

agency access to each such visual depiction.

(b) It shall be an affirmative defense to any offense under this paragraph that all of the persons engaging in sexually explicit conduct in a visual depiction were in fact persons at least 18 years old.

(11) On motion of the government, in any prosecution under this paragraph, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography or visual depiction or copy thereof shall not be admissible and may be redacted from any otherwise admissible evidence, and the panel shall be instructed, upon request of the Government, that it can draw no inference from the absence of such evidence.

d. *Lesser included offenses.*

(1) *Possessing, receiving, or viewing child pornography*

Article 80—attempts.

(2) *Possessing child pornography with intent to distribute*

Article 80—attempts.

Article 134—possessing child pornography.

(3) *Distributing child pornography*

Article 80—attempts.

Article 134—possessing child pornography.

Article 134—possessing child

pornography with intent to distribute.

(4) *Producing child pornography*

Article 80—attempts.

Article 134—possessing child pornography.

Article 134—possessing child pornography with intent to distribute.

e. *Maximum punishment.*

(1) *Possessing, receiving, or viewing child pornography.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 10 years.

(2) *Possessing child pornography with intent to distribute.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.

(3) *Distributing child pornography.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(4) *Producing child pornography.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.

f. *Sample specification.*

*Possessing, receiving, viewing, possessing with intent to distribute, distributing or producing child pornography.*

In that \_\_\_\_\_ (personal jurisdiction data), did, at \_\_\_\_\_, on or about

\_\_\_\_\_ knowingly and wrongfully (possess)(receive)(view)(distribute) (produce) child pornography, to wit: A (photograph)(video)(film)(picture) (digital image)(computer image) of a minor, or what appears to be a minor, engaging in sexually explicit conduct (, with intent to distribute the said child pornography).”

*Section 3.* These amendments shall take effect on [30 days after signature].

(a) Nothing in these amendments shall be construed to make punishable any act done or omitted prior to [30 days after signature] that was not punishable when done or omitted.

(b) Nothing in these amendments shall be construed to invalidate any nonjudicial punishment proceedings, restraint, investigation, referral of charges, trial in which arraignment occurred, or other action begun prior to [30 days after signature], and any such nonjudicial punishment, restraint, investigation, referral of charges, trial, or other action may proceed in the same manner and with the same effect as if these amendments had not been prescribed.

#### **The White House**

*Changes to the Discussion Accompanying the Manual for Courts Martial, United States*

(a) Paragraph (4) of the Discussion immediately after R.C.M. 202(a) is amended to read as follows:

“(4) *Limitations on jurisdiction over civilians.* Court-martial jurisdiction over civilians under the code is limited by judicial decisions. The exercise of jurisdiction under Article 2(a)(11) in peace time has been held unconstitutional by the Supreme Court of the United States. Before initiating court-martial proceedings against a civilian, relevant statutes, decisions, service regulations, and policy memoranda should be carefully examined.”

(b) The first paragraph of the Discussion following R.C.M. 1003(b)(3) is amended to read as follows:

A fine is in the nature of a judgment and, when ordered executed, makes the accused immediately liable to the United States for the entire amount of money specified in the sentence. A fine normally should not be adjudged against a member of the armed forces unless the accused was unjustly enriched as a result of the offense of which convicted. In the case of a civilian subject to military law, a fine, rather than a forfeiture, is the proper monetary penalty to be adjudged, regardless of whether unjust enrichment is present.

*Changes to Appendix 21, Analysis of Rules for Courts-Martial*

(a) Add the following to the Analysis accompanying R.C.M. 1106(d):

“200 Amendment: Subsection (d) is restated in its entirety to clarify that subsections (d)(4), (d)(5) and (d)(6) were not intended to be eliminated by the 2008 Amendment.

2008 Amendment: Subsections (d)(1) and (d)(3) were modified to simplify the requirements of the staff judge advocate’s or legal officer’s recommendation.”

*Changes to Appendix 23, Analysis of Punitive Articles*

(a) Add the following to the Analysis accompanying Paragraph 44, Article 119—Manslaughter:

“b. *Elements.*

200 Amendment: The 2008 Amendment inadvertently omitted the change to this paragraph in the 2007 Amendment. Paragraph (2)(d) of the elements is corrected to restore the 2007 Amendment.

2008 Amendment: Notes were included to add an element if the person killed was a child under the age of 16 years.

e. *Maximum punishment.*

2008 Amendment: The maximum authorized confinement for voluntary manslaughter was increased from 15 years to 20 years when the person killed was a child under the age of 16 years. The maximum authorized confinement for involuntary manslaughter was increased from 10 years to 15 years when the person killed was a child under the age of 16 years.”

September 15, 2008.

**Morgan Frazier,**

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

[FR Doc. E8–21965 Filed 9–18–08; 8:45 am]

BILLING CODE 5001-06-P

## **DEPARTMENT OF DEFENSE**

### **Department of the Army**

#### **Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Concerning “Combined Skirt-Reefing and Slider Method for Controlling Parachute Opening”**

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR Part 404.6, announcement is made of the availability for U.S. licensing of Patent No. US 7,419,122 entitled “Combined Skirt-Reefing and Slider

Method for Controlling Parachute Opening" issued September 2, 2008. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey DiTullio at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone: (508) 233-4184 or e-mail: [Jeffrey.Ditullio@us.army.mil](mailto:Jeffrey.Ditullio@us.army.mil).

**SUPPLEMENTARY INFORMATION:** Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. E8-21924 Filed 9-18-08; 8:45 am]

**BILLING CODE 3710-08-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Disposal and Reuse of Fort Monroe, VA, Resulting From the 2005 Base Closure and Realignment Commission's Recommendations

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Availability.

**SUMMARY:** The Department of the Army intends to prepare an EIS for the disposal and reuse of Fort Monroe, Hampton, Virginia. Pursuant to the BRAC law, Fort Monroe is to close by September 14, 2011. Other actions included in the closing of Fort Monroe are relocating the Headquarters, U.S. Army Training and Doctrine Command (TRADOC); the Installation Management Command (IMCOM) Northeast Region; the U.S. Army Network Enterprise Technology Command (NETCOM) Northeast Region; and the Army Contracting Agency Northeast Region Office to Fort Eustis, Virginia. The U.S. Army Accessions Command and the U.S. Army Cadet Command will be relocated to Fort Knox, Kentucky. These relocations have been or will be addressed in separate National Environmental Policy Act (NEPA) documents for those locations.

**DATES:** The scoping meeting for the EIS will be held on October 28, 2008, 7 p.m. to 9 p.m., Northampton Community Center, 1435 Todds Lane, Hampton, VA 23666.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer Guerrero; phone: (757) 788-5363; e-mail: [jennifer.lee.guerrero@us.army.mil](mailto:jennifer.lee.guerrero@us.army.mil).

**SUPPLEMENTARY INFORMATION:** Fort Monroe is a 570-acre U.S. Army

Garrison located at the southeastern tip of the Virginia Lower Peninsula between Hampton Roads and the Lower Chesapeake Bay. The hallmark of Fort Monroe is its stone fortress and moat.

The proposed action (Army primary action) is to dispose of the surplus property generated by the BRAC-mandated closure of Fort Monroe. Reuse of Fort Monroe by others is a secondary action resulting from disposal. The Army has identified two disposal alternatives (early transfer and traditional disposal), a caretaker status alternative, and the no action alternative (as required by NEPA). The EIS will analyze the impact of each reuse alternative upon a wide range of environmental resource areas including, but not limited to, air quality, traffic, noise, biological resources, water resources, geology and soils, cultural resources, socioeconomic, utilities, land use, aesthetics and visual resources, hazardous and toxic substances, and cumulative environmental effects.

The Army will conduct an environmental impact analysis that will focus on the effects of closure and reuse. One preliminary finding is that transportation impacts will have the most significant effect, with or without a major tourism component in the reuse plan. Also, at this early stage, impacts to air quality, infrastructure, and land use are not considered significant. With respect to cultural resources, significant adverse impacts are possible, but these can be mitigated by provisions contained in the Programmatic Agreement between the Army and the Virginia Department of Historic Resources.

Additional resources and conditions may be identified as a result of the scoping process initiated by this NOI. Other opportunities for public participation will be announced in the respective local news media. The public will be invited to participate in scoping activities for the EIS and comments from the public will be considered before any action is taken to implement the disposal and reuse of Fort Monroe.

Dated: September 12, 2008.

**Addison D. Davis, IV,**

*Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).*

[FR Doc. E8-21807 Filed 9-18-08; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Public Scoping Meetings for Update of the Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin in Georgia, Florida, and Alabama

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Supplement to Notice of Intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), Mobile District, issued a Notice of Intent (NOI) in the **Federal Register** (73 FR 9780) published on February 22, 2008, describing the preparation of a Draft Environmental Impact Statement (EIS), as required by the National Environmental Policy Act (NEPA) to address the proposed update of the Water Control Manual (WCM) for the Apalachicola-Chattahoochee-Flint (ACF) River Basin located in Georgia, Florida, and Alabama. The Corps will hold five public scoping meetings during the month of October as part of its review and update of the WCM for the ACF River Basin. The public is invited to attend the scoping meetings which will provide information on the WCM update process and afford the opportunity to receive input from the public about their issues and concerns regarding that process. All five public meetings will be held using an open house format, allowing time for participants to review specific information and to provide comments to the resource staff attending the meeting.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for meeting addresses.

#### **FOR FURTHER INFORMATION CONTACT:**

Questions about the manual update or NEPA process can be answered by: Mr. Brian Zettle, Biologist, Environment and Resources Branch, Planning and Environmental Division, U.S. Army Engineer District-Mobile, Post Office Box 2288, Mobile, AL 36628-0001; Telephone (251) 690-2115; or delivered by electronic facsimile at (251) 694-3815; or e-mail: [brian.a.zettle@usace.army.mil](mailto:brian.a.zettle@usace.army.mil). You may also request to be included on the mailing list for public distribution of notices, meeting announcements and documents.

**SUPPLEMENTARY INFORMATION:** The meeting dates are:

1. October 20, 2008, 5 p.m.-8 p.m. (EDT), Apalachicola, FL.