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. 1,550,000 dozen. 180,000 numbers. 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.
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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, it 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