

“(A) after completing 25 years of service as such a technician, or

“(B) after becoming 50 years of age and completing 20 years of service as such a technician.”

“(3) Paragraph (1) does not apply if separation or removal is for cause on charges of misconduct or delinquency.”

(b) **ADEQUATE LEAVE TIME FOR MILITARY ACTIVATIONS.**—Section 6323(a)(1) of title 5, United States Code, is amended by striking the last sentence and inserting the following new sentence: “Leave under this subsection accrues for an employee or individual at the rate of 30 days per fiscal year and, to the extent that such leave is not used by the employee or individual during the fiscal year accrued, accumulates without limitation for use in succeeding fiscal years.”

(c) **IMPROVED HEALTH CARE BENEFITS.**—

(1) **FEHBP CHANGES.**—Subparagraph (B) of section 8906(e)(3) of title 5, United States Code, is amended to read as follows:

“(B) An employee referred to in subparagraph (A) is an employee who—

“(i) is enrolled in a health benefits plan under this chapter;

“(ii) is a member of a reserve component of the Armed Forces;

“(iii) is placed on leave without pay or separated from service to perform the active duty or other duties described in clause (iv); and

“(iv) is called or ordered to—

“(I) active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

“(II) active duty for a period of more than 30 consecutive days;

“(III) active duty under section 12406 of title 10;

“(IV) perform training or other duties described under paragraph (1) or (2) of section 502(f) of title 32; or

“(V) while not in Federal service, perform duties related to an emergency declared by the chief executive of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.”

(2) **STUDY AND REPORT.**—

(A) **IN GENERAL.**—Within 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Personnel Management shall jointly conduct a study and submit to Congress a report—

(i) evaluating the feasibility of converting military technicians from FEHBP coverage to coverage provided under the TRICARE or TRICARE Reserve Select program (or both); and

(ii) identifying any problems associated with the conversion of military technicians from FEHBP coverage to coverage provided under chapter 55 of title 10, United States Code, during contingency operations.

(B) **DEFINITIONS.**—For purposes of this subsection—

(i) the term “FEHBP coverage” means coverage provided under chapter 89 of title 5, United States Code; and

(ii) the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SEC. 4. REDUCTION IN ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

Section 12731(f) of title 10, United States Code, is amended by striking “60 years of age” both places it appears and inserting “55 years of age”.

By Mr. SCHUMER (for himself,
Mr. WHITEHOUSE, Mr. GRAHAM,
Mr. KYL, Mr. HATCH, and Mr.
CORNBYN):

S. 1894. A bill to deter terrorism, provide justice for victims, and for other purposes, to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I rise today to introduce the Justice Against Sponsors of Terrorism Act, or JASTA. JASTA is a bipartisan effort to make modest changes to the Foreign Sovereign Immunities Act, or FSIA, and the Anti-Terrorism Act, or ATA, in order to ensure that the victims of terrorism in the United States can hold the foreign sponsors of that terrorism to account in American courts.

I am especially proud to be introducing this measure with such a bipartisan and diverse group of Judiciary Committee colleagues: Myself and Senator WHITEHOUSE on the Democratic side, and Senators GRAHAM, HATCH, KYL, and CORNYN on the Republican side.

This legislation has become necessary due to flawed court decisions that have deprived the victims of terrorism on American soil, including those injured by the terrorist attacks of September 11, 2001, of their day in court. Unfortunately, and contrary to the clear intent of Congress, some courts have concluded that Americans who were injured due to terrorist attacks in the United States have no recourse against the foreign states that sponsor those attacks. This conclusion is contrary to the plain language of the FSIA and ATA, and it is bad policy.

Let me explain the legal background. Originally passed in 1976, the FSIA abrogates the sovereign immunity of foreign countries and permits suit against them in Federal court when, among other things, a foreign country or its instrumentalities commit a tort that results in injury on our soil, this is known as the “tort exception” to the FSIA. In addition, the ATA authorizes suit in Federal court by any U.S. national injured “by reason of an act of international terrorism” and permits the recovery of damages in U.S. courts.

Thus, taken together, the FSIA and ATA were designed to enable terrorism victims to bring suit against foreign states and terror sponsors when they support terrorism against the United States. I am introducing this bill because I want the survivors of the 9/11 tragedy to have their day in court—and they were deprived of this by a court ruling that contorted the language and purpose of the FSIA and the ATA. As we all know, nearly 3,000 innocent victims died that day, and the Nation suffered \$10 billion in property and other commercial damage alone—all at the hands of al-Qaeda and its funders.

In 2002, these plaintiffs sued, among other defendants, the Kingdom of Saudi Arabia, several Saudi officials, and a purported charity under the control of the Kingdom known as the Saudi High Commission for Relief of Bosnia and Herzegovina. Substantial evidence establishes that these defendants had provided funding and sponsorship to al-Qaeda without which it could not have carried out the attacks.

But the Second Circuit threw out this case, based on two flawed conclusions. First, the court ruled that the tort exception to the FSIA did not apply, and barred their case because the Saudi entities and individuals were not on the State Department's list. Second, the court ruled that there was no personal jurisdiction over the Saudis because while they certainly could “foresee” that their support would lead to terrorist acts, they did not “direct” the terrorist acts. There is another reason that I am introducing this bill. I am introducing this bill because we need to cut off the flow of money to terrorists by shutting down the reservoir—not just turning off the faucet. We need to use every tool at our disposal to hit terrorism at its very root, including the United States Federal courts.

You don't have to take my word for it. This focus on terrorist financing channels has been a major national security priority since the September 11 attacks. As the Treasury Department's former Under Secretary for Terrorism and Financial Intelligence has observed, “the terrorist operative who is willing to strap on a suicide belt is not susceptible to deterrence, but the individual donor who wants to support violent jihad may well be.” Testimony of Stuart Levey, Under Secretary for Terrorism and Financial Intelligence, before the Senate Committee on Finance, April 1, 2008.

It should be clear that the public interest is served when American citizens have the right to seek compensation for their injuries and that this right serves a dual purpose of deterring bad conduct. Yet we are here today introducing this bill, JASTA, because the courts have misconstrued our statutes.

Before closing, let me address one concern I have heard that deserves a response. There are those who worry that restoring Americans' right to bring these suits will interfere with our foreign affairs. I simply do not think that is the case. First of all, if Americans have been injured in the United States by foreign terrorism, they have the right to seek redress. But it is also important to remember that this law does not prevent the Executive Branch from espousing claims brought by Americans against foreign states and settling them through an executive agreement. This is an executive authority that has been recognized and utilized going back to the administration of George Washington, and nothing in JASTA interferes with it. Nothing in this act would interfere with the execution of our foreign policy.

To conclude, JASTA will restore the rights of the victims of terrorism and deter international terrorist financing, and it will have the related benefit of enabling the victims of the September 11 Attacks to proceed with their case, as Congress had intended. It does so without in any way threatening sensitive National security or diplomatic priorities of the nation. In fact, it makes the Nation stronger.

I urge my colleagues to support these modest, but critical, amendments.

By Mr. CASEY:

S. 1897. A bill to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. CASEY. Mr. President, this Saturday, November 19, marks the 148 Anniversary of the Gettysburg Address. In this address, President Abraham Lincoln famously said, "The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth."

In advance of this important historic occasion, I am introducing the Gettysburg National Military Park Expansion Act. If enacted, this legislation would expand the boundaries of Gettysburg National Military Park to include the historic Gettysburg Railroad Station and an additional 45 acres of land at the southern end of the battlefield. Through these acquisitions, the between 1.5 to 3 million people that visit Gettysburg each year will enjoy a more complete experience. Passage of this legislation is very important, especially right now as the Park prepares for the 150 Anniversary of the Battle of Gettysburg.

The Gettysburg Railroad Station, which is also known as the Lincoln Train Station, is located in downtown Gettysburg, Pennsylvania. It was built in 1858 and is listed in the National Register of Historic Places. During the Battle of Gettysburg, the building served as a train station to transport thousands of troops and also as a hospital. Perhaps more important historically, this station was the site to which President Lincoln arrived on the day before he delivered the Gettysburg Address in 1863. This station is currently operated by the National Trust for Historic Gettysburg and is open to the public year round. It also serves as the home to the Pennsylvania Abraham Lincoln Bicentennial Commission, which organized and held events in 2009 to commemorate the 200th anniversary of Lincoln's birth. The station was renovated in 2006 using state grant money to serve as an information and orientation center, but currently does not serve as such because of a lack of funds to manage its day-to-day operations.

The Gettysburg Borough Council voted in 2008 to transfer the station to the National Park Service so that it could be used as a visitor center for tourists coming to the Gettysburg area.

The Gettysburg National Military Park Expansion Act would also expand the boundary of the Gettysburg National Military Park to include 45 acres of land at the southern end of the battlefield. This area is both historically and environmentally significant. It was where cavalry skirmishes during the Battle for Gettysburg occurred and is also home to wetlands and wildlife habitat related to the Plum Run stream that runs through the National Park. The forty five acres were donated in April of 2009 and as a result no federal funding or land acquisition would be required to obtain the property and incorporate it into the National Park.

The Gettysburg National Military Park Expansion Act would help preserve different sites that are historically significant while protecting the environment. The Civil War was a monumental moment in our Nation's history and because of this we must take steps to preserve the area's historical sites.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1902. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KIRK. Mr. President, today I am pleased to join with Senator DURBIN to introduce a bill in support of New Philadelphia, the first town founded by a freed African-American. This bipartisan legislation would initiate a feasibility study in order to determine whether or not this area should be designated as a unit of the National Park System.

The town of New Philadelphia, Illinois, established in 1836, became the first known town platted and officially registered by an African-American prior to the Civil War. New Philadelphia became a place where European Americans, free-born African-Americans, and formerly enslaved individuals could live together in community during a time of intense racial strife that transpired before, during, and after the Civil War.

Frank McWorter, the founder of New Philadelphia and a former slave himself, saved money from neighboring labor jobs to purchase his own freedom and the freedom of fifteen other family members. Subsequently, Mr. McWorter purchased a sparse plot of land between the Illinois and Mississippi Rivers in Pike County, Illinois to establish the town of New Philadelphia, which also became a station along the Underground Railroad.

In 2005, the town of New Philadelphia is designated a National Historic Place

and more recently, it was designated a National Historic Landmark in 2009. Being designated a unit of the National Park System will preserve the historical significance of New Philadelphia and allow its legacy to continue to inspire current and future generations to understand the struggle for freedom and opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Philadelphia, Illinois, Study Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;

(2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;

(3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and

(4) the New Philadelphia site—

(A) is a registered National Historic Landmark;

(B) is covered by farmland; and

(C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "Study Area" means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the