

78 Stat. 333.
42 USC 1961c-6.

SEC. 6. Section 306 of the Water Resources Research Act of 1964 is amended by changing the period to a comma and adding "the District of Columbia, and the territories of the Virgin Islands and Guam."

80 Stat. 130.
42 USC 1961c-7.

SEC. 7. Section 307 of the Water Resources Research Act of 1964 is amended by striking out "March 1" and inserting in lieu thereof "October 1" and by striking out "calendar" and inserting in lieu thereof "fiscal".

Land conveyance.

78 Stat. 329.
42 USC 1961 note.

SEC. 8. The Water Resources Research Act of 1964 is amended by inserting the following new section:

63 Stat. 377.
40 USC 471 note.

"SEC. 308. Excess personal property acquired by the Secretary under the Federal Property and Administrative Services Act of 1949, as amended, for use in furtherance of the purposes of this Act may be conveyed by the Secretary to a cooperating institute, educational institution, or nonprofit organization, with or without consideration, under such terms and conditions as the Secretary may prescribe."

Approved December 2, 1971.

Public Law 92-176

AN ACT

December 2, 1971
[H. R. 8356]

To make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation.

Uniformed services.

37 USC 405a note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 2 of the Act of May 22, 1965, Public Law 89-26 (79 Stat. 117), as amended (80 Stat. 851), is amended by striking out "and terminates on June 30, 1971".

Approved December 2, 1971.

Public Law 92-177

AN ACT

December 6, 1971
[H. R. 11489]

To facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

D.C. Charitable trusts.

79 Stat. 736.
D.C. Code 21-101.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That title 21 of the District of Columbia Code is amended by adding the following new chapter:

"Chapter 18.—CHARITABLE AND SPLIT-INTEREST TRUSTS

"Sec.

"21-1801. Charitable and split-interest trusts.

"§ 21-1801. Charitable and split-interest trusts

"(a) Notwithstanding any provision to the contrary in the governing instrument or under any law applicable to the District of Columbia, except as provided in subsection (e) of this section, the governing instrument of any trust which is treated during a particular year as a private foundation described in section 509 of the Internal Revenue Code of 1954 (including any nonexempt charitable trust described in section 4947 (a) (1) of the Code which is treated as a private founda-

83 Stat. 496.
26 USC 509.

tion) and the governing instrument of any nonexempt split-interest trust described in section 4947(a)(2) of the Code (but only to the extent that section 508(e) of the Code is applicable to such nonexempt split-interest trust) shall be deemed during such particular year to contain all of the following provisions:

“(1) The trust shall not engage in any act of self-dealing which is taxable under section 4941 of the Code.

“(2) The trust shall make distributions at such time and in such manner as not to subject it to tax under section 4942 of the Code.

“(3) The trust shall not retain any excess business holdings which would subject it to tax under section 4943 of the Code.

“(4) The trust shall not make any investments which would subject it to tax under section 4944 of the Code.

“(5) The trust shall not make any taxable expenditures which would subject it to tax under section 4945 of the Code.

With respect to any such trust created prior to January 1, 1970, subsection (a) shall apply to taxable years beginning on or after January 1, 1972.

Effective date.

“(b) Notwithstanding any provision to the contrary in the governing instrument, the trustee or trustees of any trust described in subsection (a), other than a trust described in section 4947(a)(2) of the Code, may, without application to any court, amend the governing instrument expressly to include the provisions required by section 508(e) of the Code by executing a written amendment to the trust and delivering a copy thereof, by certified mail, to each named beneficiary, if any.

“(c) Notwithstanding any provision to the contrary in the governing instrument, the trustee or trustees of any trust described in section 4947(a)(2) of the Code to which subsection (a) is applicable may, after obtaining the written consent of the creator of such trust if then living and competent to give such consent, and without application to any court, amend the governing instrument expressly to include the provisions required by section 508(e) of the Code by executing a written amendment to the trust and delivering a copy thereof by certified mail, to each named beneficiary, if any.

“(d) Notwithstanding any provision to the contrary in the governing instrument, the trustee or trustees of any trust described in section 4947(a)(2) of the Code to which subsection (a) is applicable, with the consent of each beneficiary named in such governing instrument, may, without application to any court, amend the governing instrument to conform to the provisions of section 664 of the Code by executing a written amendment to the trust for such purpose. Consent shall not be required as to individual named beneficiaries not living at the time of the amendment. In the case of any individual beneficiary not competent to give consent, the consent of a guardian, appointed by a court of competent jurisdiction, shall be treated as consent of the beneficiary. In the case of any amendment to a trust created by will, such amendment may, if provided in the amendment, be deemed to apply as of the date of death of the testator.

83 Stat. 562.

“(e) The provisions of subsection (a) shall not apply to any trust to the extent that a court of competent jurisdiction shall determine that such application would be contrary to the terms of the governing instrument and that such instrument may not properly be amended to conform with subsection (a).

“Trust.”

“(f) For purposes of this section, the term ‘trust’ includes (1) any trust created by will of a resident of the District of Columbia admitted to probate in the District of Columbia, (2) any trust created by a resident of the District of Columbia and executed in the District of Columbia, (3) any trust of which the trustee or a co-trustee is a bank or trust company doing business in the District of Columbia, (4) any trust of which a majority of the trustees are resident in the District of Columbia, (5) any trust of real property located in the District of Columbia, and (6) any trust the governing instrument of which provides that it is governed by the laws of the District of Columbia.

“Code.”

68A Stat. 3.
26 USC 1 et seq.

“(g) For the purposes of this section, the term ‘code’ means the Internal Revenue Code of 1954.”

SEC. 2. (a) Notwithstanding any provision to the contrary in the governing instrument or under any law applicable to the District of Columbia (except as provided in subsection (c) of this section), the governing instrument of any corporation organized under the laws of the District of Columbia, or under any Act of Congress applicable to the District of Columbia, which is treated during a particular year as a private foundation described in section 509 of the Internal Revenue Code of 1954 shall be deemed during such particular year to contain the following provisions:

83 Stat. 496.

(1) The corporation shall not engage in any act of self-dealing which is taxable under section 4941 of the Code.

(2) The corporation shall make distributions at such time and in such manner as not to subject it to tax under section 4942 of the Code.

(3) The corporation shall not retain any excess business holdings which would subject it to tax under section 4943 of the Code.

(4) The corporation shall not make any investments which would subject it to tax under section 4944 of the Code.

(5) The corporation shall not make any taxable expenditures which would subject it to tax under section 4945 of the Code.

Effective date.

With respect to any such corporation organized prior to January 1, 1970, subsection (a) shall apply to taxable years beginning on or after January 1, 1972.

(b) The governing instrument of any corporation described in subsection (a) may be amended, in the manner provided by law for amendment of such governing instrument, expressly to include the provisions required by section 508(e) of the Code.

(c) The provisions of subsection (a) shall not apply to any corporation to the extent that its governing instrument is amended in the manner provided by law for amendment of such governing instrument, expressly to exclude the application of subsection (a).

“Corporation.”

(d) For purposes of this section, the term “corporation” includes an association (other than an association treated as a trust described in section 1801 of title 21 of the District of Columbia Code).

Ante, p. 494.

“Code.”

(e) For the purposes of this section, the term “Code” means the Internal Revenue Code of 1954.

Effective date.

SEC. 3. Except as otherwise provided in this Act, or in the amendments made by this Act, the provisions of this Act shall first apply with respect to taxable years of trusts and corporations beginning on or after January 1, 1970.

SEC. 4. The table of chapters for title 21 of the District of Columbia Code is amended by inserting after the item relating to chapter 17 the following:

“18. Charitable and split-interest trusts.”

Approved December 6, 1971.