

(d) Any offense under any of the following sections of title 21, United States Code: 461(c), 675, 841(d), 848(e), 858, or 1041(b).

(e) Any offense under any of the following sections of title 26, United States Code: 5861, 7212(a) involving force or threat, or 7212(b).

(f) Any offense under any of the following sections of title 42, United States Code: 1973gg–10(1), 2000e–13, 2283, 2284, 3631, or 9152(d) if the offense is a felony or involves a violation of 9151(3).

(g) Any offense under any of the following sections of title 49, United States Code: 46502, 46503, 46504, 46505, 46506(1) unless involving only an act that would violate section 661 or 662 of title 18 if committed in the special maritime and territorial jurisdiction of the United States, 46507 involving false information or a threat relating to the foregoing offenses, 60123(b), or 80501.

(h) Any offense under any of the following sections of the United States Code: section 2146(b) of title 7, section 1463 of title 30 if the offense is a felony or involves a violation of section 1461(4) of that title, section 1232(b)(2) of title 33, section 5104(e)(1) or (2)(F) of title 40 or section 5109 of that title involving a violation or attempted violation of section 5104(e)(1) or (2)(F), section 1063 of title 43 involving force, threat, or intimidation, or section 606(b) of title 47.

(i) Any offense that is an attempt or conspiracy to commit any of the foregoing offenses, including any such attempt or conspiracy under section 371 of title 18, section 844(n) of title 18, or section 846 of title 21 of the United States Code.

#### **Subpart B—DNA Sample Collection, Analysis, and Indexing**

##### **§ 28.11 Definitions.**

*DNA analysis* means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

*DNA sample* means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

##### **§ 28.12 Collection of DNA samples.**

(a) The Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of—

(1) A qualifying Federal offense as described in § 28.2;

(2) A qualifying military offense, as determined under 10 U.S.C. 1565; or

(3) A qualifying District of Columbia offense, as determined under section 4(d) of Public Law 106–546.

(b) Notwithstanding paragraph (a) of this section, the Bureau of Prisons may, but need not, collect a DNA sample from an individual described in paragraph (a) of this section if the Combined DNA Index System contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under 10 U.S.C. 1565.

(c) Each individual described in paragraph (a) of this section shall cooperate in the collection of a DNA sample from that individual by the Bureau of Prisons. The Bureau of Prisons may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual described in paragraph (a) of this section who refuses to cooperate in the collection of the sample.

(d) The Bureau of Prisons may enter into agreements with units of State or local government or with private entities to provide for the collection of samples under this section.

(e) The Bureau of Prisons shall furnish each DNA sample collected under this section to the Federal Bureau of Investigation.

##### **§ 28.13 Analysis and indexing of DNA samples.**

(a) The Federal Bureau of Investigation shall carry out a DNA analysis on each DNA sample furnished to the Federal Bureau of Investigation pursuant to section 3(b) or 4(b) of Public Law 106–54, and shall include the results in the Combined DNA Index System.

(b) The Federal Bureau of Investigation shall include in the Combined DNA Index System the results of each analysis furnished to the Federal Bureau of Investigation pursuant to 10 U.S.C. 1565(b)(2).

Dated: December 16, 2003.

*John Ashcroft,*  
*Attorney General.*

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## **DEPARTMENT OF JUSTICE**

### **Bureau of Prisons**

#### **28 CFR Part 548**

**[BOP–1105–F]**

**RIN 1120–AB04**

#### **Religious Beliefs and Practices: Nomenclature Change**

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Final rule.

**SUMMARY:** The Bureau amends its regulations on religious beliefs and practices to rename the special diet with which it accommodates inmates' religious dietary practices. The special diet, formerly known as the common fare menu, will now be called the religious diet menu. This change in name is necessary in order to reflect more equitably the variety of faith groups with religious dietary needs.

**EFFECTIVE DATE:** December 29, 2003.

**ADDRESSES:** Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307–2105.

**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons (Bureau) amends its regulations on religious beliefs and practices (28 CFR part 548). We published a final rule on this subject in the **Federal Register** on September 6, 1995 (60 FR 46486) and amended it on August 22, 1997 (62 FR 44836).

#### **What Change Is the Bureau Making?**

The Bureau's regulations on religious dietary practices (§ 548.20) note that inmate requests to observe religious dietary practices are addressed through a common fare menu or program. The Bureau renames the "common fare menu or program" as "the religious diet menu or program".

#### **Why Is the Bureau Making This Change?**

The common fare menu originated in 1983 as a pilot program designed to meet the needs of Jewish and Muslim inmates. The menu used food acceptable (or "common") to both religious groups to meet nutritional standards. The number of religious groups within the inmate population has increased during the last few years. The increase in the number of religious groups has also increased the variety in religious dietary needs.