

this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Compliance with this AD is required as indicated, unless already done.

To prevent stage 5 and 6 disc crack initiation and propagation leading to uncontained disc failure and damage to the airplane, do the following:

(a) Remove HP compressor rotor rear stage 5 and 6 discs and cone shafts, from service at or before accumulating 7,500 cycles-since-new (CSN).

(b) After the effective date of this AD, do not install any HP compressor rotor rear stage 5 and 6 discs and cone shaft, listed in this AD, that exceed 7,500 CSN.

#### Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

#### Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

**Note 3:** The subject of this AD is addressed in CAA airworthiness directive 002-08-2002, dated November 22, 2002.

Issued in Burlington, Massachusetts, on March 5, 2003.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate,  
Airframe Certification Service.*

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 28

[OAG 105; A.G. Order No. 2664-2003]

RIN 1105-AA78

### DNA Sampling of Federal Offenders Under the USA PATRIOT ACT of 2001

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Department of Justice is publishing this proposed rule to implement section 503 of Public Law 107-56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and

Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. This rule amends the list of federal offenses that will be treated as qualifying offenses for purposes of collecting DNA samples from federal offenders.

**DATES:** Written comments must be submitted on or before April 10, 2003.

**ADDRESSES:** Send comments to David J. Karp, Senior Counsel, Office of Legal Policy, Room 7232, Main Justice Building, 950 Pennsylvania Avenue NW., Washington, DC 20530.

**FOR FURTHER INFORMATION CONTACT:** David J. Karp, Senior Counsel, Office of Legal Policy. Telephone: (202) 514-3273.

**SUPPLEMENTARY INFORMATION:** On June 28, 2001, the Department of Justice published an interim rule to implement section 3 and related provisions of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000. 66 FR 34363 (June 28, 2001). That rule, in part, specified the federal offenses that are treated as “qualifying Federal offenses” for purposes of collecting DNA samples from federal offenders. Individuals convicted of one of the specified qualifying federal offenses must have samples of their DNA collected and the resulting information entered into the Combined DNA Index System which the Federal Bureau of Investigation has established pursuant to 42 U.S.C. 14132.

Subsequent to the publication of that interim rule, Congress enacted Public Law 107-56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. Section 503 of the USA PATRIOT ACT provided that three additional categories of offenses shall be treated for purposes of DNA sample collection as qualifying federal offenses, as determined by the Attorney General: (1) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code; (2) any crime of violence (as defined in section 16 of title 18, United States Code); and (3) any attempt or conspiracy to commit any of the above offenses. See 42 U.S.C. 14135a(d)(2). The purpose of this proposed rule is to revise a section of the existing regulations, 28 CFR 28.2, to reflect the addition of these three new categories.

The offenses listed in the proposed revision of § 28.2 are generally grouped by title of the United States Code for convenience in readability and application. The derivation of the listing is as follows:

#### Offenses in the Current Rule

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42

U.S.C. 14135a(d)(1)) identifies the qualifying offenses that are reflected in the current § 28.2. These offenses are all carried forward in the proposed revision of § 28.2. In some instances, however, the offenses in the current rule will be subsumed in broader references in the revised listing that reflect the new categories added by section 503 of the USA PATRIOT ACT. See 42 U.S.C. 14135a(d)(2). In particular, under the current listing, only voluntary manslaughter under 18 U.S.C. 1112 is covered. See 42 U.S.C. 14135a(d)(1)(A); 28 CFR 28.2(b). In accordance with section 503 of the USA PATRIOT ACT, however, the expanded offense categories now include crimes of violence as defined in 18 U.S.C. 16. See 42 U.S.C. 14135a(d)(2)(B). The revised listing includes 18 U.S.C. 1112 without qualification, reflecting the Attorney General’s determination that involuntary manslaughter constitutes such an offense.

Likewise, the current listing includes a more limited set of offenses under 18 U.S.C. 1153, an Indian country jurisdictional provision. See 42 U.S.C. 14135a(d)(1)(F); 28 CFR 28.2(d). Specifically, of the offenses identified in 18 U.S.C. 1153, the current listing does not include “assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years,” or “a felony under section 661 of this title.” 18 U.S.C. 1153. However, the previously excluded assaultive crimes are crimes of violence as defined in 18 U.S.C. 16. The revised listing encompasses a broader range of offenses under 18 U.S.C. 1153, excluding only felonies under section 661 of title 18, which defines nonviolent larceny offenses.

#### Offenses Listed in 18 U.S.C. 2332b(g)(5)(B)

Section 503 of the USA PATRIOT ACT added offenses listed in 18 U.S.C. 2332b(g)(5)(B)—a statutory list of crimes that are often committed by terrorists—as qualifying offenses for purposes of DNA sample collection. The proposed revision of 28 CFR 28.2 incorporates all of these offenses.

In some instances, offenses listed explicitly in 18 U.S.C. 2332b(g)(5)(B) are subsumed in broader references in the proposed revision to 28 CFR 28.2. For example, 18 U.S.C. 2332b(g)(5)(B) includes offenses under section “844(f)(2) or (3)” of title 18. Since the offense defined by section 844(f)(1) of title 18 is a crime of violence—and hence includable on the basis of 42