

these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. All comments will be available for public inspection and copying. The IRS and the Treasury Department invite taxpayers to submit comments on the proposed regulations and issues relating to the election and calculation of the ASC under section 41(c)(5). In particular, the IRS and the Treasury Department encourage taxpayers to submit comments on the following issues:

Should the regulations allow a controlled group to make an election to use the ASC both for computation of the group credit and computation of every member's stand-alone entity credit, even if the ASC does not provide the greatest stand-alone entity credit?

If so, how should that election be made and by whom?

What relief should be made available to taxpayers that have used methodologies inconsistent with the short taxable year rules provided in these regulations on tax returns filed after the effective date of section 41(c)(5) and prior to the publication of these regulations?

A public hearing has been scheduled for September 25, 2008, at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the "FOR FURTHER INFORMATION CONTACT" section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must

submit electronic or written comments by September 15, 2008, and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) by September 4, 2008. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is David Selig, Office of Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and the Treasury Department participated in their development.

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Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.41-8 also issued under 26 U.S.C. 41(c)(4)(B);

Section 1.41-9 also issued under 26 U.S.C. 41(c)(5)(C); * * *

Par. 2. Section 1.41-6 is amended by revising paragraphs (b)(1), (c)(2), (e) and (j) to read as follows:

§1.41-6 Aggregation of expenditures.

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(b)(1) [The text of the proposed amendment to §1.41-6(b)(1) is the same as the text of §1.41-6T(b)(1) published elsewhere in this issue of the Bulletin.]

(c) * * *

(2) [The text of the proposed amendment to §1.41-6(c)(2) is the same as the text of §1.41-6T(c)(2) published elsewhere in this issue of the Bulletin.]

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(e) [The text of the proposed amendment to §1.41-6(e) is the same as the text

of §1.41-6T(e) published elsewhere in this issue of the Bulletin].

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(j) [The text of the proposed amendment to §1.41-6(j) is the same as the text of §1.41-6T(j) published elsewhere in this issue of the Bulletin].

Par. 3. Section 1.41-8 is amended by revising paragraphs (b)(2), (b)(3), (b)(4) and (b)(5) to read as follows:

§1.41-8 Alternative incremental credit.

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(b)(2) through (b)(5) [The text of proposed §1.41-8(b)(2) through (b)(5) is the same as the text of §1.41-8T(b)(2) through (b)(5) published elsewhere in this issue of the Bulletin.]

Par. 4. Section 1.41-9 is added to read as follows:

§1.41-9 Alternative simplified credit.

[The text of proposed §1.41-9 is the same as the text of §1.41-9T (a) through (d) published elsewhere in this issue of the Bulletin.]

Steven T. Miller,
*Acting Deputy Commissioner for
Services and Enforcement.*

(Filed by the Office of the Federal Register on June 13, 2008, 11:51 a.m., and published in the issue of the Federal Register for June 17, 2008, 73 F.R. 34237)

Deletions From Cumulative List of Organizations Contributions to Which are Deductible Under Section 170 of the Code

Announcement 2008-62

The Internal Revenue Service has revoked its determination that the organizations listed below qualify as organizations described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986.

Generally, the Service will not disallow deductions for contributions made to a listed organization on or before the date of announcement in the Internal Revenue Bulletin that an organization no longer qualifies. However, the Service is not precluded from disallowing a deduction

for any contributions made after an organization ceases to qualify under section 170(c)(2) if the organization has not timely filed a suit for declaratory judgment under section 7428 and if the contributor (1) had knowledge of the revocation of the ruling or determination letter, (2) was aware that such revocation was imminent, or (3) was in part responsible for or was aware of the activities or omissions of the organization that brought about this revocation.

If on the other hand a suit for declaratory judgment has been timely filed, contributions from individuals and organizations described in section 170(c)(2) that

are otherwise allowable will continue to be deductible. Protection under section 7428(c) would begin on July 7, 2008, and would end on the date the court first determines that the organization is not described in section 170(c)(2) as more particularly set forth in section 7428(c)(1). For individual contributors, the maximum deduction protected is \$1,000, with a husband and wife treated as one contributor. This benefit is not extended to any individual, in whole or in part, for the acts or omissions of the organization that were the basis for revocation.

The Neil & Patricia Chiarello Charitable Supporting Organization
West Milford, NJ
The Jonathan Dreier Foundation
Paradise Valley, AZ
Fanwood-Scotch Plains Recycling Association, Inc.
Fanwood, NJ
A Mother's Love Child Care Center
West Memphis, AR
Northstar Family Foundation
W. Valley City, UT
Metro Fire Dept, Ltd.
Warren, MI