

exchanges of property for an annuity contract (other than an annuity contract that either is a debt instrument subject to sections 1271 through 1275, or is received from a charitable organization in a bargain sale governed by § 1.1011-2) after October 18, 2006.

(ii) This paragraph (j) is effective for exchanges of property for an annuity contract (other than an annuity contract that either is a debt instrument subject to sections 1271 through 1275, or is received from a charitable organization in a bargain sale governed by § 1.1011-2) after April 18, 2006 if the following conditions are met—

(A) The issuer of the annuity contract is an individual;

(B) The obligations under the annuity contract are not secured, either directly or indirectly; and

(C) The property transferred in exchange for the annuity contract is not subsequently sold or otherwise disposed of by the transferee during the two-year period beginning on the date of the exchange. For purposes of this provision, a disposition includes without limitation a transfer to a trust (whether a grantor trust, a revocable trust, or any other trust) or to any other entity even if solely owned by the transferor.

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 102-35

[FMR Case 2004-102-1; Docket 2006-0001; Sequence 3]

RIN 3090-AH93

### Federal Management Regulation; Disposition of Personal Property

**AGENCY:** Office of Governmentwide Policy, General Services Administration (GSA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The General Services Administration is reopening the comment period for the subject proposed rule. The proposed rule pertains to amending the Federal Management Regulation (FMR) by revising coverage on personal property and moving it into Subchapter B of the FMR. A proposed rule was published in the **Federal Register** on September 12, 2006 (71 FR 53646).

**DATES:** Interested parties should submit comments in writing on or before November 17, 2006 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FMR case 2004-102-1 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Search for any document by first selecting the proper document types and selecting “General Services Administration” as the agency of choice. At the “Keyword” prompt, type in the FMR case number (for example, FMR Case 2006-102-1) and click on the “Submit” button. You may also search for any document by clicking on the “Advanced search/document search” tab at the top of the screen, selecting from the agency field “General Services Administration”, and typing the FMR case number in the keyword field. Select the “Submit” button.

- Fax: 202-501-4067.

- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

*Instructions:* Please submit comments only and cite FMR case 2004-102-1 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Holcombe, Office of Governmentwide Policy, Personal Property Management Policy, at (202) 501-3828, or e-mail at [robert.holcombe@gsa.gov](mailto:robert.holcombe@gsa.gov), for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755, Room 4035, GS Building, Washington, DC, 20405. Please cite FMR case 2004-102-1.

Dated: October 12, 2006.

*Russ H. Pentz,*

*Assistant Deputy Associate Administrator.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 423

[CMS-4119-P]

RIN # 0938-AO58

### Medicare Program; Medicare Part D Data

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would allow the Secretary to use the claims information that is now being collected for Part D payment purposes for other research, analysis, reporting, and public health functions. The Secretary needs to use this data because other publicly available data are not, in and of themselves, sufficient for the studies and operations that the Secretary needs to undertake as part of the Department of Health and Human Service's obligation to oversee the Medicare program, protect the public health, and respond to Congressional mandates.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on December 18, 2006.

**ADDRESSES:** In commenting, please refer to file code CMS-4119-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to <http://www.cms.hhs.gov/eRulemaking>. Click on the link “Submit electronic comments on CMS regulations with an open comment period.” (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, we prefer Microsoft Word.)

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address *only*: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-4119-P, P.O. Box 8017, Baltimore, MD 21244-8017.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address *only*: Centers for Medicare &