

The 1995 Guaranteed Access Levels (GALs) for Categories 342/642 and 351/651 remain unchanged. The GALs for textile products in the following categories shall be increased:

Category	Guaranteed Access Level
338/638 .....	1,450,000 dozen.
339/639 .....	1,550,000 dozen.
444 .....	180,000 numbers.
633 .....	100,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95-24645 Filed 10-3-95; 8:45 am]

BILLING CODE 3510-DR-F

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Manual for Courts-Martial

**AGENCY:** Joint Service Committee on Military Justice.

**ACTION:** Notice of proposed amendment.

**SUMMARY:** The Joint Service Committee on Military Justice has completed its review of Federal Rules of Evidence 413 and 414, as implemented by the Violent Crime Control and Law Enforcement Act of 1994. Per Military Rule of Evidence 1102, these rules will apply to the military effective 6 January 1996, unless contrary action is taken by the President. The Department of Defense is considering the addition of Military Rules of Evidence 413 and 414, in place of the automatically incorporated Federal Rules, in order to adapt and tailor the rules to military practice. The proposed rules are contained in this notice.

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, the Military Departments, or any other government agency.

This notice is provided in accordance with DoD Directive 5500.17, "Review of the Manual for Courts-Martial", January 23, 1985. 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 by a party against the United States, its agencies, its officers, or any person.

The proposed Rules follow in their entirety:

#### *Rule 413. Evidence of Similar Crimes in Sexual Assault Cases*

(a) In a court-martial in which the accused is charged with an offense of sexual assault, evidence of the accused's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

(b) In a court-martial in which the Government intends to offer evidence under this rule, the Government shall disclose the evidence to the accused, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least five days before the scheduled date of trial or at such later time as the military judge may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, *offense of sexual assault* means an offense punishable under the Uniform Code of Military Justice, or a crime under Federal law or the law of a State that involved—

(1) Any sexual act or sexual contact, without consent, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(2) Contact, without consent, between any part of the accused's body or an object and the genitals or anus of another person;

(3) Contact, without consent, between the genitals or anus of the accused and any part of another person's body;

(4) Deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

(5) An attempt or conspiracy to engage in conduct described in paragraphs (1)–(4).

(e) For purposes of this rule, the term *sexual act* means:

(1) Contact between the penis and the vulva or the penis and the anus, and for purposes of this rule contact involving the penis occurs upon penetration, however slight;

(2) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) The penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(4) The intentional touching, not through the clothing, of the genitalia of

another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(f) For purposes of this rule, the term *sexual contact* means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(g) For purposes of this rule, the term "State" includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

#### *Rule 414. Evidence of Similar Crimes in Child Molestation Cases*

(a) In a court-martial in which the accused is charged with an offense of child molestation, evidence of the accused's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

(b) In a court-martial in which the Government intends to offer evidence under this rule, the Government shall disclose the evidence to the accused, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least five days before the scheduled date of trial or at such later time as the military judge may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, *child* means a person below the age of sixteen, and *offense of child molestation* means an offense punishable under the Uniform Code of Military Justice, or a crime under Federal law or the law of a State that involved—

(1) Any sexual act or sexual contact with a child, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(2) Any sexually explicit conduct with children, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(3) Contact between any part of the accused's body or an object and the genitals or anus of a child;

(4) Contact between the genitals or anus of the accused and any part of the body of a child;

(5) Deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

(6) An attempt or conspiracy to engage in conduct described in paragraphs (1)–(5).

(e) For purposes of this rule, the term *sexual act* means:

(1) Contact between the penis and the vulva or the penis and the anus, and for purposes of this rule contact involving the penis occurs upon penetration, however slight;

(2) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) The penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(4) The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(f) For purposes of this rule, the term *sexual contact* means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(g) For purpose of this rule, the term *sexually explicit conduct* means actual or simulated:

(1) Sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex;

(2) Bestiality;

(3) Masturbation;

(4) Sadistic or masochistic abuse; or

(5) Lascivious exhibition of the genitals or pubic area of any person.

(h) For purposes of this rule, the term "State" includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.

The proposed analysis for the Rules (Appendix 22, M.R.E.) is as follows:

**Rule 413. Evidence of Similar Crimes in Sexual Assault Cases**

**1996 Amendment.** This amendment is intended to provide for more liberal admissibility of character evidence in criminal cases of sexual assault where the accused has committed a prior act of sexual assault.

Rule 413 is nearly identical to its Federal Rule counterpart. A number of changes were made, however, to tailor the Rule to military practice. First, all references to Federal Rule 415 were deleted, as it applies only to civil proceedings. Second, military justice

terminology was substituted where appropriate (e.g. accused for defendant, court-martial for case). Third, the five-day notice requirement in Rule 413(b) replaced a fifteen-day notice requirement in the Federal Rule. A five-day requirement is better suited to military discovery practice. Fourth, Rule 413(d) has been modified to include violations of the Uniform Code of Military Justice. Also, the phrase "without consent" was added to Rule 413(d)(1) to specifically exclude the introduction of evidence concerning adultery or consensual sodomy. Last, all incorporation by way of reference was removed by adding subsections (e), (f), and (g). The definitions in those subsections were taken directly from title 18, United States Code §§ 2246(2), 2246(3), and 513(c)(5), respectively.

Although the Rule states that the evidence "is admissible," the drafters' intent that the courts apply Rule 403 balancing to such evidence. Apparently, this also was the intent of Congress. The legislative history reveals that "the general standards of the rules of evidence will continue to apply, including the restrictions on hearsay evidence and the court's authority under Evidence Rule 403 to exclude evidence whose probative value is substantially outweighed by its prejudicial effect." 156 F.R.D. 51 (1995) (Reprint of the Floor Statement of the Principal House Sponsor, Representative Susan Molinari, Concerning the Prior Crimes Evidence Rules for Sexual Assault and Child Molestation Cases).

When "weighing the probative value of such evidence, the court may, as part of its Rule 403 determination, consider proximity in time to the charged or predicate misconduct; similarity to the charged or predicate misconduct; frequency of the other acts; surrounding circumstances; relevant intervening events; and other relevant similarities or differences." 156 F.R.D. 51, 55 (1995) (Report of the Judicial Conference of the United States on the Admission of Character Evidence in Certain Sexual Misconduct Cases).

**Rule 414. Evidence of Similar Crimes in Child Molestation Cases**

**1996 Amendment.** This amendment is intended to provide for more liberal admissibility of character evidence in criminal cases of child molestation where the accused has committed a prior act of sexual assault or child molestation.

Rule 414 is nearly identical to its Federal Rule counterpart. A number of changes were made, however, to tailor the Rule to military practice. First, all

references to Federal Rule 415 were deleted, as it applies only to civil proceedings. Second, military justice terminology was substituted where appropriate (e.g. accused for defendant, court-martial for case). Third, the five-day notice requirement in Rule 414(b) replaced a fifteen-day notice requirement in the Federal rule. A five-day requirement is better suited to military discovery practice. Fourth, Rule 414(d) has been modified to include violations of the Uniform Code of Military Justice. Last, all incorporation by way of reference was removed by adding subsections (e) (f), (g), and (h). The definitions in those subsections were taken directly from title 18, United States Code §§ 2246(2), 2246(3), 2256(2), and 513(c)(5), respectively.

Although the Rule states that the evidence "is admissible," the drafters' intent that the courts apply Rule 403 balancing to such evidence. Apparently, this was also the intent of Congress. The legislative history reveals that "the general standards of the rules of evidence will continue to apply, including the restrictions on hearsay evidence and the court's authority under Evidence Rule 403 to exclude evidence whose probative value is substantially outweighed by its prejudicial effect." 156 F.R.D. 51 (1995) (Reprint of the Floor Statement of the Principal House Sponsor, Representative Susan Molinari, Concerning the Prior Crime Evidence Rules for Sexual Assault and Child Molestation Cases).

When "weighing the probative value of such evidence, the court may, as part of its Rule 403 determination, consider proximity in time to the charged or predicate misconduct; similarity to the charged or predicated misconduct; frequency of the other acts; surrounding circumstances; relevant intervening events; and other relevant similarities or differences." 156 F.R.D. 51, 55 (1995) (Report of the Judicial Conference of the United States on the Admission of Character Evidence in Certain Sexual Misconduct Cases.).

**EFFECTIVE DATE:** These amendments would apply, upon approval by the President, only in cases in which arraignment has been completed on or after the effective date.

**ADDRESSES:** Copies of the proposed changes may be examined at the Office of the Judge Advocate General, Criminal Law Division, Building 111, Washington Navy Yard, Washington, DC 20374. A copy of the proposed changes may be obtained by mail upon request from the foregoing address, ATTN: LT J. Russell McFarlane.

**DATES:** Comments on the proposed changes must be received no later than December 18, 1995 for consideration by the Joint Service Committee on Military Justice.

**FOR FURTHER INFORMATION CONTACT:** LT J. Russell McFarlane, JAGC, USNR, Executive Secretary, Joint Service Committee on Military Justice, Office of the Judge Advocate General, Criminal Law Division, Building 111, Washington Navy Yard, Washington, DC 20374-1111; (202) 433-5895.

Dated: September 29, 1995.  
L.M. Bynum,  
*Alternate OSD Federal Register Liaison Office, Department of Defense.*  
[FR Doc. 95-24663 Filed 10-3-95; 8:45 am]  
**BILLING CODE 5000-04-M**

### Joint Service Committee on Military Justice: Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a public meeting of the JSC. This notice also describes the functions of the JSC.

**DATES:** Wednesday, November 1, 1995, 10:00 a.m. to 12:00 p.m.

**ADDRESSES:** Building 111, Washington Navy Yard, Washington, DC.

**FUNCTION:** The JSC was established by the Judge Advocates General in 1972. The JSC currently operates under Department of Defense Directive 5500.17 of January 23, 1985. It is the function of the JSC to improve military justice through the preparation and evaluation of proposed amendments and changes to the Uniform Code of Military Justice and the Manual for Courts-Martial.

**AGENDA:** The JSC will receive public comment concerning proposed Military Rules of Evidence 413 and 414. Per Military Rule of Evidence 1102, Federal Rules 413 and 414 will apply to the military effective 6 January 1996, unless contrary action is taken by the President. The Department of Defense is considering the addition of Military Rules of Evidence 413 and 414, in place of the automatically incorporated Federal Rules, in order to adapt and tailor the rules to military practice. The proposed rules were published on October 4, 1995.

**FOR FURTHER INFORMATION CONTACT:** LT J. Russell McFarlane, JAGC, USNR, Executive Secretary, Joint Service Committee on Military Justice, Building 111, Washington Navy Yard,

Washington, DC 20374-1111; (202) 433-5895.

Dated: September 29, 1995.  
L.M. Bynum,  
*Alternate OSD Federal Register Liaison Officer, Department of Defense.*  
[FR Doc. 95-24661 Filed 10-3-95; 8:45 am]  
**BILLING CODE 5000-04-M**

### Defense Science Board Task Force on Quality of Life

**ACTION:** Notice of Advisory Committee Meeting.

**SUMMARY:** The Defense Science Board Task Force on Quality of Life will meet in open session on October 19, 1995 at the Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call LtCol Dave Witkowski at (703) 695-3769.

Dated: September 29, 1995.  
L.M. Bynum,  
*Alternate OSD Federal Register Liaison Officer, Department of Defense.*  
[FR Doc. 95-24662 Filed 10-3-95; 8:45 am]  
**BILLING CODE 5000-04-M**

### Department of the Army

#### Army Science Board Notice of Closed Meeting

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

*Name of Committee:* Army Science Board (ASB).

*Date of Meeting:* 24 & 25 October 1995.

*Time of Meeting:* 0800-1700, 24 October 1995; 0800-1200, 25 October 1995.

*Place:* Killeen, Texas.

*Agenda:* The Army Science Board will meet for their Fall General Membership Meeting to discuss ongoing ASB studies. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matter to be discussed is so inextricably intertwined so as to preclude opening any portion of these

meetings. For further information, please contact Michelle Diaz at (703) 695-0781.

Michelle P. Diaz,  
*Acting Administrative Officer, Army Science Board.*

[FR Doc. 95-24618 Filed 10-3-95; 8:45 am]  
**BILLING CODE 3710-08-M**

### Privacy Act of 1974; Notice to Amend Systems of Records

**AGENCY:** Department of the Army, DOD.  
**ACTION:** Notice to amend systems of records.

**SUMMARY:** The Department of the Army is amending three systems of records notices, and deleting one system in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The first amendment consolidates A0381-45cDAMI into A0381-45aDAMI. The system identifier and system name change from A0381-45aDAMI to A0381-20bDAMI entitled 'Counterintelligence/Security Files'. The exemption rules for A0381-45aDAMI and A0381-45cDAMI will be revised and deleted, respectively.

The second amendment revises system of records notice A0381-45bDAMI. One of the amendments changes the system identifier A0381-45bDAMI to A0614-115DAMI.

The third amendment revises system of records notice A0381-100aDAMI.

**DATES:** These proposed actions will be effective without further notice on November 3, 1995, unless comments are received which result in contrary determinations.

**ADDRESSES:** Privacy Act Officer, U.S. Army Information Systems Command, ATTN: ASOP-MP, Fort Huachuca, AZ 85613-5000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pat Turner at (602) 538-6856 or DSN 879-6856.

**SUPPLEMENTARY INFORMATION:** The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address above.

The Department of the Army is amending three systems of records notices, and deleting one system in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The first amendment consolidates A0381-45cDAMI into A0381-45aDAMI. The system identifier and system name change from A0381-45aDAMI to A0381-20bDAMI entitled