

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking (REG-150066-08, 2009-5 I.R.B. 423) and notice of public hearing that was published in the **Federal Register** on Monday, December 29, 2008 (73 FR 79421), relating to foreign base company sales income.

**FOR FURTHER INFORMATION CONTACT:** Ethan Atticks, (202) 622-3840 (not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The notice of proposed rulemaking and notice of public hearing that is subject to these corrections are under section 954 of the Internal Revenue Code.

#### **Need for correction**

As published the notice of proposed rulemaking and notice of public hearing contains errors that may prove to be misleading and are in need of correction.

#### **Correction of Publication**

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG-150066-08), which was the subject of FR Doc. E8-30729, is corrected as follows:

1. On page 79422, column 1, in the preamble under the heading Background and Explanation of Provision, the last sentence, the language “The preamble to the temporary regulations explains these proposed regulations.” is corrected to read “The preamble to the temporary regulations explains the amendments.”

2. On page 79422, column 2, in the preamble under the heading Comments and Public Hearing, the first paragraph, line 3 the language “consideration will be give to any written” is corrected to read “consideration will be given to any written”.

3. On page 79422, column 3, in the preamble under the heading Part 1—Income Taxes, instructional paragraph 2, lines 5 and 6, the language “(b)(2)(ii)(e), (b)(4) *Example* (3), (c), and (d), and adding *Examples* 8 and 9 to” is corrected to read “(b)(2)(ii)(e) and (b)(4) *Example* (3), and adding *Examples* (8) and (9) to”.

4. On page 79423, column 1, §1.954-3, the third line of *Example* (8), the language

“(8) is the same as the text of §1.954-3T” is corrected to read “(8) is the same as the text of §1.954-3T(b)(4)”.

5. On page 79423, column 1, §1.954-3, the third line of *Example* (9), the language “(9) is the same as the text of §1.954-3T(b)(4)”.

Guy R. Traynor,  
*Federal Register Liaison,  
Procedure & Administration,  
Associate Chief Counsel  
Publications & Regulations.*

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

#### **Announcement 2009-32**

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 April 13, 2009,

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.

Financially Strong America, Inc.  
(fka Consumer Debt Solutions, Inc.)  
Highland, NY

### **Section 7428(c) Validation of Certain Contributions Made During Pendency of Declaratory Judgment Proceedings**

#### **Announcement 2009-33**

This announcement serves notice to potential donors that the organization listed below has recently filed a timely declaratory judgment suit under section 7428 of the Code, challenging revocation of its status as an eligible donee under section 170(c)(2).

Protection under section 7428(c) of the Code begins on the date that the notice of revocation is published in the Internal Revenue Bulletin and ends on the date on which a court first determines that an organization is not described in section 170(c)(2), as more particularly set forth in section 7428(c)(1).

In the case of individual contributors, the maximum amount of contributions protected during this period is limited to \$1,000.00, with a husband and wife being treated as one contributor. This protection is not extended to any individual who was responsible, in whole or in part, for the acts or omissions of the organization that were the basis for the revocation. This protection also applies (but without limitation as to amount) to organizations described in section 170(c)(2) which are exempt from tax under section 501(a). If the organization ultimately prevails in its declaratory judgment suit, deductibility of contributions would be subject to the

normal limitations set forth under section 170. Capital Gymnastics Booster Club, Inc.  
Springfield, GA