 percent of the retiree’s base retirement pay after his or her death.

Since 1972, retirees have paid into the program with a portion of their retirement income in order to improve their family’s financial security upon their death. Some retirees have paid into the program for over 30 years.

What Michelle and Ted did not know was that the SBP they thought they could count on—approximately \$1,200 per month—would be reduced, dollar-for-dollar, by another benefit from the Department of Veterans Affairs dependency and indemnity compensation, DIC, program.

DIC is a monthly benefit payment to the survivors of all servicemembers who have died from a service-connected condition. That includes both those who die on active duty and veterans whose deaths resulted from a service-related injury.

What many SBP participants and their future survivors do not know is that the SBP-DIC dollar-for-dollar offset can leave widows and orphans with up to \$1,200 less per month than they had expected to receive. When planning a family budget this unforeseen reduction can be devastating.

For example, if a widow’s husband served for over 20 years, retired, paid into the SBP program and then died of a service-connected disability, she may think that she is entitled to both the full SBP and DIC payments. However, if she planned to receive \$1,300 per month from SBP and \$1,200 per month from DIC, she could be surprised to learn that the dollar-for-dollar offset would reduce her \$1,300 SBP payment by the \$1,200 DIC payment and she would be left with DIC intact, but only \$100 in SBP per month.

As this body knows well, for 8 years I have fought to repeal the law that offsets the monetary payments between the SBP annuity and the DIC benefit. This body may recall that in 2005 we took a step in the right direction and passed by 92–6 an amendment to repeal the unjust SBP-DIC offset. In the 2008 Defense authorization, we cracked the door to eliminating the offset by getting a “special payment” of \$50 per month. This special payment, called the special survivor indemnity allowance, is received by the widows and orphans whose SBP payments are offset by the DIC they receive. This year, the Congress increased the special payment to \$310 per month, by 2017, for the widows and orphans impacted by the SBP-DIC offset. This increase came from savings found in the tobacco legislation, which became law on June 22, 2009.

Michelle allowed me to speak of her case, but she isn’t alone. When widows, veterans, and constituents speak to me in support of my efforts to repeal this offset, they often tell me that they did not know that the offset existed.

If Michelle and Ted, with 39 years of combined service upon his death, didn’t know about this offset then we have a bigger problem out there: the Services don’t adequately educate our servicemembers and their families about their benefits, especially the offsets to their benefits. This year, we will change that.

The amendment I filed to the fiscal year 2010 National Defense Authorization Act, Senate Amendment No. 1808 to S. 1390, will increase servicemembers’ and their families’ awareness of their service-related benefits during transitions and events in a servicemember’s career.

My amendment will require the Services to provide information to servicemembers and their families about their disability, death, education, and survivor benefits, including any offsets.

My amendment requires the Services to provide this information when a servicemember enters or leaves the service either through retirement or at the end of his or her service. The services must also provide information when a servicemember is classified as having a service-connected disability and is unfit to perform their duty.

We all believe it is important for servicemembers and their families to receive certain benefits because of their service to the Nation. It is my guess that we also believe that servicemembers and their families should know about those benefits. We sometimes take for granted that we’re doing enough, but I believe we can do more and benefits education is a small but important step toward taking better care of our people.

Now I want to be clear, the Services are making honorable efforts to educate our troops about their benefits, but we all agree that we can do better. I asked the Services about their procedures, and I was surprised that there

are few standards or requirements that compel the Services to educate servicemembers and their families about disability, death, education and survivor benefits. Thus, I believe that our joint approach with the Services will go a long way to bring uniformity of content and access to all servicemembers and their families.

So, after gathering the information, I spoke with the Pentagon about the changes I was proposing and the possibility that I would file legislation. The Department provided numerous improvements to the legislation, including additional requirements for more information to be provided to servicemembers and their families. I appreciate their engagement and their thoughtful responses. I think it made for a better bill and a better amendment.

Requiring benefits education about service-related benefits will help achieve the basic goal of raising awareness, not only about servicemembers' benefits, but also about the offsets to those benefits.

This legislation is another step in the right direction; another step toward raising awareness about the law that requires the unjust SBP-DIC offset.

However, as awareness is raised we must continue to work hard to enact a law that will repeal the unjust offset. Our servicemembers not only earned or purchased this annuity; they and their survivors rely on the government to provide them with accurate information and the benefits they expect and deserve. We must continue to right these wrongs.

#### SITUATION IN YEMEN

Mr. LEVIN. Mr. President, I would like to take a few moments to bring to the attention of my colleagues the burgeoning threat of a potential safe haven for extremists in Yemen. As I am sure is true of many of my colleagues, I continue to monitor the press reports surrounding the future of the Yemeni detainees currently being held at the Guantanamo Bay detention facility. However, what I believe too few people are following is the growing threat of Yemen becoming a failed state and potential safe haven for members of al-Qaida.

A recent New York Times article, "Some in [al] Qaeda Leave Pakistan for Somalia and Yemen," highlighted the growing concern within the U.S. Government about relocations of some al-Qaida operatives to Yemen. The Washington Institute for Near East Policy also highlighted the growing threat in Yemen in a recent paper, "Waning Vigilance: al Qaeda's Resurgence in Yemen," that discusses how the threat in Yemen has simmered in recent years and urgently needs the attention of policymakers. Mr. President, I will ask that the New York Times and Washington Institute for Near East Policy articles be printed in the RECORD following my comments.

To appreciate fully the concerns about Yemen's stability, it is important to recall the association of terrorist activities with Yemen. It is perhaps best known as the site of the U.S.S. *Cole* attack in October 2000. But Yemen is also one of the top sources of foreign fighters in Iraq and Afghanistan, the source of weapons trafficked into Gaza, and the country of origin of almost 100 of the remaining detainees at the Guantanamo Bay detention facility. It was also where many mujahedeen returned to after the Soviet withdrawal from Afghanistan and, often forgotten, it is the ancestral home of Osama bin Laden. Further, in 2008, the U.S. Embassy in the Yemeni capital of Sana'a was attacked twice—first by a mortar attack and the second time by highly trained terrorists using vehicle-borne improvised explosive devices, small arms, and suicide vests.

Director of National Intelligence Dennis Blair also highlighted the significance of the situation in Yemen earlier this year in testimony before the Senate Armed Services Committee. Director Blair testified that losses within al-Qaida's command structure since 2008 have been significant and that sustained pressure against al-Qaida in the Federally Administered Tribal Areas, FATA, of Pakistan may eventually force it to vacate the FATA. He stated that it is conceivable that al-Qaida could relocate to the gulf where it could exploit a weak central government and close proximity to established recruitment, fundraising, and facilitation networks.

Yemen is the type of country the Director is concerned about, and, for good reason. I would direct my colleagues to the most recent issue of Foreign Policy magazine, which ranks Yemen 18th on its failed states index, an annual index based on 12 indicators ranging from availability of public services to demographic pressures to refugee and internally displaced populations. The failed state index additionally says of Yemen: "a perfect storm of state failure is now brewing there: disappearing oil and water reserves; a mob of migrants, some allegedly with al Qaeda ties, flooding in from Somalia . . . ; and a weak government increasingly unable to keep things running."

The article goes on to suggest what many Yemen observers have been saying for years: "Yemen is the next Afghanistan: a global problem wrapped in a failed state." Report after report reaches the same conclusion about—Yemen—it is a failing state with all the makings of an extremist safe haven. I believe it is critical that we monitor this situation closely; fund developmental and counterterrorism assistance for the Government of Yemen at robust levels; and urge the Obama administration to engage actively with the Yemeni Government. The consequences of inaction can be seen right across the Gulf of Aden in Somalia.

For its part, the administration has increased its focus on this threat. Ear-

lier this year, Central Intelligence Agency, CIA, Deputy Director Stephen Kappes reportedly met with Yemeni President Ali Abdullah Saleh in Sana'a to discuss security and counterterrorism cooperation. This visit is one of many that the CIA and National Security Council officials have made in recent months, and in addition to a visit by General Petraeus shortly after taking command at U.S. Central Command.

All of these visits confirmed that the political landscape in Yemen remains fragile. Throughout his decades of rule, President Saleh has successfully balanced the various political forces in Yemen—tribes, political parties, military officials, political elites, and radical Islamists—to create a stable ruling coalition that has kept his regime intact. While in many cases this stability has been purchased via corruption and payoffs, in cases where groups and/or individuals have not been willing to join President Saleh, he has used law enforcement, military, and intelligence services to manage threats to stability. In recent years, al-Qaida has entered into the political landscape and complicated this delicate 30-year balance. President Saleh has addressed this situation by reportedly reaching understandings with al-Qaida that it would be left alone to recruit fighters if it did not attack the Yemeni Government.

In the Washington Institute for Near East Policy article I mentioned earlier, the author makes a number of points that underscore this delicate balancing act and the role of al-Qaida in the political landscape of Yemen. The author argues that the Yemeni Government is preoccupied, and its security services overtaxed by increasingly violent calls for secession from the south, threats of renewed fighting in the north, and a faltering economy that is dependent on revenue from rapidly dwindling petroleum reserves.

Between 2002 and 2004, the Yemeni Government, largely with U.S. assistance, was able to disrupt al-Qaida-inspired terrorist activity in Yemen. However, in recent years, a new generation of militants, with either experience in Iraq and Afghanistan or time spent in the Yemeni prison system, has emerged. This new generation of militants is inclined to target the Yemeni Government itself, in addition to foreign interests in Yemen.

The start of this resurgence was a 2006 jailbreak, in which 23 convicted terrorists escaped from a prison in the capital of Sana'a. Escapees from this jailbreak formed the core of a new group, al-Qaida in the Arabian Peninsula, AQAP, which is led by a 2006 escapee whose deputy is a former Guantanamo detainee. While many Yemen observers believe that AQAP is not yet strong enough to topple President Saleh's regime, it is capable of striking high value targets; contributing to instability across Yemen; and recruiting individuals to strengthen its ranks. The ideological demands of AQAP are