

ligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

§ 321. Urban and other high risk area communications capabilities

(a) In general

The Secretary, in consultation with the Federal Communications Commission and the Secretary of Defense, and with appropriate governors, mayors, and other State and local government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from terrorist attack.

(b) Minimum capabilities

The interoperable communications capabilities established under subsection (a) of this section shall ensure the ability of all levels of government agencies, emergency response providers (as defined in section 101 of this title), and other organizations with emergency response capabilities—

- (1) to communicate with each other in the event of an emergency; and
- (2) to have appropriate and timely access to the Information Sharing Environment described in section 485 of this title.

(Pub. L. 107-296, title V, § 510, as added Pub. L. 108-458, title VII, § 7303(d), Dec. 17, 2004, 118 Stat. 3844.)

CODIFICATION

Another section 510 of Pub. L. 107-296 is classified to section 320 of this title.

SUBCHAPTER VI—TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS

§ 331. 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 Micheal Spann became the first American to give his life for his country in the War on Terrorism declared by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Micheal 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) of this section 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 401a(4) of title 50;
- (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, or 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