

Massachusetts (Mr. KENNEDY) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, Mr. NICKLES, Mr. HATCH, Mr. SHELBY, Ms. SNOWE, Mr. BUNNING, Mr. ENZI, and Mr. MCCONNELL):

S. 3073. A bill to encourage the establishment of Johnny Michael Spann Patriot Trusts; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I rise today to introduce the Johnny Michael Spann Patriot Trusts Act. Members of the United States military, CIA personnel, FBI personnel, and other Federal employees defend the freedom and security of our Nation each day, often at high risk to their own safety, and sometimes at the cost of their own lives. This bill will help facilitate the flow of private charitable money to the widows and orphans of our American servicemen, CIA officers, FBI agents, and other Federal employees who give their lives in the War on Terrorism.

In the days following the terrorist attacks of September 11, we passed the Victims Compensation Fund of 2001 to provide compensation to the victims of those attacks. The September 11 Fund only covers those who were injured or killed on September 11 as a result of the September 11 attacks. It is estimated that the September 11 Fund will provide the families of the September 11 victims with an average of \$1.85 million each.

The September 11 Fund, however, does not cover military or government personnel who have been killed while fighting against terrorists in the new War on Terrorism after September 11, 2001. For example, it does not cover Alabama native Johnny Michael Spann and his family. CIA officer Johnny Michael Spann was the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the September 11 terrorist attacks. Because individuals like Mr. Spann are not included in the fund, their beneficiaries will receive far less than the \$1.85 million that the beneficiaries of the September 11 fund will receive. Instead, family members of our soldiers, sailors, airmen, and marines killed in action while fighting terrorists will receive only relatively minor benefits currently \$6,000 plus a small monthly payment. If the military man or woman had purchased life insurance, the most

the family can hope to receive is \$250,000. CIA and FBI benefits are somewhat better, but still do not approach the \$1.85 million mark. Now is the time to remedy this inequity and to meet the responsibility of taking care of the families of the military and government personnel who give their lives defending us from terrorism.

So today, I offer this bill to narrow the gap in the current compensation system. This bill will facilitate and encourage private charitable giving for the benefit of spouses and dependents of military, CIA, FBI, and other Federal employees killed in the line of duty while combating terrorism. The bill will use no government monies and will not affect the September 11 Fund. Instead, the bill will allow private monies to fill in the gap.

If a Section 501(c)(3) charity meets the requirements of the bill, it can designate itself as a "Johnny Michael Spann Patriot Trust." The requirements are: 1. Beneficiaries—The trust must benefit government employees or contractors whose death occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force that we passed last year.

2. Tax Rules—The trust must qualify under existing tax rules for charitable trusts or private foundations. Thus, contributions to the fund will be tax deductible.

3. Distributions—The trust must distribute at least eighty-five percent of funds collected to beneficiaries. Thus, administrative expenses can be no more than fifteen percent, after the initial organizing expenses are made.

4. Audit—If contributions to the trust exceed \$1 million, it must be audited by an independent certified public accountant.

5. McCain-Feingold—The trust must comply with the existing exemption in the McCain-Feingold campaign finance law for charities.

Once a trust meets the requirements, it will be entitled to two key benefits. First, the Secretary of Defense will be authorized to contact the Patriot Trusts on behalf of surviving spouses, thus eliminating the indignity widows often face when they are forced to go to a charity and ask for money.

Second, the bill will ensure that federally elected officials can raise money for Patriot Trusts without any problem under the McCain-Feingold campaign finance law. This encouragement of Senators and Congressmen to raise money for the families of slain military, CIA, or FBI personnel should help build real resources to help families with real needs.

Overall, this bill will help private charities provide a level playing field for those who give their lives for our

freedom and security. It will address the current inequity between those who died in their office and those who died on the battle field defending America, and it will seek a fair and patriotic way for charities to recognize those who died defending their country against terrorism.

Who among us can look into the eyes of the widow of a soldier who lost his life fighting for his country and say, "Sorry, you only get \$6,000, but the widow of the securities broker in New York gets almost \$2 Million." This bill takes a modest step toward ensuring fair and equitable treatment to all of those making the ultimate sacrifice, giving their lives to protect the United States and her citizens against terrorists around the world.

It is our moral duty and obligation to assist these service members and federal employees who are giving their lives in service to our country. Helping charities fill the gap is the least that we can do. I would urge all of my colleagues to support this bill as a way to show our Armed Forces and other employees that they are deserving of fair and equitable treatment.

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

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

S. 3073

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

SECTION 1. TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm's way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Employees of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Michael Spann became the first American to give his life for his country in the War on Terrorism launched by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Michael Spann left behind a wife and children who are very proud of the heroic actions of their patriot father.

(9) Surviving dependents of members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or

military operations abroad receive a \$6,000 death benefit, plus a small monthly benefit.

(10) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) shall be eligible to characterize itself as a “Johnny Micheal Spann Patriot Trust”.

(c) REQUIREMENTS FOR THE DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Micheal Spann Patriot Trust must be distributed to (or, if placed in a private foundation, held in trust for) surviving spouses, children, or dependent parents, grandparents, or siblings of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation; and

(D) officers, employees, or contract employees of the United States Government, whose deaths occur in the line of duty and arise out of terrorist attacks, military operations, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to domestic or foreign efforts to curb international terrorism, including the Authorization for Use of Military Force (Public Law 107-40; 115 Stat. 224).

(2) Other than funds or donations reasonably necessary to establish a trust, not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Micheal Spann Patriot Trust may inure to the benefit of any individual based solely on the position of such individual as a shareholder, an officer or employee of such Trust.

(4) None of the activities of any Johnny Micheal Spann Patriot Trust shall be conducted in a manner inconsistent with any law with respect to attempting to influence legislation.

(5) No Johnny Micheal Spann Patriot Trust may participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office, including by publication or distribution of statements.

(6) Each Johnny Micheal Spann Patriot Trust shall comply with the instructions and directions of the Director of Central Intelligence, the Attorney General, or the Secretary of Defense relating to the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.

(7) Each Johnny Micheal Spann Patriot Trust that receives annual contributions totaling more than \$1,000,000 must be audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, and shall be open to public inspection, except that the conduct, filing, and availability of the audit

shall be consistent with the protection of intelligence sources and methods, of sensitive law enforcement information, and of other sensitive national security information.

(8) Each Johnny Micheal Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year, beginning not later than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the end of the fiscal year in which such funds, donations, and earnings are received.

(9)(A) When determining the amount of a distribution to any beneficiary described in paragraph (1), a Johnny Micheal Spann Patriot Trust should take into account the amount of any collateral source compensation that the beneficiary has received or is entitled to receive as a result of the death of an individual described in subsection (c)(1).

(B) Collateral source compensation includes all compensation from collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the death of an individual described in subsection (c)(1).

(d) TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Each Johnny Micheal Spann Patriot Trust shall refrain from conducting the activities described in clauses (i) and (ii) of section 301(20)(A) of the Federal Election Campaign Act of 1971 so that a general solicitation of funds by an individual described in paragraph (1) of section 323(e) of such Act will be permissible if such solicitation meets the requirements of paragraph (4)(A) of such section.

(e) NOTIFICATION OF TRUST BENEFICIARIES.—Notwithstanding any other provision of law, and in a manner consistent with the protection of intelligence sources and methods, sensitive law enforcement information, and other sensitive national security information, the Secretary of Defense, the Director of the Federal Bureau of Investigation, or the Director of Central Intelligence, or their designees, as applicable, may forward information received from an executor, administrator, or other legal representative of the estate of a decedent described in subparagraph (A), (B), (C), or (D) of subsection (c)(1), to a Johnny Micheal Spann Patriot Trust on how to contact individuals eligible for a distribution under subsection (c)(1) for the purpose of providing assistance from such Trust; provided that, neither forwarding nor failing to forward any information under this subsection shall create any cause of action against any Federal department, agency, officer, agent, or employee.

(f) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, shall prescribe regulations to carry out this section.

JOHNNY MICHAEL SPANN PATRIOT TRUSTS ACT

Mr. LEAHY. Mr. President, I am pleased to join Senators SESSIONS and NICKLES in introducing the Johnny Michael Spann Patriot Trusts Act. This legislation will facilitate private charitable giving for the benefit of spouses of servicemen and other Federal employees who are killed in the line of duty while engaged in the fight against international terrorism.

Many of us have fought for some time to achieve fair and expeditious

compensation for victims of terrorism. In 1996, we passed the Justice for Victims of Terrorism Act, which authorized grants to states to provide assistance and compensation to victims of terrorism. Two years ago, we passed legislation directing the Justice Department to establish a Federal compensation program for victims of international terrorism. And last year, in the wake of the September 11 attacks, we established a special fund to provide compensation to the many families who lost loved ones on that terrible day.

I am proud of these legislative accomplishments. We should make every effort to help the innocent civilians whose lives are shattered by terrorist acts. At the same time, we must not forget those who are killed while serving on the front line in the war on terrorism. Under current law, beneficiaries of members of the U.S. Armed Forces get paid \$6,000 only in death benefits from the Government, over any insurance that they may have purchased. Moreover, these individuals may not be eligible for payments from any existing victims' compensation program or charitable organization.

The Johnny Michael Spann Patriot Trusts Act will provide much needed support for the families of those who have made the ultimate sacrifice for their country. The bill encourages the creation of charitable trusts for the benefit of surviving spouses and dependents of military, CIA, FBI, and other Federal Government employees who are killed in operations or activities to curb international terrorism. In addition, the bill authorizes Federal officials to contact qualifying trusts on behalf of surviving spouses and dependents, pursuant to regulations to be prescribed by the Secretary of Defense. This will help to inform survivors about benefits and to ensure that those who are eligible have the opportunity to access the money. It will also spare grieving widows the embarrassment of having to go to a charity and ask for money. Finally, for the avoidance of doubt, the bill makes clear that federal officeholders and candidates may help raise funds for qualifying trusts without running afoul of Federal campaign finance laws.

While we have greatly improved our victims assistance and compensation programs, we still have more to do. I urge my colleagues on both sides of the aisle to join in advancing this legislation through Congress before the end of the year.

Mr. WARNER. Mr. President, I rise today to introduce a bill on behalf of myself and Senator ALLEN to authorize the President to apply the indemnification authorities now available to the Department of Defense and other agencies for national defense purposes to those agencies engaged in defending our Nation against terrorism. This authority is needed to enable America to access the best private sector solutions to defend our homeland, particularly