

U.S.C., Section 451, requires applicants to meet standards for enlistment into the Armed Forces. This information collection is the basis for determining eligibility of applicants for enlistment in the Armed Forces and is needed to verify data given by the applicant and to determine his/her qualification of enlistment. The information collected aids in the determination of qualifications, term of service, and grade in which a person, if eligible, will enter active duty or reserve status.

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Continuous Open Enrollment Demonstration for the Designated Provider Program

AGENCY: Health Affairs, Department of Defense.

ACTION: Notice of demonstration project.

SUMMARY: This notice is to advise interested parties of a demonstration project which will enroll military retirees and their family members (to include Medicare-eligible beneficiaries) in the Uniformed Services Family Health Plan on a continuous basis. The continuous open enrollment demonstration project will evaluate the benefits and costs of the program.

Continuous open enrollment for retirees and their family members in the Designated Provider program will result in enrollment requirements consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program. In this project, DoD will allow eligible retirees and their family members to elect to enroll in the Uniformed Services Family Health Plan at any time during the demonstration period in exchange for their agreement to receive comprehensive health care services from the Designated Provider. Funding for the demonstration for care provided will come from existing DoD appropriations. This demonstration will be conducted at three of the seven Designated Provider sites. DoD will conduct an analysis of the benefits and costs of the program using the enrolled populations of the other four Designated Providers as the control group. The demonstration is scheduled to end September 30, 2001.

DATES: May 4, 2000.

FOR FURTHER INFORMATION CONTACT: Earl Hanson, TRICARE Management Activity (703) 681-1757.

SUPPLEMENTARY INFORMATION:

A. Background

Health care for retirees and their family members, to include Medicare-eligible military retirees and family members, is now available under the Designated Provider program. When DoD transitioned the Uniformed Services Treatment Facilities to the Designated Provider program providing the TRICARE Prime benefit in 1998, the Department and the Designated Providers agreed by contract to limit enrollment of retirees and their family members to once per year. In accordance with the National Defense Authorization Act for Fiscal Year 2000, Section 707, the Department of Defense and the Designated Providers randomly selected three sites to actively participate in a continuous open enrollment demonstration that would allow retiree and retiree family members to enroll in the Uniformed Services Family Health Plan without regard to an annual open enrollment season. The remaining four Designated Providers will be control sites. The selected sites will comply with all provisions for their existing contracts and through a modification to the contracts, allow retirees and their family members to enroll at any time during the demonstration period. These enrollees will comply with existing managed care program policies and requirements for the Uniformed Services Family Health Plan.

C. Description of the Continuous Open Enrollment Demonstration

(1) *Location of Project:* Continuous open enrollment will be conducted in the geographical service area of the Sisters of Charity Health Care System located on Staten Island, New York; the Brighton Marine Health Center located in Boston, Massachusetts; and the Pacific Medical Center located in Seattle, Washington. The control group is a geographic service area operated by Martin's Point Health Care located in Portland, Maine; Johns Hopkins Medical Services Corporation located in Baltimore, Maryland; CHRISTUS Health located in Houston, Texas; and Fairview Health System located in Cleveland, Ohio. The geographical service area is identified by zip codes in and around the Designated Providers' corporate centers.

(2) *Continuous Open Enrollment Schedule:* Health care delivery is scheduled to begin on February 1, 2000, for the Sisters of Charity Health Care

System and the Brighton Marine Health Center. Pacific Medical Center will begin providing health care services on March 1, 2000. Prior to the beginning of health care delivery under this demonstration, the participating Designated Providers will issue public announcements providing information about the program and the enrollment process. The public announcements will indicate that an application acceptance period will begin in January 2000. The demonstration will continue until September 30, 2000.

(3) *Eligible population:* To be eligible to enroll in this demonstration a military retiree or their family member must, (1) be eligible for care from DoD, (2) reside within geographic service area of participating Designated Providers, and (3) be solely reliant for health care services from the Military Health System and/or Title XVIII of the Social Security Act.

(4) *Enrollment capacity:* Under this demonstration there is no limitation on the number of eligible beneficiaries that may enroll in the Designated Providers' Uniformed Services Family Health Plan. Enrollment outside the demonstration is limited to 110 percent of enrollment as of the first day of the previous fiscal year.

(5) *Enrollment:* Enrollment applications will be accepted by mail or in person at an address designated by the participating Designated Providers. The enrollment fee is currently \$230 for single enrollee and maximum of \$460 for a family. It is the Department's policy to encourage enrollment in Medicare Part B. Therefore, enrollment fees for Medicare-eligible enrollees that maintain their Medicare Part B monthly premiums are waived under the Uniformed Services Family Health Plan.

Enrollment under the demonstration is for a twelve-month period, which is automatically renewed annually. Beneficiaries may leave the program at the end of their twelve-month period by affirmatively requesting disenrollment approximately 60 calendar days prior to automatic renewal. Enrollees discontinuing their enrollment prior to any twelve-month period are locked out of further enrollment in DoD's TRICARE program for a period of twelve months from the effective date of their disenrollment. Portability, transfers, and split family enrollments exist between TRICARE regions and contractors, although portability and transfers for Medicare-eligible enrollees limited to Designated Provider geographic service areas.

As a condition of enrollment, each dual-eligible beneficiary will be required to receive all of his or her

health care services, except emergency care, through the Designated Provider program.

D. Impact of Demonstration Project on Enrollees and the Department of Defense.

The goal of the Designated Provider demonstration project is to allow retired beneficiaries and their dependents the opportunity to enroll throughout the program year. The evaluation will document the benefits of open enrollment opportunities to covered beneficiaries and the cost impact upon the Department of Defense, as well as a recommendation on whether to authorize open enrollments in the managed care plans of the Designated Providers permanently.

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial

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

ACTION: Notice of Proposed Amendments to the Manual for Courts-Martial, United States, (1998 ed.) and Notice of Public Meeting.

SUMMARY: The Department of Defense is considering recommending changes to the Manual for Courts-Martial, United States, (1998 ed.) (MCM). The proposed changes concern the rules of procedure applicable in trials by courts-martial and implement the amendment to Article 19 of the Uniform Code of Military Justice contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000. Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation. 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 also sets forth the date, time and location for the public meeting of the JSC to discuss the proposed changes.

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. A 30-day public comment period is set vice the normal 75-day period due to the need to expedite the conforming amendments to 10 U.S.C. 819 (Article 19, UCMJ). 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 any party against the United States, its agencies, its officers, or any person.

DATES: Comments on the proposed changes must be received no later than May 4, 2000 for consideration by the JSC. A public meeting will be held on Tuesday, April 18, 2000 at 2:00 p.m.

ADDRESSES: Comments on the proposed changes should be sent to Lt Col 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. The public meeting will be held at Room 808, 1501 Wilson Blvd, Arlington, VA 22209-2403.

FOR FURTHER INFORMATION CONTACT: Lt Col 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.

SUPPLEMENTARY INFORMATION: The proposed amendments to the Manual for Courts-Martial are as follows:

Amend R.C.M. 201(f)(2)(B)(i) to read as follows:

"Upon a finding of guilty, special courts-martial may adjudge, under limitations prescribed by this Manual, any punishment authorized under R.C.M. 1003 except death, dishonorable discharge, dismissal, confinement for more than 1 year, hard labor without confinement for more than 3 months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than 1 year."

Amend R.C.M. 201(f)(2)(B)(ii) to read as follows:

"(ii) A bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may not be adjudged by a special court-martial unless:

(a) Counsel qualified under Article 27(b) is detailed to represent the accused; and

(b) A military judge is detailed to the trial, except in a case in which a military judge could not be detailed because of physical conditions or military exigencies. Physical

conditions or military exigencies, as the terms are here used, may exist under rare circumstances, such as on an isolated ship on the high seas or in a unit in an inaccessible area, provided compelling reasons exist why trial must be held at that time and at that place. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to detail a military judge. If a military judge cannot be detailed because of physical conditions or military exigencies, a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may be adjudged provided the other conditions have been met. In that event, however, the convening authority shall, prior to trial, make a written statement explaining why a military judge could not be obtained. This statement shall be appended to the record of trial and shall set forth in detail the reasons why a military judge could not be detailed, and why the trial had to be held at that time and place."

Amend the analysis accompanying R.C.M. 201(f) by inserting the following before the discussion of subsection (3):

"2000 Amendment: Subsections (f)(2)(B)(i) and (f)(2)(B)(ii) were amended to remove previous limitations and thereby implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106-65, 113 Stat. 512 (1999). Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation."

Amend the seventh paragraph of the Discussion accompanying R.C.M. 601(e)(1) to read as follows:

"The convening authority should acknowledge by an instruction that no bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may be adjudged when the prerequisites under Article 19 will not be met. See R.C.M. 201(f)(2)(B)(ii). For example, this instruction should be given when a court reporter is not detailed."

Amend the first paragraph of the Discussion accompanying R.C.M. 808 to read as follows:

"Except in a special court-martial not authorized to adjudge a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, the trial counsel should ensure that a qualified court reporter is detailed to the court-martial. Trial counsel should also ensure that all exhibits and other documents relating to the case are properly maintained for later inclusion in the record. See also R.C.M. 1103(j) as to the use of videotapes, audiotapes, and similar recordings for the record of trial. Because of the potential requirement for a verbatim transcript, all proceedings, including sidebar conference, arguments, and rulings and instructions by the military judges, should be recorded."