

provides the private Third Party Administrator, contracted to provide administrative support services, with necessary data to determine beneficiary eligibility, other health insurance liability, premium payment, and to identify the selection of a health care option.

*Affected Public:* Individuals or household.

*Annual Burden Hours:* 75,000.

*Number of Respondents:* 300,000.

*Responses Per Respondent:* 1.

*Average Burden Per Response:* 15 minutes.

*Frequency:* On occasion.

**SUPPLEMENTARY INFORMATION:** The Department established TRICARE to provide for a more cost effective program for the delivery of health care services and to improve the quality of and access to health care services. In order to carry out this program, it is necessary that certain beneficiaries electing to enroll in the TRICARE Prime option complete an enrollment form. Completion of the enrollment form is an essential element of the TRICARE program.

Dated: May 14, 1999.

**L.M. Bynum,**

*Alternative OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 99-12802 Filed 5-20-99; 8:45 am]

BILLING CODE 5001-10-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Manual for Courts-Martial

**AGENCY:** Joint Service Committee on Military Justice (JSC).

**ACTION:** Notice of proposed amendments.

**SUMMARY:** The Department of Defense is considering recommending changes to the Manual for Courts-Martial, United States, (1998 ed.) [MCM]. The proposed changes are the 1999 draft annual review required by the MCM and DoD Directive 5500.17, "Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice," May 8, 1996. The proposed changes concern the rules of procedure and evidence applicable in trials by courts-martial and the punitive articles describing offenses. More specifically, the proposed changes would: (1) make a technical correction to a Rule for Courts-Martial (R.C.M.) reference; (2) clarify the rights of victims to be present at courts-martial; (3) raise the monetary amount affecting maximum punishments for various offenses; (4)

provide additional guidance regarding the charging of unauthorized credit, debit, or electronic transactions; (5) add firearm or explosive as additional criterion which would authorize greater punishment under Article 103, captured or abandoned property; and (6) delete part of the explanation of false official statement.

The proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon," May 21, 1964, and do not constitute the official position of the Department of Defense, Military Departments, or any other government agency.

This notice is provided in accordance with DoD Directive 5500.17, "Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice," May 8, 1996. This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law or by any party against the United States, its agencies, its officers, or any person.

**ADDRESSES:** Comments on the proposed change should be sent to LtCol Thomas C. Jaster, U.S. Air Force, Air Force Legal Services Agency, 112 Luke Avenue, Room 343, Bolling Air Force Base, Washington, DC 20332-8000.

**DATES:** Comments on the proposed changes must be received no later than August 4, 1999, for consideration by the JSC.

#### FOR FURTHER INFORMATION CONTACT:

LtCol Thomas C. Jaster, U.S. Air Force, Air Force Legal Services Agency, 112 Luke Avenue, Room 343, Bolling Air Force Base, Washington, DC 20332-8000, (202) 767-1539; FAX (202) 404-8755.

The full text of the affected sections follows:

R.C.M. 1305(d)(2) is amended to read as follows:

(2) Forwarding to the convening authority. The original and one copy of the record of trial shall be forwarded to the convening authority after compliance with subsection (d)(1) of this rule."

R.C.M. 1305(d). The Analysis to R.C.M. 1305(d) is deleted.

R.C.M. 1305(e). The Analysis to R.C.M. 1305(e) is amended as follows:

"(d) Forwarding copies of the record. Subsection (1) is based on Article 60(b)(2). Subsection (2) is based on the third paragraph 91c of MCM, 1969 (Rev.). Subsection (3) is self-explanatory.

1999 Amendment: The internal subsection reference in subsection (d)(2) was corrected to reflect the 1995 change which redesignated R.C.M. 1305(e) as R.C.M. 1305(d)"

M.R.E. 615 is amended to read as follows: "Rule 615. Exclusion of witness.

At the request of the prosecution of defense the military judge shall order witnesses excluded so that they cannot hear the testimony of other witnesses, and the military judge may make the order sua sponte. This rule does not authorize exclusion of (1) the accused, or (2) a member of an armed service or an employee of the United States designated as representative of the United States by the trial counsel, or (3) a person whose presence is shown by a party to be essential to the presentation of the party's case, or (4) a person authorized by statute to be present at courts-martial, or (5) any victim of an offense from the trial of an accused for that offense because such victim may testify or present any information in relation to the sentence or that offense during the presentencing proceedings."

The Analysis accompanying M.R.E. 615 is amended by inserting the following at the end thereof:

"1999 Amendment: These changes are intended to extend to victims at courts-martial the same rights granted to victims by The Victims' Rights and Restitution Act of 1990, 42 U.S.C. 10606(b)(4), giving crime victims "the right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial," and The Victim Rights Clarification Act of 1997, 18 U.S.C. 3510, which is restated in subsection (5). For the purposes of this rule, the term "victim" includes all persons defined as victims in 42 U.S.C. 10607(e)(2), which means "a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including—(A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and (B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference): (i) A spouse; (ii) a legal guardian; (iii) a parent; (iv) a child; (v) a sibling; (vi) another family member; or (vii) another person designated by the court." The victim's right to remain in the courtroom remains subject to other rules, such as those regarding classified information, witness department, and conduct in the courtroom. Subsection (4) is intended to

capture only those statutes applicable to courts-martial."

Paragraphs 32e, 33e, 46e, 49e, 52e, 58e, 78e, and 106e, Part IV, MCM, "Punitive Articles" are amended by substituting the value of "\$500.00" in lieu of "\$100.00" in all places the value appears.

The Analysis accompanying paragraph 32(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value). Although the monetary amount effecting punishment in 18 U.S.C. 1361, Government property or contracts, and 18 U.S.C. 641, Public money, property or records, was increased from \$100 to \$1000 pursuant to the Economic Espionage Act of 1996, Public Law 104-294, 11 Oct 96, a value of \$500 was chosen to maintain deterrence, simplicity and uniformity for the manual's property offenses."

The Analysis accompanying paragraph 33(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value)."

The Analysis accompanying paragraph 46(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value). Although the monetary

amount effecting punishment in 18 U.S.C. 1361, Government property or contracts, and 18 U.S.C. 641, Public money, property or records, was increased from \$100 to \$1000 pursuant to the Economic Espionage Act of 1996, Public Law 104-294, 11 Oct 96, a value of \$500 was chosen to maintain deterrence, simplicity and uniformity for the manual's property offenses."

The Analysis accompanying paragraph 49(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount of \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value)."

The Analysis accompanying paragraph 52(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value). A value of \$500 was chosen to maintain deterrence, simplicity and uniformity for the manual's property offenses. 18 U.S.C. 81, Arson within special maritime and territorial jurisdiction, no longer grades the offense on the basis of value."

The Analysis accompanying paragraph 58(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value)."

The Analysis accompanying paragraph 78(e) in Appendix 23, MCM

is amended by inserting the following at the end thereof.

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value)."

The Analysis accompanying paragraph 106(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 (suggesting \$500 as the value)."

Paragraph 27e(1)(a), Part IV, MCM, "Punitive Articles" is amended to read as follows:

"(a) of a value of \$500.00 or less. Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months."

Paragraph 27e(1)(b), Part IV, MCM, "Punitive Articles" is amended to read as follows:

"(b) of a value of \$500.00 or any firearm or explosive. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years."

The Analysis accompanying paragraph 27(e) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: The monetary amount affecting the maximum punishments has been revised from \$100 to \$500 to account for inflation. The last change was in 1969 raising the amount to \$100. The value has also been readjusted to realign it more closely with the division between felony and misdemeanor penalties in civilian jurisdictions. See generally, the American Law Institute Model Penal Code, (1980), § 223.1 1 (suggesting \$500 as the value). The amendment also adds the phrase "or any firearm or explosive" as an additional criterion. This is because, regardless of the intrinsic value of such items, the threat to the community is substantial when such

items are wrongfully bought, sold, traded, dealt in or disposed."

Paragraph 27f(3) Part IV, MCM, "Punitive Articles" is amended to read as follows:

"(3) Dealing in captured or abandoned property.

In that \_\_\_\_ (personal jurisdiction data), did, (at/on board-location), on or about \_\_\_\_ 19\_\_\_\_, (buy) (sell) (trade) (deal in) (dispose of) (\_\_\_\_) certain (captured) (abandoned) property, to wit: \_\_\_\_, ((a firearm) (an explosive)), of a value of (about) \$\_\_\_\_, thereby (receiving (expecting) a (profit) (benefit) (advantage) to (himself/herself) (\_\_\_\_, his/her accomplice) (\_\_\_\_, his/her brother) (\_\_\_\_))."

Paragraph 31c(6), Part IV, MCM, "Punitive Articles" is deleted.

The Analysis accompanying paragraph 31(c)(6) in Appendix 23, MCM is deleted and replaced with the following:

"1999 Amendment: Subparagraph c(6), "Statements made during an interrogation" was removed in light of *United States v. Solis*, 45 M.J. 31 (CAAF 1997)."

Paragraph 46c(1)(h), Part IV, MCM, "punitive Articles" is amended by creating the following new subparagraph (vi) as follows:

(vi) Credit, Debit, and Electronic Transactions. Wrongfully engaging in a credit, debit, or electronic transaction to obtain goods or money is an obtaining-type larceny by false pretense. Such use to obtain goods is usually a larceny of those goods from the merchant offering them. Such use to obtain money or a negotiable instrument (e.g. withdrawing cash from an automated teller or a cash advance from a bank) is usually a larceny of money from the entity presenting the money or a negotiable instrument. For the purpose of this section, the term "credit, debit, or electronic transaction" includes the use of an instrument or device, whether known as a credit card, debit card, automated teller machine (ATM) card or by any other name, including access devices such as code, account number, electronic serial number or personal identification number, issued for the use in obtaining money, goods, or anything else of value."

The Analysis accompanying paragraph 46(c) in Appendix 23, MCM is amended by inserting the following at the end thereof:

"1999 Amendment: Subparagraph c(1)(h)(vi) is new. It was added to provide guidance on how unauthorized credit, debit, or electronic transactions should usually be charged. See *United States v. Duncan*, 30 M.J. 1284 (N.M.C.M.R. 1990) citing *United States*

*v. Jones*, 29 C.M.R. 651 (A.B.R. 1960), petition denied, 30 C.M.R. 417 (C.M.A. 1960) regarding thefts from ATM machines. Alternatives charging theories are also available, see *United States v. Ragins*, 11 M.J. 42 (C.M.A. 1981); *United States v. Leslie*, 13 M.J. 170 (C.M.A. 1982); *United States v. Christy*, 18 M.J. 688 (N.M.C.M.R. 1984); and *United States v. Schaper*, 42 M.J. 737 (A.F.Ct.CrimApp. 1995) The key under Article 121 is that the accused wrongfully obtained goods or money from a person or entity with a superior possessory interest."

Dated: May 17, 1999.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 99-12805 Filed 5-20-99; 8:45 am]

BILLING CODE 5001-10-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

**AGENCY:** Department of the Defense, Defense Intelligence Agency.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

**DATE:** 25 May 1999 (0800 to 1600).

**ADDRESSES:** The Defense Intelligence Agency, 3100 Clarendon Blvd., Arlington, VA 22201-5300.

**DATE:** 26 May 1999 (0800 to 1600).

**ADDRESSES:** The Defense Intelligence Agency, 200 MacDill Bld., Washington, D.C. 20340-5100.

**FOR FURTHER INFORMATION CONTACT:** Maj. Donald R. Culp, Jr., USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC. 20340-1328 (202) 231-4930.

**SUPPLEMENTARY INFORMATION:** The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: May 17, 1999.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 99-12800 Filed 5-20-99; 8:45 am]

BILLING CODE 5001-10-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

**AGENCY:** Department of Defense, Defense Intelligence Agency.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

**DATES:** 24 May 1999 (900 am to 1600 pm).

**ADDRESSES:** The Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340-5100.

**FOR FURTHER INFORMATION CONTACT:** Maj. Donald R. Culp, Jr., USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340-1328, (202) 231-4930.

**SUPPLEMENTARY INFORMATION:** The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: May 17, 1999.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 99-12801 Filed 5-20-99; 8:45 am]

BILLING CODE 5001-10-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Strategic Environmental Research and Development Program, Scientific Advisory Board

**ACTION:** Notice of cancellation.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), cancellation of the announcement is made of the following Committee meeting: