

- (i) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;
- (ii) deterioration of food, water, equipment, supplies, or materials of any kind; or
- (iii) deleterious alteration of the environment.

(5) *Chemical agent, substance, or weapon.* A chemical agent, substance or weapon refers to a toxic chemical and its precursors and or a munition or device, specifically designed to cause death or other harm through toxic properties of those chemicals which would be released as a result of the employment of such munition or device, and any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

(6) *Hazardous material.* A substance or material (including explosive, radioactive material, etiologic agent, flammable or combustible liquid or solid, poison, oxidizing or corrosive material, and compressed gas, or mixture thereof) or a group or class of material designated as hazardous by the Secretary of Transportation.

(7) *Malicious.* A communication is "malicious" if the accused believed that the information would probably interfere with the peaceful use of the building, vehicle, aircraft, or other property concerned, or would cause fear or concern to one or more persons.

d. *Lesser included offenses.*

(1) Threat.

(a) Article 134—communicating a threat

(b) Article 80—attempts

(c) Article 128—assault

(2) Hoax. Article 80—attempts.

e. *Maximum punishment.* Dishonorable discharge, forfeitures of all pay and allowances and confinement for 10 years.

f. *Sample specifications.*

(1) Threat.

In that \_\_\_\_\_ (personal jurisdiction data) did, (at/on board—location) on or about \_\_\_\_\_ 20\_\_\_\_, wrongfully communicate certain information, to wit: \_\_\_\_\_, which language constituted a threat to harm a person or property by means of a(n) [explosive, weapon of mass destruction, biological agent or substance, chemical agent or substance and/or (a) hazardous material(s)].

(2) Hoax.

In that \_\_\_\_\_ (personal jurisdiction data) did, (at/on board—location), on or about \_\_\_\_\_ 20\_\_\_\_, maliciously (communicate) (convey) certain information concerning an attempt being made or to be made to unlawfully [(kill) (injure) (intimidate) \_\_\_\_\_] [(damage) (destroy) \_\_\_\_\_] by means of a(n) [explosion, weapon of mass destruction, biological agent or substance, chemical agent or substance, and/or (a) hazardous material(s)], to wit: \_\_\_\_\_, which information was false and which the accused then knew to be false."

Amend the Analysis accompanying Punitive Article 134, Paragraph 109, subparagraph c, by inserting the following at the end thereof:

"200\_\_ Amendment: This paragraph has been expanded to annunciate the various means by which a threat or hoax is based. Whereas explosives were the instruments

most commonly used in the past, new types of weapons have developed. These devices include weapons of mass destruction, chemical agents, biological agents, and hazardous materials."

Amend the Analysis accompanying Punitive Article 134, Paragraph 109, subparagraph e, by inserting the following at the end thereof:

"200\_\_ Amendment: This amendment increases the maximum punishment currently permitted under paragraph 109 from 5 years to 10 years. Ten years is the maximum period of confinement permitted under 18 U.S.C. 844(e), the U.S. Code section upon which the original paragraph 109 is based.

Amend the Analysis accompanying Punitive Article 90 by inserting the following new subparagraph c(2)(a)(ii) and renumbering existing subparagraphs (a)(ii) through (iv) as (a)(iii) through (v):

"200\_\_ Amendment: The Court of Appeals for the Armed Forces held that the lawfulness of an order is a question of law to be determined by the military judge, not the trier of fact. See *United States v. New*, 55 M.J. 95 (C.A.A.F.)."

Dated: November 4, 2002.

**Patricia L. Toppings,**

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

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Class Tuition Waivers

**AGENCY:** Department of Defense Education Activity (DoDEA), Defense (DoD).

**ACTION:** Notice.

**SUMMARY:** The Secretary of Defense is authorized by Section 1404(c) of Public Law 95-561, "Defense Dependents' Education Act of 1978," as amended, 20 U.S.C. 923(c) to identify classes of dependents who may enroll in DoD Dependent Schools (DoDDS) if there is space available and to waive tuition for any such classes. Through DoD Directive 1342.13, "Eligibility Requirements for Education of Minor Dependents in Overseas Areas," dated July 8, 1982, as amended, paragraph 5.3.4, the Secretary has delegated to the Office of the Assistant Secretary of Defense for Force Management Policy (ASD) (FMP) the authority to identify those classes of dependents for whom tuition may be waived.

This notice announces that the ASD (FMP) designated certain classes of dependents for whom tuition may be waived on a space-available, tuition-free basis on the dates listed below:

*August 16, 2002*—Dependents, whose second language is English, of personnel assigned to the Argentinean Liaison Office, International Coordination Center (ICC) Headquarters, Supreme Headquarters Allied Powers, Europe (SHAPE) in Belgium. This waiver applies to dependents attending SHAPE Elementary School and SHAPE High School. This class tuition waiver is in effect only for School Year 2002–2003.

Dated: November 4, 2002.

**Patricia L. Toppings,**

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

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**BILLING CODE 5001-08-M**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Business Practice Implementation Board; Notice of Advisory Committee Meeting

**AGENCY:** Department of Defense.

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

**SUMMARY:** The Defense Business Practice Implementation Board (DBB) will meet in open session on Thursday, November 21, 2002, at the Pentagon, Washington, DC from 0900 until 1030. The mission of the DBB is to advise the Senior Executive Council (SEC) and the Secretary of Defense on effective strategies for implementation of best business practices of interest to the Department of Defense. At this meeting, the Board's Management Information Task Group will deliberate on its findings and proposed recommendations related to tasks assigned earlier this year.

**DATES:** Thursday, November 21, 2002, 0900 to 1030 hrs.

**ADDRESSES:** Pentagon, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** The DBB may be contacted at: Defense Business Practice Implementation Board, 1100 Defense Pentagon, Washington, DC 20301-1100, via E-mail at [DBB@osd.pentagon.mil](mailto:DBB@osd.pentagon.mil), or via phone at (703) 695-0505.

**SUPPLEMENTARY INFORMATION:** Members of the public who wish to attend the meeting must contact the Defense Business Practices Implementation Board no later than Thursday, November 14 for further information about admission as seating is limited. Additionally, those who wish to make oral comments or deliver written comments should also request to be