

visions set out as a note under section 1 of this title] shall apply with respect to conduct occurring before, on, or after the date of the enactment of this Act [Dec. 8, 1995].”

#### STUDY AND REPORT

Section 4 of Pub. L. 105-26 provided that:

“(a) **STUDY AND REPORT.**—The Attorney General shall carry out a study to determine the effect of this Act [see Short Title of 1997 Amendments note set out under section 1 of this title] on markets for noncharitable annuities, charitable gift annuities, and charitable remainder trusts. The Attorney General shall prepare a report summarizing the results of the study.

“(b) **DETAILS OF STUDY AND REPORT.**—The report referred to in subsection (a) shall include any information on possible inappropriate activity resulting from this Act and any recommendations for legislative changes, including recommendations for additional enforcement resources.

“(c) **SUBMISSION OF REPORT.**—The Attorney General shall submit the report referred to in subsection (a) to the Chairman and the ranking member of the Committee on the Judiciary of the House of Representatives, and to the Chairman and the ranking member of the Committee on the Judiciary of the Senate, not later than 27 months after the date of the enactment of this Act [July 3, 1997].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 37a of this title.

### § 37a. Definitions

For purposes of this section and section 37 of this title:

#### (1) Antitrust laws

The term “antitrust laws” has the meaning given it in subsection (a) of section 12 of this title, except that such term includes section 45 of this title to the extent that such section 45 applies to unfair methods of competition.

#### (2) Charitable remainder trust

The term “charitable remainder trust” has the meaning given it in section 664(d) of title 26.

#### (3) Charitable gift annuity

The term “charitable gift annuity” has the meaning given it in section 501(m)(5) of title 26.

#### (4) Final determination

The term “final determination” includes an Internal Revenue Service determination, after exhaustion of donor’s and donee’s administrative remedies, disallowing the donor’s charitable deduction for the year in which the initial contribution was made because of the donee’s failure to comply at such time with the requirements of section 501(m)(5) or 664(d), respectively, of title 26.

#### (5) Person

The term “person” has the meaning given it in subsection (a) of section 12 of this title.

#### (6) State

The term “State” has the meaning given it in section 15g(2) of this title.

(Pub. L. 104-63, § 3, Dec. 8, 1995, 109 Stat. 687; Pub. L. 105-26, § 2(2), July 3, 1997, 111 Stat. 242.)

#### AMENDMENTS

1997—Pars. (1), (2). Pub. L. 105-26, § 2(2)(A)–(C), added par. (2), redesignated former par. (2) as (1), and struck

out heading and text of former par. (1). Text read as follows: “The term ‘annuity rate’ means the percentage of the fair market value of a gift (determined as of the date of the gift) given in exchange for a charitable gift annuity, that represents the amount of the annual payment to be made to 1 or 2 annuitants over the life of either or both under the terms of the agreement to give such gift in exchange for such annuity.”

Pars. (4) to (6). Pub. L. 105-26, § 2(2)(D), (E), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-26 applicable with respect to all conduct occurring before, on, or after July 3, 1997, and applicable in all administrative and judicial actions pending on or commenced after July 3, 1997, see section 3 of Pub. L. 105-26, set out as a note under section 37 of this title.

#### EFFECTIVE DATE

Section applicable with respect to conduct occurring before, on, or after Dec. 8, 1995, see section 4 of Pub. L. 104-63, set out as a note under section 37 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 37 of this title.

## CHAPTER 2—FEDERAL TRADE COMMISSION; PROMOTION OF EXPORT TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION

### SUBCHAPTER I—FEDERAL TRADE COMMISSION

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