Annual Responses: 500.

Average Burden Per Response: 25 minutes.

Annual Burden Hours: 208.

Needs and Uses: The Department of Defense Scientific and Technical Information Program (STIP) requires the exchange of scientific and technical information within and among Federal Government agencies and their contractors. The data that the Defense Technical Information Center (DTIC) handles is controlled, either because of distribution limitations or security classification. For this reason, all potential users are required to register for service. The registration procedure is mandated by DoD Directive 5200.21, Dissemination of DoD Technical Information. Federal Government agencies and their contractors are required to complete the DoD Form 1540, Registration for Scientific and Technical Information Services. The contractor community completes a separate DD Form 1540 for each contract or grant and registration is valid until the contract expires. All collected information is verified by DTIC's Registration Branch.

Affected Public: Business or other for-profit; not-for-profit institutions; State, Local, or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 5, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–12319 Filed 5–8–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Request for Approval of Foreign Government Employment of Air Force Members; OMB Number 0701–0134.

Type of Request: Reinstatement.

Number of Respondents: 148.

Responses Per Respondent: 1.

Annual Responses: 148.

Average Burden Per Response: 1 hour.

Annual Burden Hours: 148.

Needs and Uses: The information collection requirement is to obtain the information needed by the Secretary of the Air Force and the Secretary of State on which to base a decision to approve or disapprove a request to work for a foreign government. This approval is specified by Title 37, United States Code Section 908. This statute delegates such approval authority of Congress to the respective service secretaries and to the Secretary of State. Respondents are Air Force retired members who have gained jobs with a foreign government and who must obtain approval of the Secretary of the Air Force and the Secretary of State to do so. Information, in the form of a letter, includes a detailed description of duty, name of employer, Social Security Number, and statements specifying whether or not the employee will be compensated; declaring if employee will be required or plans to obtain foreign citizenship; declaring that the member will not be required to execute an oath of allegiance of the foreign government; verifying that the member understands that retired pay equivalent to the amount received from the foreign government may be withheld if he or she accepts employment with a foreign government before receiving approval. Reserve members only must include a request to be reassigned to Inactive Status List Reserve Section (Reserve Section Code RB). After verifying the status of the individual, the letter is forwarded to the Air Force Review Board for processing. If the signed letter is not included in the file, individuals reviewing the file cannot furnish the necessary information to the Secretary of the Air Force and the Secretary of State on which a decision can be made. Requested information is necessary to maintain the integrity of the Request for Approval of Foreign Government Employment Program.

Affected Public: Individuals or households; business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 5, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–12320 Filed 5–8–98; 8:45 am]

BILLING CODE 5000–04–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, (1995 ed.) [MCM]. The proposed changes are the 1998 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 preamble, the rules of procedure and evidence applicable in trials by courts-martial and the punitive articles describing offenses. The proposed changes to one offense are contingent upon the passage of legislation amending that offense. More specifically, the proposed changes would: (1) Clarify the method of identifying amendments to and editions of the MCM should more than one executive order be signed in a given year; (2) set forth the rules for issuing protective orders preventing the parties and witnesses from making out of court statements when there is a substantial likelihood of material prejudice to a fair trial; (3) clarify which ''convictions'' are admissible on sentencing; (4) incorporate numerous references into the existing rules, discussion, and punitive articles to confinement with or

without eligibility for parole (authorized punishments, other penalties for capital cases, voting procedures, number of votes required for reconsideration of sentence, maximum punishments, mandatory minimums, proposals of sentences, and action on the sentence); (5) update all of the sample specifications by removing the reference to the 20th century from the date of the offense; (6) reject the automatic change to M.R.E. 407 based on the December 1, 1997 change to F.R.E. 407; (7) delete M.R.E. 415 (Evidence of Similar Acts in Civil Cases concerning Sexual Assault or Child Molestation); and (8) implement changes to paragraph 35 of the punitive articles (Article 111 Drunken or reckless operation of a vehicle, aircraft, or vessel) contingent upon the passage of legislation amending Article 111 of the UCMJ to provide a blood/alcohol blood/breath concentration of 0.08 or more as a per se standard of illegal intoxication.

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, ''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 by any party against the United States, its agencies, its officers, or any person.

ADDRESSES: Comments on the proposed changes 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 July 27, 1998, 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:

The last subparagraph of paragraph 4 of the Preamble is amended to read as follows:

''The Manual shall be identified as ''Manual for Courts-Martial, United States (XXXX edition).'' Any amendments to the Manual made by Executive Order shall be identified as ''XXXX Amendments to the Manual for Courts-Martial, United States''; ''XXXX'' being the year the Executive order was signed. If two or more Executive Orders amending the Manual are signed during the same year, then the second and any subsequent Executive Orders will be identified by placing a small case letter of the alphabet after the last digit of the year beginning with ''a'' for the second Executive Order and continuing in alphabetic order for subsequent Executive Orders.''

The Discussion following the Preamble is amended by adding the following at the end of the Discussion:

''The 1999 amendment to paragraph 4 of the Preamble is intended to address the possibility of more frequent amendments to the Manual and the arrival of the 21st century. In the event that multiple editions of the Manual are published in the same year, the numbering and lettering of the edition should match that of the most recent Executive Order included in the publication.''

R.C.M. 806 is amended by adding the following new subparagraph (d) as follows:

''(d) Protective orders. The military judge may, upon request of any party or *sua sponte,* issue an appropriate protective order, in writing, to prevent parties and witnesses from making extrajudicial statements that present a substantial likelihood of material prejudice to a fair trial by impartial members. For purposes of this subsection, ''military judge'' does not include the president of a special court-martial without a military judge.''

The following Discussion is added after R.C.M. 806(d):

''A protective order may proscribe extrajudicial statements by counsel, parties, and witnesses that might divulge prejudicial matter not of public record in the case. Other appropriate matters may also be addressed by such a protective order. Before issuing a protective order, the military judge must consider whether other available remedies would effectively mitigate the adverse effects that any publicity might create, and consider such an order's likely effectiveness in ensuring an impartial court-martial panel. A military judge should not issue a protective order without first providing notice to the parties and an opportunity to be heard. The military judge must state on the record the reasons for issuing the protective order. If the reasons for issuing the order change, the military judge may reconsider the continued necessity for a protective order.''

The Analysis accompanying R.C.M. 806(d) is created as follows:

''*1999 Amendment:* Section (d) was added to codify the military judge's power to issue orders limiting trial participants' extrajudicial statements in appropriate cases. *See United States* v. *Garwood,* 16 M.J. 863, 868 (N.M.C.M.R. 1983) (finding military judge was justified in issuing restrictive order prohibiting extrajudicial statements by trial participants), aff'd on other grounds, 20 M.J. 148 (C.M.A. 1985); *United States* v. *Clark,* 31 M.J. 721, 724 (A.F.C.M.R. 1990) (suggesting, but not deciding, that the military judge properly limited trial participants' extrajudicial statements).

The public has a legitimate interest in the conduct of military justice proceedings. Informing the public about the operations of the criminal justice system is one of the ''core purposes'' of the First Amendment. In the appropriate case where the military judge is considering issuing a protective order, absent exigent circumstances, the military judge must conduct a hearing prior to issuing such an order. Prior to such a hearing the parties will have been provided notice. At the hearing, all parties will be provided an opportunity to be heard. The opportunity to be heard may be extended to representatives of the media in the appropriate case.

Section (d) is based on the first Recommendation Relating to the Conduct of Judicial Proceedings in Criminal Cases, included in the Revised Report of the Judicial Conference Committee on the Operation of the Jury System on the ''Free Press-Fair Trial'' Issue, 87 F.R.D. 519, 529 (1980), which was approved by the Judicial Conference of the United States on September 25, 1980. The requirement that the protective order be issued in writing is based on Rule for Courts-Martial 405(g)(6). Section (d) adopts a ''substantial likelihood of material prejudice'' standard in place of the Judicial Conference recommendation's ''likely to interfere'' standard. The Judicial Conference's recommendation was issued before the Supreme Court's decision in *Gentile* v. *State Bar of Nev.,* 501 U.S. 1030 (1991). *Gentile,* which dealt with a Rule of Professional Conduct governing extrajudicial statements, indicates that a lawyer may be disciplined for making statements that present a substantial likelihood of material prejudice to an accused's right

to a fair trial. While the use of protective orders is distinguishable from limitations imposed by a bar's ethics rule, the *Gentile* decision expressly recognized that the ''speech of lawyers representing clients in pending cases may be regulated under a less demanding standard than that established for regulation of the press in *Nebraska Press Ass'n* v. *Stuart,* 427 U.S. 539 (1976), and the cases which preceded it.'' 501 U.S. at 1074. The Court concluded that ''the 'substantial likelihood of material prejudice' standard constitutes a constitutionally permissible balance between the First Amendment rights of attorneys in pending cases and the State's interest in fair trials.'' *Id.* at 1075. *Gentile* also supports the constitutionality of restricting communications of non-lawyer participants in a court case. *Id.* at 1072–73 (citing *Seattle Times Co.* v. *Rhinehart,* 467 U.S. 20 (1984)). Accordingly, a protective order issued under the ''substantial likelihood of material prejudice'' standard is constitutionally permissible.

The first sentence of the discussion is based on the committee comment to the Recommendations Relating to the Conduct of Judicial Proceedings in Criminal Cases. 87 F.R.D. at 530. For a definition of ''party,'' see R.C.M. 103(16). The second sentence of the discussion is based on the first of the Judicial Conference's recommendations concerning special orders. *Id.* at 529. The third sentence of the discussion is based on the second of the Judicial Conference's recommendations, *id.* at 532, and on *United States* v. *Salameh,* 992 F.2d 445, 447 (2d Cir. 1993) (per curiam), and *In re Application of Dow Jones & Co.,* 842 F.2d 603, 611, 612 n.1 (2d Cir.), *cert. denied,* 488 U.S. 946 (1988). The fourth sentence is based on *Salameh,* 992 F.2d at 447. The fifth sentence is based on *In re Halkin,* 598 F.2d 176, 196–97 (D.C. Cir. 1979), and Rule for Courts-Martial 905(d).''

R.C.M. 1001(b)(3)(A) is amended to read as follows:

''(A) In general. The trial counsel may introduce evidence of military or civilian convictions of the accused. For purposes of this rule, there is a ''conviction'' in a court-martial case when a sentence has been adjudged. In a civilian case, a ''conviction'' includes any disposition following an initial judicial determination or assumption of guilt, such as when guilt has been established by guilty plea, trial, or plea of *nolo contendere,* regardless of the subsequent disposition, sentencing procedure, or final judgment. However, a ''civilian conviction'' does not include a diversion from the judicial process without a finding or admission of guilt; expunged convictions; juvenile adjudications; minor traffic violations; foreign convictions; tribal court convictions; or convictions reversed, vacated, invalidated or pardoned because of errors of law or because of subsequently discovered evidence exonerating the accused.''

The Discussion following R.C.M. 1001(b)(3)(A) is amended by adding the following at the end of the Discussion:

''Whether a civilian conviction is admissible is left to the discretion of the military judge. As stated in the rule, a civilian ''conviction'' includes any disposition following an initial judicial determination or assumption of guilt regardless of the sentencing procedure and the final judgment following probation or other sentence. Therefore, convictions may be admissible regardless of whether a court ultimately suspended judgment upon discharge of the accused following probation, permitted withdrawal of the guilty plea, or applied some other form of alternative sentencing. Additionally the term ''conviction'' need not be taken to mean a final judgment of conviction and sentence.''

The Analysis accompanying R.C.M. 1001(b)(3)(A) is amended by inserting the following at the end thereof:

''1999 Amendment: As previously written, R.C.M. 1001(b)(3)(A) offered little guidance about what it meant by ''civilian convictions.'' *See, e.g., United States* v. *White,* 47 M.J. 139 (CAAF 1997); *United States* v. *Barnes,* 33 M.J. 468 (CMA 1992); *United States* v. *Slovacek,* 24 M.J. 140 (CMA), *cert. denied,* 484 U.S. 855, 108 S.Ct. 161, 98 L.Ed.2d 115 (1987). The present rule addresses this void and intends to give the sentencing authority as much information as the military judge determines is relevant in order to craft an appropriate sentence for the accused.

Unlike most civilian courts, this rule does not allow admission of more extensive criminal history information, such as arrests. Use of such additional information is not appropriate in the military setting where court-martial members, not a military judge, often decide the sentence. Such information risks unnecessarily confusing the members.

The present rule clarifies the term ''conviction'' in light of the complex and varying ways civilian jurisdictions treat the subject. The military judge may admit relevant evidence of civilian convictions without necessarily being bound by the action, procedure, or nomenclature of civilian jurisdictions. Examples of judicial determinations admissible as convictions under this rule include accepted pleas of *nolo contendere,* pleas accepted under *North Carolina* v. *Alford,* 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970), or deferred sentences. If relevant, evidence of forfeiture of bail that results in a judicial determination of guilt is also admissible, as recognized in *United States* v. *Eady,* 35 M.J. 15 (CMA 1992). While no time limit is placed upon the admissibility of prior convictions, the military judge should conduct a balancing test to determine whether convictions older that ten years should be admitted or excluded on the basis of relevance and fundamental fairness.

The two central factors in this rule are (1) judicial determination of guilt and (2) assumption of guilt. So long as either factor is present, the ''conviction'' is admissible, if relevant. Consequently, this rule departs from the holding in *United States* v. *Hughes,* 25 M.J. 119 (CMA 1988), where the accused pleaded guilty in a Texas court, but the judge did not enter a finding of guilty under state law allowing ''deferred adjudications.'' Under the present rule, the ''conviction'' would be admissible because the accused pleaded guilty in a judicial proceeding, notwithstanding the fact that the state judge did not enter a finding of guilty.

In contrast, ''deferred prosecutions,'' where there is neither an admission of guilt in a judicial proceeding nor a finding of guilty, would be excluded. The rule also excludes expunged convictions, juvenile adjudications, minor traffic violations, foreign convictions, and tribal court convictions as matters inappropriate for or unnecessarily confusing to courts-martial members. What constitutes a ''minor traffic violation'' within the meaning of this rule is to be decided with reference only to principles of federal law, and not to the laws of individual states.

Additionally, because of the lack of clarity in the previous rule, courts sometimes turned to M.R.E. 609 for guidance. *See, e.g., United States* v. *Slovacek,* 24 M.J. 140 (CMA), *cert. denied,* 484 U.S. 855, 108 S.Ct. 161, 98 L.Ed.2d 115 (1987). We note that because the policies behind M.R.E. 609 and the present rule differ greatly, a conviction that may not be appropriate for impeachment purposes under M.R.E. 609, may nevertheless be admissible under the present rule.

The Federal Sentencing Guidelines were consulted when drafting the present rule. Although informed by those guidelines, the present rule departs from them in many respects because of the wide differences between

the courts-martial process and practice in federal district court.''

R.C.M. 1003(b)(8) is amended to read as follows:

''(8) Confinement. The place of confinement shall not be designated by the court-martial. When confinement for life is authorized, it may be with or without eligibility for parole. A court-martial shall not adjudge a sentence to solitary confinement or to confinement without hard labor;''

The Discussion following R.C.M. 1003(b)(8) is amended by adding the following at the end of the Discussion:

''See Article 56a.''

The Analysis accompanying R.C.M. 1003(b)(8) is amended by inserting the following at the end thereof:

''1999 Amendment: This change resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, 111 Stat. 1629, 1759 (1997).''

R.C.M. 1004(e) is amended to read as follows:

''(e) Other penalties. Except for a violation of Article 106, when death is an authorized punishment for an offense, all other punishments authorized under R.C.M. 1003 are also authorized for that offense, including confinement for life with or without eligibility for parole, and may be adjudged in lieu of the death penalty, subject to limitations specifically prescribed in the Manual. A sentence of death includes a dishonorable discharge or dismissal as appropriate. Confinement is a necessary incident of a sentence of death, but not part of it.''

The Analysis accompanying R.C.M. 1004(e) is amended by inserting the following at the end thereof:

''1999 Amendment: This change resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, 111 Stat. 1629, 1759 (1997).''

The Discussion following R.C.M. 1006(c) is amended to read as follows:

''A proposal should state completely each kind and, when appropriate, amount of authorized punishment proposed by that member. For example, a proposal of confinement for life would state whether it is with or without eligibility for parole. See R.C.M. 1003(b).''

The Analysis accompanying R.C.M. 1006(c) is amended by inserting the following at the end thereof:

''1999 Amendment: This change to the discussion resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, 111 Stat. 1629, 1759 (1997).''

R.C.M. 1006(d)(4)(B) is amended to read as follows:

''(B) Confinement for life with or without eligibility for parole or more than 10 years. A sentence which includes confinement for life with or without eligibility for parole or more than 10 years may be adjudged only if at least three-fourths of the members present vote for that sentence.''

The Analysis accompanying R.C.M. 1006(d)(4)(B) is amended by inserting the following at the end thereof:

''1999 Amendment: This change resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, 111 Stat. 1629, 1759 (1997).''

R.C.M. 1009(e)(3)(B)(ii) is amended to read as follows:

''(ii) In the case of a sentence which includes confinement for life, with or without eligibility for parole, or more than 10 years, more than one-fourth of the members vote to reconsider; or''

The Analysis accompanying R.C.M. 1009(e)(3)(B)(ii) is amended by inserting the following at the end thereof:

''1999 Amendment: This change resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, 111 Stat. 1629, 1759 (1997).''

The second paragraph of the Discussion following R.C.M. 1107(d) is amended to read as follows:

''When mitigating forfeitures, the duration and amounts of forfeiture may be changed as long as the total amount forfeited is not increased and neither the amount nor duration of the forfeitures exceeds the jurisdiction of the court-martial. When mitigating confinement or hard labor without confinement, the convening authority should use the equivalencies at R.C.M. 1003(b)(6) and (7), as appropriate. One form of punishment may be changed to a less severe punishment of a different nature, as long as the changed punishment is one that the court-martial could have adjudged. For example, a sentence of death may be changed to confinement for life with or without eligibility for parole and a sentence of confinement for life without eligibility for parole may be changed to confinement for life with eligibility for parole or to confinement for a term of years. Also a bad-conduct discharge adjudged by a special court-martial may be changed to confinement for 6 months (but not vice versa). A pretrial agreement may also affect what punishments may be changed by the convening authority.''

The Analysis accompanying R.C.M. 1107(d) is amended by inserting the following at the end thereof:

''1999 Amendment: This change to the discussion resulted from the enactment of Article 56a, UCMJ, in section 581 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, 111 Stat. 1629, 1759 (1997).''

M.R.E. 407 retains its wording as it existed on December 1, 1997.

The Analysis accompanying M.R.E. 407 is amended as follows:

''1999 Amendment: The amendment to Federal Rule of Evidence 407, effective December 1, 1997 does not apply. The Committee agrees with the Federal Advisory Committee that the rule applies only to changes made after the event that gave rise to the specification and that measures taken prior to the event do not fall within the exclusionary scope of Rule 407. However, the Committee believes the rule's current language is more appropriate for a criminal rule of evidence.''

M.R.E. 415 is deleted by amending the Rule to read as follows:

''Rule 415. Evidence of similar acts in civil cases concerning sexual assault or child molestation (Does not apply).''

The Analysis accompanying M.R.E. 415 is created as follows:

''1999 Amendment: The Rule was deleted because of its inapplicability to courts-martial.''

All ''Sample specification(s)'' subparagraphs in the Punitive Articles (Part IV, MCM) are amended as follows:

''_____ 19 _____'' is deleted and replaced by ''_____ _____''

Paragraph 43a(4) is amended to read as follows:

''(4) is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson; is guilty of murder, and shall suffer such punishment as a court-martial may direct, except that if found guilty under clause (1) or (4), he shall suffer death or imprisonment for life with or without eligibility for parole as a court-martial may direct.''

Paragraph 43e(1), is amended to read as follows:

''(1) Article 118(1) or (4)—death. Mandatory minimum—imprisonment for life with eligibility for parole.''

Paragraph 45e(3) is amended to read as follows:

''(3) Carnal knowledge with a child under the age of 12 years at the time of the offense. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''

Paragraph 51e(1) is amended to read as follows:

''(1) By force and without consent. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''

Paragraph 51e(3) is amended to read as follows:

''(3) With a child under the age of 12 years at the time of the offense. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''

Paragraph 92e is amended to read as follows:

''e. Maximum punishment. Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.''

Paragraph 35a(2) is amended (contingent on the prior passage of implementing legislation) to read as follows:

''(2) operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath, as shown by chemical analysis, shall be punished as a court-martial may direct.''

Paragraph 35b(2)(c) is amended (contingent on the prior passage of implementing legislation) to read as follows:

''(c) the alcohol concentration in the accused's blood or breath was 0.08 grams of alcohol per 100 milliliters of blood or 0.08 grams of alcohol per 210 liters of breath, or greater, as shown by chemical analysis.

[**Note:** If injury resulted add the following element]''

Paragraph 35f is amended (contingent on the prior passage of implementing legislation) to read as follows:

''f. Sample specification.

In that **XXXX** (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ _____, (in the motor pool area) (near the Officer's Club) (at the intersection of _____ and _____) (while in the Gulf of Mexico) (while in flight over North America) physically control [a vehicle, to wit: (a truck) (a passenger car) (_____)] [an aircraft, to wit: (an AH–64 helicopter) (an F–18 fighter) (a KC–135 tanker) (_____)] [a vessel, to wit: (the aircraft carrier USS _____) (the Coast Guard Cutter _____) (_____)], [while drunk] [while impaired by _____] [while the alcohol concentration in his/her (blood was 0.08 grams of alcohol per 100 milliliters of blood or greater) (breath was 0.08 grams of alcohol per 210 liters of breath or greater) as shown by chemical analysis] [in a (reckless) (wanton) manner by (attempting to pass another vehicle on a sharp curve) (by ordering that the aircraft be flown below the authorized altitude)] and did thereby cause said (vehicle) (aircraft) (vessel) to (strike and) (injure _____)].''

The following paragraph is added (contingent on the prior passage of implementing legislation) at the end of the existing Analysis to Article 111, Appendix 23, MCM:

''1999a Amendment: Subparagraphs a, b, and f were amended to implement the amendment to 10 U.S.C. 911 (Article 111, UCMJ) contained in section XXX of the National Defense Authorization Act of Fiscal Year 199X, Public Law XXX, XXX Stat. XXX, XXX (199X). The amendment provides a blood/alcohol blood/breath concentration of 0.08 or more as a per se standard of illegal intoxication. The change will not, however, preclude prosecution where no chemical test is taken or even where the results of the chemical tests are below the statutory limits, where other evidence of intoxication is available.''

Dated: May 5, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–12337 Filed 5–8–98; 8:45 am]

BILLING CODE 5000–04–U

DEPARTMENT OF DEFENSE

Office of Secretary

Meeting of the Defense Environment Response Task Force (DERTF)

AGENCY: Office of the Deputy Under Secretary of Defense (Environmental Security).

ACTION: Notice of business meeting and hearing.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a business meeting and hearing of the Defense Environmental Response Task Force (DERTF). The DERTF is charged with studying and providing findings and recommendations on environmental response actions at military installations being closed or realigned. This meeting is a follow-up to the January 27–29, 1998, meeting. The DERTF will discuss issues related to BRAC funding and the progress of BRAC cleanup, environmental actions at BRAC installations beyond remedy in place, institutional controls, information management, other matters related to cleanup at closing military installations, and the Task Force's FY98 Report to Congress. The DERTF will also be briefed on the cleanup program at Glenview Naval Air Station, Illinois. The business meeting and hearing will be open to the public. Public witnesses desiring to speak before the DERTF should contact Shah Choudhury, Executive Secretary, and prepare a written statement that can be summarized orally before the DERTF at the time to be fixed for public witnesses. Written statements must be received by the close of business June 22, 1998, at the Office of the Under Secretary of Defense (Environmental Security).

DATES: July 21, 1998, 9:30 a.m. to 8:30 p.m.; July 22, 1998, 8:00 a.m. to 8:00 p.m.; July 23, 1998, 9:00 a.m. to 5:00 p.m.

PUBLIC COMMENT PERIOD: July 22, 1998, 7:00 p.m. to 8:00 p.m.

ADDRESSES: Northshore Doubletree Hotel, 9599 Skokie Blvd., Skokie, Illinois 60077.

FOR FURTHER INFORMATION CONTACT: Mr. Shah Choudhury, Executive Secretary, Office of the Deputy Under Secretary of Defense (Environmental Security), 3400 Defense Pentagon, Washington, DC 20301–3400; telephone (703) 697–7475; e-mail choudhsa@acq.osd.mil.

Dated: May 5, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–12324 Filed 5–8–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Presidential Advisory Committee on High Performance Computing and Communications, Information Technology, and the Next Generation Internet

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the next meeting of the Presidential Advisory Committee on High Performance Computing and Communications, Information Technology, and the Next Generation Internet. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act, (Pub. L. 92–463).

DATES: May 19, 1998.

ADDRESSES: NSF Board Room (Room 1235), National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.