

(ii) Shareholder adopts the NAV method with its taxable year as the computation period. Shareholder's net investment in Fund for Year 1 equals \$128,664.66 (the \$1,253,256.37 in purchases, minus the \$1,124,591.71 in redemptions). Shareholder's gain therefore is \$1,085.34, which is the ending value of Shareholder's shares (\$5,129,750.00), minus the starting basis of Shareholder's shares (\$5,000,000.00), minus Shareholder's net investment in the fund for the taxable year (\$128,664.66). The gain of \$1,085.34 is treated as short-term capital gain. Shareholder's starting basis for Year 2 is \$5,129,750.00. Shareholder must also include the \$32,158.23 in dividends in its income for Year 1 in the same manner as if Shareholder did not use the NAV method.

(iii) If Shareholder had instead adopted the calendar month as its computation period, it would have used the NAV method for January of Year 1, even though Fund was not yet a floating-NAV MMF.

(e) *Effective/applicability date.* This section applies to taxable years ending on or after the date of publication in the **Federal Register** of a Treasury decision adopting these proposed regulations as final regulations. Taxpayers may rely on this section for taxable years ending on or after July 28, 2014 and beginning before the date of publication in the **Federal Register** of a Treasury decision adopting these proposed regulations as final regulations.

■ **Par. 3.** Section 1.6045-1 is amended by revising paragraph (c)(3)(vi) to read as follows:

**§ 1.6045-1 Returns of information of brokers and barter exchanges.**

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(vi) *Money market funds—(A) In general.* No return of information is required with respect to a sale of shares in a regulated investment company that is permitted to hold itself out to investors as a money market fund under Rule 2a-7 under the Investment Company Act of 1940.

(B) *Effective/applicability date.* Paragraph (c)(3)(vi)(A) of this section applies to sales of shares in calendar years beginning on or after the date of publication in the **Federal Register** of a Treasury decision adopting these proposed regulations as final regulations. Taxpayers and brokers, however, may rely on paragraph (c)(3)(vi)(A) of this section for sales of shares in calendar years beginning before the date of publication in the **Federal Register** of a Treasury decision

adopting these proposed regulations as final regulations.

\* \* \* \* \*

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2014-17689 Filed 7-23-14; 4:15 pm]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 51**

**[REG-123286-14]**

**RIN 1545-BM26**

**Branded Prescription Drug Fee**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations relating to the branded prescription drug fee. This fee was enacted by section 9008 of the Patient Protection and Affordable Care Act, as amended by section 1404 of the Health Care and Education Reconciliation Act of 2010, and the Health Care and Reconciliation Act of 2010 (collectively the ACA). The proposed regulations modify the definition of controlled group for purposes of the branded prescription drug fee. The proposed regulations affect persons engaged in the business of manufacturing or importing certain branded prescription drugs. The text of the temporary regulations also serves as the text of the proposed regulations.

**DATES:** Comments and requests for a public hearing must be received by October 27, 2014.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG-123286-14), Room 5205, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered to: CC:PA:LPD:PR Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG-123286-14), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (IRS REG-123286-14).

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations,

Celia Gabrysh, (202) 317-6855; concerning submissions of comments and request for a hearing, Oluwafunmilayo Taylor, (202) 317-6901 (not toll-free calls).

**SUPPLEMENTARY INFORMATION:**

**Background**

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend §§ 51.2(e)(3) and 51.11(c) of the Branded Prescription Drug Fee Regulations, 26 CFR Part 51. The text of those regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the amendment.

**Special Analyses**

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory flexibility assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Because these regulations do not impose a collection of information on small entities, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

**Comments and Requests for a Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the "Addresses" heading. Comments are requested on all aspects of the proposed regulations. All comments will be available at [www.regulations.gov](http://www.regulations.gov) or upon request. A public hearing may be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

**Drafting Information**

The principal author of these regulations is Celia Gabrysh, Office of Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and the Treasury

Department participated in their development.

#### List of Subjects in 26 CFR Part 51

Drugs, Reporting and recordkeeping requirements.

#### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 51 is proposed to be amended as follows:

#### PART 51—BRANDED PRESCRIPTION DRUGS

■ **Paragraph 1.** The authority citation for part 51 continues to read in part as follows:

**Authority:** Authority: 26 U.S.C. 7805; sec. 9008, Public Law 111-347 (124 Stat. 119).

\* \* \* \* \*

■ **Par. 2.** Section 51.2 is amended by revising paragraph (e)(3) to read as follows:

#### § 51.2 Explanation of terms.

\* \* \* \* \*

(e) \* \* \*

(3) [The text of proposed § 51.2(e)(3) is the same as the text of § 51.2T(e)(3) published elsewhere in this issue of the **Federal Register**.]

■ **Par. 3.** Section 51.11 is amended by revising paragraph (c) to read as follows:

#### § 51.11 Effective/applicability date.

\* \* \* \* \*

(c) [The text of proposed § 51.11(c) is the same as the text of § 51.11T(c) published elsewhere in this issue of the **Federal Register**.]

**John Dalrymple,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2014-17698 Filed 7-24-14; 4:15 pm]

BILLING CODE 4830-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 104

[Docket ID: DoD-2013-OS-0091]

RIN 0790-AJ00

#### Civilian Employment and Reemployment Rights for Service Members, Former Service Members and Applicants of the Uniformed Services

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** This rule updates established policy, assigned responsibilities, and

procedures for informing Service members and individuals who apply for uniformed service of their civilian employment and reemployment rights, benefits, and obligations. The purpose of this regulatory action is to support the non-career uniformed service by taking appropriate actions to inform and assist uniformed Service members and former Service members and individuals who apply for uniformed service of their rights, benefits, and obligations under Uniformed Services Employment and Reemployment Rights Act (USERRA).

**DATES:** Comments must be received by September 26, 2014.

**ADDRESSES:** You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria VA 22350-3100.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

#### FOR FURTHER INFORMATION CONTACT:

Curtis Bell, 571-372-0695.

#### SUPPLEMENTARY INFORMATION:

This proposed rule is part of DoD's retrospective plan, completed in August 2011, under Executive Order 13563, "Improving Regulation and Regulatory Review." DoD's full plan and updates can be accessed at: <http://www.regulations.gov/#!docketDetail;dct=FR+PR+N+O+SR;rpp=10;po=0;D=DOD-2011-OS-0036>.

#### I. Executive Summary

##### a. Purpose

The purpose of this regulatory action is to support the non-career uniformed service by taking appropriate actions to inform and assist uniformed Service members, former Service members, and individuals who apply for uniformed service of their rights, benefits, and obligations under USERRA.

##### b. Legal Authority

38 U.S.C. chapter 43.

The purposes of this chapter are:

(1) To encourage non-career service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and

(3) to prohibit discrimination against persons because of their service in the uniformed services.

#### II. Summary of the Major Provisions

This regulatory action:

a. Establishes procedures to maintain oversight of an effective program to ensure that uniformed Service members, former Service members, and individuals who apply for uniformed service are aware of their rights, benefits, and obligations under USERRA.

b. Describes policies that serve to promote and inform uniformed Service members, former Service members, and individuals of their rights who apply for uniformed service of their rights under USERRA.

#### III. Costs and Benefits

Based on the estimated costs of \$3000 per USERRA case that DOL spends to formally investigate a claim, DoD ESGR saves the Federal government over \$8 million dollars annually. ESGR operates and maintains a Customer Service Center (CSC) that acts as the initial entry point for USERRA complaints, inquiries, and information requests. The CSC provides prompt, expert telephonic and email responses to Service members and employers on all USERRA related matters. During Fiscal Year 2012 (FY (12)), ESGR received 21,521 contacts by telephone and email. Of those contacts, 2,793 resulted in actual USERRA cases for mediation purposes. There is no cost to the general public, including the Service member. The approximate cost of \$3000 is the estimated cost for the DOL to investigate formal complaints if ESGR's mediation program was not in place. The benefits of using ESGR services are Service members receive a timely response without additional cost.

#### IV. Background

This rule is designed to provide information about the USERRA to Service members, former service members, individuals who apply, and their employers through an informal mediation program run by the Employer