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11/17/2008 09:37 AM

To <ELynch@fec.gov>

cc "Blumenfeld Michael B"
<Michael.B.Blumenfeld@IRSCOUNSEL.TREAS.GOV>

bcc

Subject RE: FEC Proposed Rules: Millionaire's Amendment Repeal

Dear Mr. Lynch:

I have attached the IRS response to the FEC's Notice of Proposed Rulemaking that would repeal the Millionaire's Amendment.

If you have any questions please call Mike Blumenfeld at (202) 622-6070 or me at (202) 622-1124.

David L. Marshall
General Attorney
Exempt Organizations Branch 2
Office of the Division Counsel/Associate Chief
Counsel (Tax Exempt & Government Entities)

From: ELynch@fec.gov [mailto:ELynch@fec.gov]
Sent: Wednesday, October 29, 2008 4:49 PM
To: Blumenfeld Michael B
Subject: FEC Proposed Rules: Millionaire's Amendment Repeal

Dear Mr. Blumenfeld,

Please find attached a copy of the Commission's Notice of Proposed Rulemaking ("Notice") for the Millionaire's Amendment Repeal, which was published in the *Federal Register* on October 20, 2008 (73 Fed. Reg. 62224). The Commission seeks comment on the proposed deletion of its rules regarding increased contribution limits and coordinated party expenditure limits for Senate and House of Representatives candidates facing self-financed opponents. Comments are due on or before November 21, 2008.

Pursuant to 2 U.S.C. 438(f), the Commission and the Internal Revenue Service are to "consult and work together to promulgate rules, regulations, and forms which are mutually consistent." The Commission invites your agency's comments on this Notice, particularly with respect to any possible conflict between it and the Internal Revenue Code or regulations.

Please contact me at 202/694-1650 if you have any questions about the Notice.

Kindly confirm receipt. Thank you.

Eugene Lynch
Office of General Counsel, Policy Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463
P: (202) 694-1531
F: (202) 219-3923



elynch@fec.gov FECmillionaire'samendmentrepeal_ltr_2008-11-17_dlm.doc



OFFICE OF
CHIEF COUNSEL

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

November 17, 2008

VIA E-MAIL & REGULAR MAIL

Mr. Eugene Lynch
Office of General Counsel, Policy Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Lynch:

Thank you for sending to us a copy of the Notice of Proposed Rulemaking relating to the "Millionaire's Amendment Repeal" under the Federal Election Campaign Act of 1971, as amended. The Millionaire's Amendment Repeal would revise current regulations of the Federal Election Commission to reflect the Supreme Court's decision in Davis v. Federal Election Commission, 554 U.S. ___, 128 S. Ct. 2759 (2008), that invalidated the Millionaire's Amendment.

The proposed rule poses no specific conflict with any provision of the Internal Revenue Code or the accompanying regulations. Accordingly, we have no comments at this time. If you would like to discuss any impact these regulations may have on tax-exempt organizations, please feel free to call David L. Marshall at (202) 622-1124 or me at (202) 622-6070.

Sincerely,

Michael B. Blumenfeld
Senior Technician Reviewer
Exempt Organizations Branch 2
Office of the Division Counsel/Associate Chief
Counsel (Tax Exempt & Government Entities)