

the alternative test of section 220(j)(2)(B) of the Code.

2006 Not a Cut-Off Year

A total of 17,306 tax returns reporting an excludable or deductible contribution to an Archer MSA for the 2005 taxable year were filed by April 15, 2006. Of this total, 3,038 taxpayers were reported as being previously uninsured. It has been estimated that an additional 3,055 tax returns reporting Archer MSA contributions for the 2005 taxable year have been or will be filed after April 15, 2006, including 473 taxpayers who were previously uninsured. Accordingly, it has been determined that there were 20,361 (17,306 plus 3,055) Archer MSA returns for 2006. Of this total, 3,511 (3,038 plus 473) were for taxpayers reported as being previously uninsured. As a result, 16,850 (20,361 minus 3,511) Archer MSA returns count toward the applicable statutory limitation for 2006 Archer MSA returns of 750,000.

Based on the Forms 8851 filed on or before March 20, 2007, by Archer MSA trustees and custodians, it has been determined that 11 taxpayers who did not have Archer MSA contributions for 2005 established Archer MSAs for 2006 during the portion of 2006 preceding July 1. Of this total, 0 taxpayers were reported by trustees and custodians as previously uninsured, and therefore are not taken into account in determining whether 2006 is a “cut-off” year. In addition, 0 taxpayers were reported by trustees and custodians as excludable from the count because his or her spouse also established an Archer MSA. Accordingly, the applicable number of Archer MSAs established from January 1, 2006, through June 30, 2006, is 11 (11

minus (0 plus 0)). The alternative limitation for 2006 (90 percent of the applicable number of Archer MSA returns for 2005 plus the product of 2.5 and the number of applicable Archer MSAs established from January 1, 2006, through June 30, 2006) is 15,192 (90 percent of 16,850 plus 2.5 multiplied by 11), which is less than the statutory limit of 750,000. Thus, 2006 is not a “cut-off” year for the Archer MSA pilot project by reason of either the 2006 Archer MSA returns test of section 220(j)(2)(A) or the alternative test of section 220(j)(2)(B) of the Code.

Questions regarding this announcement may be directed to Shoshanna Tanner in the Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities) at (202) 622-6080 (not a toll-free number).

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

Announcement 2007-46

The names of organizations that no longer qualify as organizations described in section 170(c)(2) of the Internal Revenue Code of 1986 are listed below.

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 or-

ganization 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 May 7, 2007, 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.

World Project, Inc.
Brooklyn, NY
Izaak Walton League of America
Calumet Region Chapter
Dolton, IL
Greenbriar Club, Inc.
Clearwater, FL
Cunningham Family Foundation
West Jordan, UT
Roxbury Insurance Company
Los Angeles, CA
Wishes Are Forever Foundation
Salt Lake City, UT