

## MEMORANDUM

DATE: February 1, 2002

TO: Honorable Gene Derfler  
Honorable David Nelson  
Honorable Kate Brown  
Honorable Mark Simmons  
Honorable Karen Minnis  
Honorable Deborah Kafoury

FROM: Governor John Kitzhaber

SUBJECT: Terrorism Analysis of Oregon Statutes

After the September 11 terrorist attacks on the United States, I undertook a number of initiatives to improve our capacity to prevent and respond to any repetition. As part of that broader effort, I asked Attorney General Myers to conduct an analysis of Oregon law to determine what changes might be considered in light of those attacks.

The analysis is attached to this memorandum. It is divided into three categories:

- (1) law changes that are recommended for consideration at the Legislative Assembly's special session;
- (2) law changes that are recommended for further study and development; and
- (3) law changes that require no action now or later.

### *Section I: Proposals for Immediate Consideration*

I recommend one item for action during the special session: passage of legislation by which Oregon joins the Emergency Management Assistance Compact (EMAC). EMAC would enable Oregon to cooperate fully with neighboring states in the event of a terrorist attack. It is a supple instrument that would facilitate the seamless flow of emergency assistance to and from Oregon. Its absence has been noted in federal assessments of our readiness. The Western Governors' Association and 43 other states have endorsed EMAC. Detailed information about EMAC is available at the Federal Emergency Managers Association web site, [www.nemaweb.org](http://www.nemaweb.org).

### *Section 2: Recommended for Interim Study*

This section is intended to point out areas of state law requiring further attention and study. Although the analysis suggests possible courses of action, it does not recommend a

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particular one. Many of the matters involve competing public policies. I believe that these items would benefit from broad public discussion and debate.

Therefore, neither the Department of Justice nor I will be introducing legislation in the special session to address any of the potential law changes described in this section of the analysis. I hope to work with the Legislative Assembly to develop the appropriate interim study process by which possible legislation may be discussed and, if merited, presented to the 2003 Legislative Assembly.

The interim study, I believe, must include the dedication of a significant amount of staff time and expertise. I would like to discuss with you how we might best develop a process by which this interim study might be achieved and what resources must be brought to bear.

*Section 3: Not Recommended or Necessary*

This section includes matters that, in the opinion of the Department of Justice, require no immediate action or interim study. I agree with that assessment.

As noted, the possibility that gaps in our laws ought to be closed is but on part of the state's overall response to September 11, 2001. I hope that we will use this analysis to guide Oregon's further work in protecting its citizens and improving government's ability to respond in any future emergency. I look forward to working with you, your legislative colleagues, Attorney General Myers and the wider public in assuring that Oregon laws are adequate to prevent, combat and respond to terrorist activities in Oregon and the nation.

Cc: Governor's Security Council

**CONSIDER FOR IMMEDIATE  
LEGISLATIVE ATTENTION**

DOJ REFERENCE #	LAW PROVISION ANALYZED	DESCRIPTION OF PROBLEM	RECOMMENDED ACTION
1.	Emergency Management Assistance Compact Act (EMAC); e.g., 43 other states to date; Western Governor's Association Policy Resolution 99-022 (June 15, 1999; urging adoption); See <a href="http://www.nemaweb.org">http://www.nemaweb.org</a> for details; ORS 401.045 (regarding the 1950's era Interstate Emergency and Disaster Assistance Compact).	The Joint Federal/State Assessment of Oregon's Terrorism Preparedness (October 31, 2001) identified the state's failure to participate in this interstate compact as one deficit. Oregon is a party to the Interstate Emergency and Disaster Assistance Compact, but without the more modern Emergency Management Assistance Compact Act, Oregon might find it difficult to cooperate with a neighboring state.	Enact legislation enabling Oregon to participate as a full partner in the Emergency Management Assistance Compact Act.

**RECOMMENDED FOR INTERIM STUDY**

DOJ REFERENCE #	LAW PROVISION ANALYZED	DESCRIPTION OF PROBLEM	RECOMMENDED ACTION
	Aviation		
2.	E.g., Florida State Senate Bill 14-C (Enacted 2001); See ORS 181.555 and OAR Chapter 257 Division 10 (background checks generally).	The suspects in the September 11, 2001 reportedly explored the possibility of adapting crop dusting aircraft to the purpose of distributing toxins. Oregon law does not require background checks before a pilot appropriately licensed under federal law may engage in crop dusting activities.	The Legislative Assembly convened in special session should direct and adequately fund an interim study of this concept. The study should be constructed to make possible the participation of the broadest possible array of persons interested in this or any other concept identified as a potential subject for interim study. As a result of the study, all costs and countervailing policy considerations should be made explicit at the same time that the security-related effectiveness of this concept is being evaluated. The study should be completed in time to allow any recommended legislation to be presession filed for the Legislative Assembly that will convene in January, 2003. Hereafter summarized as "Interim study by an appropriate body."

	Bioterrorism Prevention, Detection & Response		
3.	Virginia General Assembly (introduction expected in January, 2002), entitled Anti-Terrorist Nuclear, Biological, Chemical & Explosive Injury Medical Disclosure Act.	Currently, medical personnel have no legal obligation, or authority, to report to law enforcement authorities when they treat a patient who has appeared with injuries or illnesses that could reasonably be the result of weapons of mass destruction. In contrast, medical professionals and others are required to report to law enforcement whenever a patient presents symptoms of child abuse.	Interim study by an appropriate body.
4.	North Carolina Legislative Assembly Bill No. 130A-149 (enacted 2001).	There currently exists no central registry of all facilities in the state in which biological or chemical toxins are kept. Therefore, no central authority is able to conduct safety or security inspections of these facilities. In the event of an attack with such toxins, investigators could not quickly or comprehensively eliminate such facilities from the list of potential sources.	Interim study by an appropriate body.
	Consumer Protection & Charitable Activities		
5.	Oregon HB 3965 (2001)	In the wake of the September 11 attacks, gas prices skyrocketed in scattered locations around Oregon, even though gasoline was as abundant on September 12, 2001 as it was on the day before the attacks. Unless accompanied by a misrepresentation, false statement regarding the product, or unconscionable conduct, Oregon law does not prevent any merchant from charging whatever consumers will pay.	Interim study by an appropriate body.

	Education		
6.	Individuals with Disabilities in Education Act; Letter of Advice dated March 31, 1987 to Kathryn Murdock, Legal Coordinator, Department of Education (OP 5925). Changes in federal law may be required.	Under federal law, states operating residential educational facilities for handicapped students must return students to home districts if instruction ceases for 10 days.	Interim study by an appropriate body.
7.	Patriot Act, Section 507; ORS 192.502(8).	Person not lower than United States Assistant Attorney General can apply for an ex parte court order to obtain educational records that are relevant to an authorized investigation or prosecution of a grave felony or an act of domestic or international terrorism; must provide specific and articulable facts showing that records likely to contain information related to the offenses; U.S. Attorney General required to issue guidelines to protect confidentiality. Under current law, Oregon may honor a federal order. But Oregon law provides no similar procedure for state or local law enforcement agencies to obtain the same information.	Interim study by an appropriate body.

8.	Common law of torts; ORS 401.065.	An emergency may disrupt educational institutions to the extent that students are unable to graduate at the time that they had anticipated. In turn, some of these students may attempt to assert legal claims against the state or school district. Existing emergency authority permits the government to suspend educational operations during an emergency, but the law is silent as to the government's potential liability once the emergency comes to an end and classes resume.	Interim study by an appropriate body.
9.	U.S. Department of Education recently suspended repayment of student loans by persons affected by September 11 attacks.	Student aid programs may require recipients of financial aid to maintain a certain number of credit hours per term. If an emergency causes an institution to close or otherwise restricts access to classes, recipients may find themselves in violation of the terms of their financial aid agreements.	Interim study by an appropriate body.

	Emergency Management Generally		
10.	401.065 to 401.115 [emergencies], especially ORS 401.105 (termination of emergencies); ORS 433.019 <i>et seq.</i> , 433.135 to 433.156 [quarantines]; Model State Emergency Health Powers Act §605 (quarantine of persons), § 502 (control of health care and other facilities, including private property).	During a declared emergency, the Governor of Oregon has sweeping powers. During an emergency, these powers are probably sufficient to meet every need yet identified by public health or emergency management experts. But when the Governor declares an end to the emergency, <i>all</i> of his or her authority probably evaporates immediately. Yet the need for the exercise of emergency power likely will persist longer in relation to some matters than others. For example, hospitalized victims of a massive biological attack would require continuing medical care from health professionals whom the Governor had allowed to practice here despite their lack of Oregon certification. In concept, a statute applicable to all of the Governor's emergency powers, could be drafted explicitly authorizing the Governor to selectively "wind-down" the exercise of any specified power or authority.	Interim study by an appropriate body.
11.	ORS 401.065	Existing Oregon law allows for the redirection of "resources". But the redirection of funds from Agency A to Agency B during an emergency is not expressly authorized.	Interim study by an appropriate body.

12.	See ORS 401.065(2); ORS 401.095(1) (“All existing laws . . . inconsistent with ORS 410.065 to 401.085 shall be inoperative during the period of time and to the extent such inconsistencies exist”).	The Governor can suspend laws/rules during emergency, but duration or effects of emergency may make compliance with law impossible after emergency abates.	Interim study by an appropriate body.
13.	There are innumerable statutes providing for time-limited licenses.	The operation of regulatory agencies may be disrupted for an extended period of time following an attack. For example, the agency’s records may have been destroyed, making routine renewal of time-limited licenses difficult or impossible. The Governor’s power to suspend rules during the emergency itself would be sufficient to allow affected licensees to continue to operate for as long as the emergency lasts, but there is no explicit mechanism for license renewals after the emergency ends.	Interim study by an appropriate body.
14.	ORS 401.065; ORS 401.095; and ORS 678.031.	Governor’s authority under ORS 401.065 and 401.095 and at least one licensing Board’s authority (ORS 678.031, Board of Nursing) enable licensees from other states to practice during emergency). May need similar authority for extended period following emergency.	Interim study by an appropriate body.

15.	ORS 401.095(1)	During the emergency, the Governor would have sufficient authority to expedite contracting processes. But the Governor's authority to accelerate the usual procedures is not so clear if the contracts are executed after the emergency is over.	Interim study by an appropriate body.
	Financial Information & Institutions		
16.	Patriot Act, Section 318 (defines "financial institution" to include a "foreign bank.")	The term "financial institution" is used in various ways in Oregon law. <i>E.g.</i> ORS 712.200, 723.001. If new provisions of state law are enacted to interdict funds used by terrorists, existing definitions of the term "financial institution" should be carefully examined to ensure that they conform to the intent of the new enactments.	Interim study by an appropriate body.
17.	Patriot Act, Section 351	A financial institution may become aware that it has in its possession or control funds in which a terrorist has an interest. No affirmative duty exists under state law for the institution to notify any law enforcement authority. And under current law, concerns about the disclosure of private financial information might deter the institution from making voluntary disclosure even if contacted by law enforcement agents. Models exist in Oregon law to encourage reporting of other types of criminal activity. <i>E.g.</i> ORS * (Reports of elder abuse).	Interim study by an appropriate body.

18.	Patriot Act, Section 373; ORS Chapter 717.	Businesses that transfer funds from place to place are called "money transmitters." They are regulated under ORS chapter 717. But the focus of the existing regulatory system is on the solvency of the clients. The criminal activity of the regulated business is relevant to the current scheme, but only if the criminal activity includes fraud. Terrorism would not necessarily involve fraud.	Interim study by an appropriate body.
19.	Patriot Act, Section 314(a)(1); Or Laws 2001, ch 377 (SB 269); ORS Chapter 717.	Requires Treasury Secretary to promulgate regulations to encourage cooperation among financial institutions, regulators, and law enforcement; allows financial institutions to share information regarding persons suspected of terrorism-related money laundering. See also, analysis of Patriot Act, Section 351.	Interim study by an appropriate body.
20.	Patriot Act, Section 361; ORS Chapter 717.	The Patriot Act, establishes procedures and rules governing the Treasury Department's Financial Crimes Enforcement Network. Existing Oregon law needs to be examined in detail to ensure that we have authority to provide data as requested.	Interim study by an appropriate body.

	Immigration		
21.	ORS 181.850.	ORS 181.850(1) prohibits state and local law enforcement agencies from using resources “for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship residing in the United States in violation of federal immigration laws.” The statute does not distinguish between civil and criminal enforcement by the Immigration and Naturalization Service (INS). In some states, proposals to enhance cooperation between the INS and state/local law enforcement have been introduced.	Interim study by an appropriate body.
	Law Enforcement – Civil Enforcement		
22.	Patriot Act, Section 806 (Amending 18 U.S.C. 981(a)(1) to authorize civil forfeiture of assets owned by persons engaged in terrorism); ORS 475A.160	Like other criminal enterprises, terrorist organizations use real estate and personal property to facilitate their aims. Current Oregon law provides no tools to forfeit such items or even to seize them pending further legal proceedings.	Interim study by an appropriate body.

	Law Enforcement – Crimes & Criminal Procedure		
23.	Washington’s crime of terrorism (proposed); Michigan Anti-Terrorism Act (proposed); numerous existing Oregon criminal statutes; 18 U.S.C. 2332(g)(5)(B) [federal crime of “terrorist” defined]; Patriot Act, Section 808 – 813; Patriot Act, Section 817; ORS 163.095 (aggravated murder); ORS 165.800 (Identity theft); ORS 166.715 (RICO).	Existing Oregon law defines numerous crimes that would be committed by terrorists as they planned and executed an assault in this state. These offenses are defined in terms of the offender’s effect on an individual victim. The existing offense of Racketeering addresses and in some instances would adequately describe a terrorist organization, but even there the harm sought to be prevented is generally expressed in individual injury. But there is no existing criminal charge that fully describes the terrorist’s purpose – to attack the community and its institutions. For example, the possession of a weapon of mass destruction with the intent of using it to destroy property could be made to fit into the existing offense of attempted assault in the first degree, ORS *. Yet that indictment would not fully describe the terrorist’s conduct or culpability.	Interim study by an appropriate body.

24.	Same as above.	<p>Terrorist organizations reportedly receive financial and logistical support from persons acting with the intent to advance terrorist aims. Likewise, there may be persons who would hinder the prosecution of a terrorist. Existing Oregon law makes it an offense to aid or abet a person who is bent on the commission of a crime. ORS 161.155. Oregon law also makes it an offense to hinder the prosecution of a person charged with a crime. ORS 162.235. Existing laws may need amendment if a new crime of terrorism is enacted.</p>	Interim study by an appropriate body.
25.	Same as above.	<p>A person may falsely claim to be a terrorist and in that guise, threaten a terrorist attack. Or a person may simulate a terrorist attack by delivering a non-toxic but threatening substance to a target or by placing a simulated explosive in a public place. These acts would consume law enforcement and public health resources besides raising a public alarm. No existing law would adequately reflect the injury done to the public</p>	Interim study by an appropriate body.

26.	Patriot Act, Section 213 (Amending 18 U.S.C. 3103a) to permit delayed notice of the execution of search warrants where the court determines that immediate notice would have an "adverse result".	Amends 18 U.S.C. 3103a to permit delayed notice of search warrants where court determines that immediate notice would have an "adverse result"; officers may seize property only if court finds "reasonable necessity." ORS 133.575 requires officers executing any state search warrant to leave a copy of the warrant at the site of the search, and promptly to file a return with the court detailing the items seized. State and federal court rulings require search warrants for certain investigative steps that would be preliminary to disclosure of the fact that a suspect is under investigation. For example, police cannot use a thermal imaging device (or, by extension, a device that detects explosives concealed inside a closed suitcase) without obtaining a search warrant. ORS 133.575 prohibits surreptitious searches and does not provide clear guidance to police on how to execute a search warrant involving investigative steps.	Interim study by an appropriate body.
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	Funding & Resources		
27.	Patriot Act, Section 806 (Requires United States Attorney General to establish regional computer forensic laboratories to enhance cybersecurity); SB 921 (Enacted by the Oregon Legislative Assembly in 2001, creating the Computer Crimes Task Force.)	Terrorist used computers in planning and executing the attacks on September 11, 2001. Federal law enforcement officials have reportedly seized computers belonging to some of those involved in the attacks. Highly specialized skills are required to extract evidence from such systems and then to ensure the integrity of that evidence. In 2001, the Legislative Assembly created a Task Force charged in part with assessing Oregon's readiness to conduct computer forensic examinations.	Interim study by an appropriate body.
28.	Patriot Act, Section 1005; SB 921 (Enacted by the Oregon Legislative Assembly in 2001, creating the Computer Crimes Task Force.)	Requires United States Attorney General to make grants to enhance states and local governments' ability to respond to and prevent terrorism. Enhancement of state and local capacity to capture evidence of terrorism from computers is included in the permissible purposes of such grants.	Interim study by an appropriate body.

	Law Enforcement -- Investigations		
29.	Patriot Act, Section 201 (Adds offenses, including existing chemical weapons offenses defined under 18 U.S.C. Section 22, to the list of federal offenses for which federal officers may seek an order allowing interception.)	Federal laws define the minimum levels of protection assigned to the privacy of many kinds of electronic communications. Oregon laws contain parallel provisions and specify the procedures that state and local law enforcement officials must follow before intercepting protected communications. The Patriot Act includes numerous elements updating federal law enforcement authority to surreptitiously intercept various forms of communications. For example, Section 201 adds the new federal terrorism crime to the list of criminal offenses with respect to which federal authorities may obtain an order allowing them to eavesdrop on a telephone conversation without the consent of either party to the call (a "wiretap order"). Oregon laws regarding the interception of electronic communications have not been comprehensively revised or studied for years, yet the technology – and now the federal laws – have changed dramatically. As a result, federal law now explicitly addresses the new technologies that are not explicitly treated under existing Oregon law.	Interim study by an appropriate body.
30.	Patriot Act, Section 202 (Allows voice wiretaps in computer hacking investigations.)	See above.	Interim study by an appropriate body.

31.	Patriot Act, Section 203(b) (Broadens the list of persons with whom the fruits of wiretaps may be shared); ORS 133.737.	Current Oregon law restricts access to the fruits of a wiretap; would not allow sharing with the same list of persons identified by federal law.	Interim study by an appropriate body.
32.	Patriot Act, Section 203(d) (aims to break down barriers against the transfer of investigative information between federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel).	The Patriot Act, Section 203(d) . No Oregon statute comprehensively allows Oregon law enforcement to freely share information with federal officials; law enforcement officials currently infer such authority from their general charge.	Interim study by an appropriate body.
33.	Patriot Act, Section 209 (Allows voice mail stored with a third party provider to be obtained with a search warrant, rather than a wiretap order)	Wiretap orders are subject to stringent conditions reflecting the high expectations of privacy that the parties to electronic communications enjoy. But a recorded voicemail message can readily be shared with another person whom the sender did not originally intend to be privy to its contents. Federal law now distinguishes between the varying expectations of privacy by requiring stringent wiretap orders for live telephonic communications but allowing an ordinary search warrant to be used to listen to a recorded phone message. Oregon law does not make such a distinction; it is silent as to the standard to be applied to listening to any recorded message.	Interim study by an appropriate body.

34.	Patriot Act, Section 210	Broadens the types of records that law enforcement can subpoena from communications providers, including the means and source of payment.	Interim study by an appropriate body.
35.	Patriot Act, Section 211 (clarifying federal law to be applied to interception of electronic communications carried by cable companies; federal Cable Act does <i>not</i> apply).	This element of the Patriot Act is one of many that attempts to resolve the tension created by technological change. In this instance, the change responds to the evolution of cable companies from television show conduits to internet communications carriers. There is no corresponding element in Oregon law. See above, concept *.	Interim study by an appropriate body.
36.	Patriot Act, Section 212 (Allows computer-service providers to disclose communications and records of communications to protect life and limb; and clarifies that victims of computer hacking can disclose non-content records to protect their rights and property.)	Existing state and federal laws protect telecommunications subscribers against invasion of their privacy whether the invader is the government or a private party. These laws balance the subscriber's privacy interests against the public's interest in preventing or detecting criminal acts and the provider's interest in the integrity of the provider's system by defining the circumstances under which the provider may inform law enforcement authorities of suspected misconduct by a subscriber. But Oregon laws in this regard were written with telephonic communications as the primary model. See above, concept *.	Interim study by an appropriate body.

37.	Patriot Act, Section 216 (Amends the pen register/trap and trace statute to clarify that it applies to internet communications, and to allow for a single order valid across the country.)	A pen register is a device that records data about the origination point of incoming electronic communication. A trap and trace is a device that records data about the addresses of outgoing electronic communications. Neither device discloses the content of the message. But Oregon's statutes regarding such devices were written with telephonic communications as the primary model. See above, concept *.	Interim study by an appropriate body.
38.	Patriot Act, Section 217 (Allows victims of computer-hacking crimes to request law enforcement assistance in monitoring trespassers on their computers)	See above, discussion of Patriot Act, Section 212.	Interim study by an appropriate body.
39.	Patriot Act, Section 501 (Enhances the United States Attorney General's authority to pay rewards in connection with terrorism.); ORS 131.852; ORS 131.805.	Oregon law regarding rewards is unclear; it is certain that no specific authority exists for crimes involving terrorist activity.	Interim study by an appropriate body.
40.	Patriot Act, Section 815 (Creates a defense for persons who disclose wire or electronic communications records in response to the request of a governmental entity.)	See, above, discussion of Patriot Act, Section 212.	Interim study by an appropriate body.

	National Guard & Military Personnel		
41.	ORS 161.225; ORS 161.229; <i>See</i> 33 Op Atty Gen 536 (1968); Title 10, United States Code.	State law may not permit use of deadly force to protect property when NG members on Title 32 status (differs from under military training).	Interim study by an appropriate body.
42.	<i>See</i> 33 Op Atty Gen 556 (1968)	National Guard personnel generally do not have civilian law enforcement authority or training. But they represent a significant resource to support domestic security.	Interim study by an appropriate body.
43.	ORS 399.230; Idaho draft legislation amending Sections 46-410, 46-411, 46-402; Michigan proposed amendments to MCL 32.579, 32.273, and 32.517.	National Guard personnel summoned to active duty receive certain benefits under state and federal law. For example, they are entitled to stays in civil actions brought against them and to relief from installment contracts. National Guard troops who are not summoned to active duty but nevertheless perform support functions for anti-terrorist activity do not enjoy the same benefits.	. Interim study by an appropriate body.

	Public Contracting & Public Liability		
44.	Patriot Act, Section 817; 1996 Antiterrorism Act; ORS 181.537, 181.555, 181.557 and OAR Chapter 257 Division 010 (existing authority and procedures for DHS access to criminal offender information); Executive Order 90-05; ORS 243.650 (4)(Establishes mutual obligation to meet and confer about "employment relations") and ORS 243.650(7)(a) (defining "employment relations")	The federal law broadens prohibition on possessing biological agents or toxins. Federal law provides that certain persons (including felons and aliens illegally residing in the United States) are disqualified from possessing biological agents or toxins. But Oregon's laboratories may currently employ individuals who can no longer lawfully possess biological agents or toxins. Collective bargaining agreements and other existing employment agreements may now be in conflict with the requirements of federal law.	Interim study by an appropriate body.
45.	Patriot Act, Section 1010; ORS 190.110; <i>State ex rel SOSCF v. Klamath Tribe</i> , 170 Or App 106, 115 (2000).	Allows Defense Department to contract with and pay state and local governments to provide security at military installations during Operation Enduring Freedom. ORS 190.110 authorizes interagency agreements, but that statute does not authorize agreements to carry out duties not otherwise imposed or conferred upon state or local agencies by the legislature.	Interim study by an appropriate body.

46.	ORS 401.065; ORS chapter 283.	In an emergency, repairs to key infrastructure may need to begin very rapidly. Until the emergency is declared over, Oregon law may be sufficient to authorize avoidance or acceleration of procedures otherwise applicable to the funding process. But existing Oregon law on this issue should be closely examined to ensure that it is adequate.	Interim study by an appropriate body.
47.		Banks may not be able to open during an emergency. What liabilities might this cause the bank?	Interim study by an appropriate body.
	Public Health		
48.	ORS 401.115; ORS 433.019 <i>et seq</i> , ORS 433.135 to 433.156; MSEHPA Sections 502, 605.	During declared emergency, ORS 401.115(1) likely sufficient to authorize Governor to quarantine persons. (See second item below). Current law (ORS 433.019 <i>et seq.</i> , 433.135 to 433.156) deals with quarantine of individuals, provides for local control; not of much use in event of mass outbreak of communicable disease. Broader authority recommended, similar to MSEHPA §605 (quarantine of persons), § 502 (control of health care and other facilities, including private property). Former Oregon law also may provide source of authority.	Interim study by an appropriate body.

49.	Model State Emergency Powers Health Act Sections 501, 502, and 505; ORS 401.085; 401.115(1).	ORS 401.085 authorizes Governor to control “use, sale or distribution of food, fuel clothing and other commodities, materials, goods and services.” Likely covers health supplies, including drugs, during state of emergency, but only during that period, and likely does not reach use of buildings. Control of buildings during emergency period likely authorized by ORS 401.115(1) (see next item below). Oregon statutes may provide less authority for buildings, <i>see</i> MSEPFA §§ 501, 502 (referenced above).	Interim study by an appropriate body.
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50.	<p>MSEHPA §§501 and 502; ORS 453.105, 453.105, 453.685; ORS 401.115(1), 48 Op Atty Gen 27, 29 (1996).</p> <p>Federal authority includes: 42 CFR 70 (Surgeon General's authority to limit travel); 42 U.S.C. Section 265 (Surgeon General's authority to exclude from the U.S. persons or property based on communicable disease); 49 U.S.C. 44904 (Federal Aviation Administration and Federal Bureau of Investigation authority to assess threats to air travel).</p>	<p>Aggressive isolation of the infected area may be necessary in the face of a widespread attack using biological agents or toxins. Although the statutes are not collected as a coherent whole, they do provide extensive powers to the Governor. These include the authority to order evacuations, order decontamination procedures, and curtail intrastate travel. The Governor can control or limit travel on Oregon's highways and roads; the Governor's authority to control interstate freeways would be more limited. The MSEHPA §§501 and 502 would provide express authority "to close, direct and compel" evacuation and decontamination upon reasonable cause. The adequacy of existing Oregon law should be tested against tabletop exercises simulating various forms of public health emergencies.</p>	Interim study by an appropriate body.
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51.	MSEPHA §608; ORS 401.065(2); ORS 401.095(1).	<p>In an emergency, demand for medical services including pharmacists, nurses, and physicians could temporarily exceed the supply of professionals licensed under Oregon law. <i>During</i> the emergency, the Oregon Governor's emergency powers are probably sufficient for the state to allow professionals licensed in other states to practice here. But the same statutes are silent as to the exercise of the Governor's authority to gradually stand down from the emergency. See concept * (concerning winding-down the Governor's authority.) The adequacy of existing Oregon law should be tested against tabletop exercises simulating various forms of public health emergencies.</p>	
52.	Common law of torts.	<p>In addition to requirements that health care professionals be licensed by the state, the policies and practices of individual hospitals also limit the practice of medicine. Hospitals establish standards for issuing credentials for physicians to make use of hospital facilities. Institutions that waive these standards may fear civil liability. This could impair the free flow of resources required to address critical medical care needs in the immediate aftermath of a terrorist attack. The adequacy of existing Oregon law should be tested against tabletop exercises simulating various forms of public health emergencies.</p>	Interim study by an appropriate body.

53.	ORS 301.800.	To encourage medical professionals to provide services in emergency conditions, Oregon has enacted "Good Samaritan" laws that protect such professionals against civil liability under certain circumstances. These laws would not currently protect medical volunteers providing services in an extended aftermath of a terrorist attack. The adequacy of existing Oregon law should be tested against tabletop exercises simulating various forms of public health emergencies.	Interim study by an appropriate body.
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54.	No corresponding provisions known.	<p>Under current Oregon law, a declaration of emergency cloaks the Governor with far-reaching powers. Managing public fears in a threatening situation may become critical to efficient responses. Declaration of an emergency would not necessarily be appropriate, and might unnecessarily alarm the public, if the circumstances merely call for collection of information and mobilization of resources to meet an imminent but not yet executed threat. This concept would allow the declaration of a "Public Health Alert". Upon such declaration, the Governor would acquire enumerated yet temporary powers. For example, this authority could be used in Oregon after an anthrax attack in another state. Under the authority of a declared Public Health Alert, the governor could direct that plans be prepared to plan for cases in Oregon. The adequacy of existing Oregon law should be tested against tabletop exercises simulating various forms of public health emergencies.</p>	Interim study by an appropriate body.
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55.	ORS 410.115(1). <i>See</i> 40 Op Atty Gen 180 182 (1979) (analysis under pre-1983 statutes); MSEHPA §§602, 603, 607.	During a public health emergency involving a communicable disease, public health authorities may recommend that the response include vaccination or other forms of treatment and examination to prevent further infections. The Model Act includes explicit authority for such actions. Existing Oregon law probably gives the Governor authority to take all necessary steps, including the authority to quarantine individuals who refuse examination or treatment. The adequacy of existing Oregon law should be tested against tabletop exercises simulating various forms of public health emergencies.	Interim study by an appropriate body.
56.	MSEHPA Section 607.	To identify and contain an infection caused by a terrorist attack, public health authorities may need rapid and unrestricted access to records pertaining to the treatment of individual patients. The Model Act does grant such authority. Oregon law does not.	Interim study by an appropriate body.

	Public Records & Meetings		
57.	Public records and meetings laws, ORS 192.910 to 192.505 (particularly 192.501(18) and (23), both relating to security measures, and 192.502(11) relating to certain Energy Facility Siting Council documents) and 192.610 to 192.690; <i>E.g.</i> , Florida State Senate Bills 16-C and 22-C (enacted 2001); Michigan Security & Antiterrorism Measure #22 (Exempting blueprints and schematics of vital resources, from disclosure under Michigan public records law).	Oregon's public records law presumes that every public record is accessible to the public. Similarly, under the public meetings law, calling an executive session is the only mechanism available to a governmental body to shield security-sensitive information. Representatives of the media have a right to attend executive sessions. Existing public records law exemptions are sufficient to protect certain types of documents [such as those relating to security programs for the transportation of radioactive material, ORS 192.502(11)]. But existing law would not protect other documents held by governmental bodies and relating to private property. For example, security plans submitted to the government regarding privately owned communications facilities, power transmission facilities, or buildings do not fall within existing exemptions.	Interim study by an appropriate body.
	Public Water Systems		
58.	No specific state statutory provision involved; corrective action would require federal legislation.	A terrorist attack on a water supply could require authorities to consider flushing contaminated water in a way not ordinarily permitted by state or federal law. The Governor's authority to act in an emergency could overcome any contrary state law or regulation. But federal laws would not yield to the Governor's emergency powers.	Interim study by an appropriate body.

	Washington package (proposed)	A person who introduced a toxin into a public water system with the intent of causing injury would commit criminal offenses under state law. <i>E.g.</i> , ORS 163.160 <i>et seq</i> (assaults). And a person who intentionally damaged or destroyed elements of a public water system also commits state offenses. <i>E.g.</i> , ORS 164.345 <i>et seq</i> . (Criminal mischief). But none of the existing offenses reflect the magnitude of the injury intended by such acts.	Interim study by an appropriate body.
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	Transportation		
59.	<p>Patriot Act, Section 1012 (effective 1/1/02); ORS 807.170 (requires DMV to issue indorsement if applicant passes test and pays fee); Michigan proposal; S. 175 (Pending; 107<sup>th</sup> Congress) (would protect states, retroactive to the effective date of the Patriot Act, from liability arising from issuance of hazardous material indorsements in 'violation' of Section 1012)</p>	<p>The Patriot Act restricts states' ability to issue licenses to transport hazardous materials; the Secretary of the United States Department of Transportation must first determine that the applicant poses no security risk. Federal machinery to make this determination is not yet in place, yet the state's obligation to deny hazardous material indorsements absent a federal "no-risk" determination is now in effect. This creates two related problems: (1) DMV currently has no process for conducting background checks. (2) Even when US DOT establishes a system for federal background checks, Oregon law does not explicitly authorize denial of a license based on the Transportation Secretary's determination. In response, the Legislative Assembly could (1) Authorize DMV to deny indorsement, based on United States DOT determination. (2) Consider granting DMV limited duration authority to do background checks for hazardous material indorsements - sunset this authority effective on the availability of federal background checks.</p>	<p>Interim study by an appropriate body.</p>

60.	South Carolina restrictions on reciprocal licensing; ORS 807.050.	Drivers licenses are accepted for many security-related purposes. For example, airlines accept a drivers license as sufficient evidence of identity for purposes of boarding. Oregon law authorizes DMV to establish administrative rules defining when a person is qualified or eligible. In turn, DMV's current rules do require proof of age and identity. But although the Legislature has defined the acceptable means of establishing identity for purposes of replacing a lost or stolen license, the requirements for obtaining a license in the first instance are less stringent.	Interim study by an appropriate body.
61.	ORS chapter 366, ORS 401.065(3); Oregon Constitution, article IX, section 3a.	As noted, the Governor has broad statutory authority to redirect state resources during an emergency. But the Oregon Constitution's limitations on the highway fund would limit the Governor's authority to redirect state highway equipment and personnel. A statute could defined the terms under which such action could be taken in an emergency, and further define the terms under which the fund would be compensated for the emergency action.	Interim study by an appropriate body.
62.	ORS 366.320 <i>et seq.</i>	ODOT has eminent domain authority. The process can be slow. In emergency conditions, such as the necessity of creating a temporary detour around an area destroyed or made uninhabitable by a terrorist attack, ODOT might not be able to quickly secure the necessary rights.	Interim study by an appropriate body.

63.	National Environmental Protection Act; ORS 401.095.	State and federal laws limit the options available to ODOT in the event an emergency requires construction of a detour or alternate route in a short period of time. The Governor's emergency powers are probably sufficient to override state land use restrictions, at least during the emergency itself, but various federal environmental laws and regulations might not authorize the state to take emergency actions that otherwise would be prohibited or restricted.	Interim study by an appropriate body.
64.		. Currently, local, state and federal law enforcement agencies use access to digitized drivers license photographs to help identify and apprehend persons accused of crimes. If these records were to be destroyed in a terrorist attack, law enforcement would be deprived of an important tool. Consideration should be given to establishing secure back-up copies of this photographs.	Interim study by an appropriate body.

	Utilities		
65.	Joint Federal/State Assessment of Oregon's Terrorism Preparedness (October 31, 2001)	The Public Utilities Commission has adequate authority to require regulated utilities to create and maintain security plans for pipelines and other critical utility-related infrastructure. But <i>unregulated</i> facilities are not subject to the PUC's authority in this regard. Certain dams may not be covered by mandatory security plans. The owner/operators of facilities that are not subject to state regulation are under no legal requirement to establish and maintain security plans. The Joint Federal/State Assessment of Oregon's Terrorism Preparedness (October 31, 2001) identified this as a gap in Oregon's readiness.	Interim study by an appropriate body.
66.	ORS 401.065 (3)(Granting the Governor emergency authority to allocate power supplies in an emergency; silent as to Governor's authority to purchase power supplied)	A catastrophic attack could disrupt or eliminate electric power generating facilities or impair the distribution of electrical power through previously established networks. Existing state law concerning the Governor's authority during an emergency does not explicitly address the Governor's authority to purchase power on behalf of the state or its residents.	Interim study by an appropriate body.
	Victim Services		
67.	New Jersey Legislative Assembly Bill No. 21.	Despite a diligent search and the passage of time, some victims of mass attacks may never be conclusively identified. Many legal remedies depend upon a conclusive determination that the missing person has died.	Interim study by an appropriate body.

68.	Patriot Act, Sections 621 – 624; ORS Chapter 147.	Existing Oregon law establishes the duties of victim assistance programs. Expanded authority may be required if these programs are to provide “brief group crisis intervention services,” assist local caregivers, provide focused training on immediate crisis response and long term trauma, provide group debriefing sessions to critical population groups with local caregivers.	Interim study by an appropriate body.
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<b>NOT RECOMMENDED OR NECESSARY</b>			
<b>REFERENCE #</b>	<b>LAW PROVISION ANALYZED</b>	<b>DESCRIPTION OF PROVISION</b>	<b>RECOMMENDED ACTION</b>
69.	Patriot Act, Section 1	Title and table of contents.	No action recommended or necessary.
70.	Patriot Act, Section 2	Construction and severability clause.	No action recommended or necessary.
71.	Patriot Act, Section 101	Establishes a fund to reimburse DOJ components for costs incurred to rebuild facilities, investigate and prosecute terrorism, and to reimburse other Federal agencies for detaining individuals in foreign countries accused of terrorist acts.	No action recommended or necessary.
72.	Patriot Act, Section 102	Sense of Congress condemning discrimination against Arab and Muslim Americans.	No action recommended or necessary.
73.	Patriot Act, Section 103	Authorizes \$200M for each of FY 2002, 2003 and 2004 for the FBI Technical Support Center (established by AEDPA).	No action recommended or necessary.
74.	Patriot Act, Section 104	Broadens Attorney General's authority to request assistance of Secretary of Defense in emergency situations involving weapons of mass destruction.	No action recommended or necessary.
75.	Patriot Act, Section 105	Directs the Secret Service to develop a national network of electronic crime task forces modeled on the New York task force.	No action recommended or necessary.
76.	Patriot Act, Section 106	Grants President the power to confiscate and take title to enemies' property, when United States has been attacked or is engaged in military hostilities; also authorizes courts to consider classified evidence in lawsuits that challenge the government's seizure of property.	No action recommended or necessary.
77.	Patriot Act, Section 203(c)	Requires United States Attorney General to establish procedure for information sharing.	No action recommended or necessary.
78.	Patriot Act, Section 203(a)	Permits sharing of grand jury information regarding foreign intelligence and counterintelligence with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel; must notify court that disclosure has taken place. Can share grand jury information with state officials upon court order.	No action recommended or necessary.
79.			
80.	Patriot Act, Section 205	Employment of translators by the FBI.	No action recommended or necessary.

81.	Patriot Act, Section 206	Allows court to authorize roving surveillance under FISA where court finds that the actions of the target may have effect of thwarting the identification of a target.	No action recommended or necessary.
82.	Patriot Act, Section 207	Initial authorization for surveillance and search of officers/employees of foreign powers changed to 120 days; can be extended for one-year period. All other searches authorized for 90-day period.	No action recommended or necessary.
83.	Patriot Act, Section 208	Increases the number of judges on the FISA Court to 11, no fewer than 3 of whom must live within 20 miles of Washington, D.C.	No action recommended or necessary.
84.	Patriot Act, Section 214	To get pen register/trap and trace order under FISA, must certify that information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities; investigations of US persons may not be conducted upon the basis of First Amendment protected activities.	No action recommended or necessary.
85.	Patriot Act, Section 215	Business records provision allows any designee of FBI director no lower than Assistant Special Agent in Charge to apply to FISA court or a magistrate designated by Chief Justice for an ex parte order requiring production of any tangible things for an investigation to protect against international terrorism or clandestine intelligence activities; investigation must be conducted under AG Guidelines under EO 12333, and investigation of a US person cannot be based on First Amendment protected behavior; also requires semiannual reporting to Congress.	No action recommended or necessary.
86.	Patriot Act, Section 218	Allows law enforcement to conduct surveillance or searches under FISA if "a significant purpose" is foreign intelligence.	No action recommended or necessary.
87.	Patriot Act, Section 219	Permits courts to issue search warrants that are valid nationwide for investigations involving terrorism.	No action recommended or necessary.
88.	Patriot Act, Section 220	Permits courts to issue search warrants for communications stored by providers anywhere in the country; court must have jurisdiction over the offense.	No action recommended or necessary.
89.	Patriot Act, Section 221	Authorizes President to impose sanctions relating to the export of devices that could be used to develop missiles or other weapons of mass destruction. Also expands President's ability to restrict exports to the portions of	No action recommended or necessary.

		Afghanistan controlled by the Taliban.	
90.	Patriot Act, Section 222	Protects communications providers from having to develop or deploy new technology as a result of the Bill, and assures that they will be reasonably compensated.	No action recommended or necessary.
91.	Patriot Act, Section 223	Creates a cause of action and authorizes money damages against the United States if officers disclose sensitive information without authorization.	No action recommended or necessary.
92.	Patriot Act, Section 224 (Provides that many changes in federal law relating to the interception of communications sunset after four years.)	Congress provided that some changes in federal laws relating to the interception of communications will sunset in four years. Other elements of the Patriot Act's provisions relating to the interception of communications were enacted as permanent parts of the law.	No action recommended or necessary.
93.	Patriot Act, Section 225	Grants immunity from civil liability to persons who furnish information in compliance with a FISA order.	No action recommended or necessary.
94.	Patriot Act, Section 301	Title of money-laundering act.	No action recommended or necessary.
95.	Patriot Act, Section 303	Sunset provision; money laundering provisions will expire in 2005 if Congress enacts joint resolution.	No action recommended or necessary.
96.	Patriot Act, Section 302	Congressional findings.	No action recommended or necessary.
97.	Patriot Act, Section 311	Authorizes the Treasury Secretary to require that financial institutions undertake a variety of special measures to prevent money laundering, such as recording certain transactions and obtaining information about correspondence accounts.	No action recommended or necessary.
98.	Patriot Act, Section 312	Imposes special due diligence requirements for private banking and correspondent accounts that involve foreign persons.	No action recommended or necessary.
99.	Patriot Act, Section 313	Prohibits domestic financial institutions from maintaining correspondent accounts with foreign shell banks.	No action recommended or necessary.
100.	Patriot Act, Section 314	Requires Treasury Secretary to promulgate regulations to encourage cooperation among financial institutions, regulators, and law enforcement; allows financial institutions to share information regarding persons suspected of terrorism-related money laundering.	No action recommended or necessary.
101.	Patriot Act, Section 315	Includes various foreign-corruption offenses – including bribery and smuggling – as “specified	No action recommended or necessary.

		unlawful activities” under the money-laundering statute.	
102.	Patriot Act, Section 316	Allows persons to contest confiscation of their property in connection with antiterrorism investigations.	No action recommended or necessary.
103.	Patriot Act, Section 317	Authorizes long-arm jurisdiction over foreign money launderers; also allows courts to restrain foreign-money launderers’ assets before trial.	No action recommended or necessary.
104.	Patriot Act, Section 319	Permits forfeiture of funds held in United States interbank accounts; upon the request of federal banking agencies, requires financial institutions to disclose information about anti-money laundering compliance.	No action recommended or necessary.
105.	Patriot Act, Section 320	Authorizes the civil forfeiture of property related to certain offenses against foreign nations, including controlled-substances crimes, murder, and destruction of property.	No action recommended or necessary.
106.	Patriot Act, Section 321	Includes various entities in the definition of “financial institution,” including futures commission merchants and the Commodity Futures Trading Commission.	No action recommended or necessary.
107.	Patriot Act, Section 322	Provides that a statute preventing fugitives from using court resources in forfeiture actions, also applies to claims brought by corporations whose officers are fugitives.	No action recommended or necessary.
108.	Patriot Act, Section 323	Allows courts to issue restraining orders to preserve the availability of property subject to forfeiture by a foreign government.	No action recommended or necessary.
109.	Patriot Act, Section 324	Requires Treasury Secretary to report on the operation of this subtitle.	No action recommended or necessary.
110.	Patriot Act, Section 325	Allows Treasury Secretary to issue regulations governing concentration accounts, to ensure that customers cannot secretly move funds.	No action recommended or necessary.
111.	Patriot Act, Section 326	Requires Treasury Secretary to promulgate rules requiring financial institutions to verify the identities of persons opening accounts.	No action recommended or necessary.
112.	Patriot Act, Section 327	Requires the government to consider financial institutions’ anti-money laundering record when deciding to approve various requests, including proposed mergers.	No action recommended or necessary.
113.	Patriot Act, Section 328	Requires Treasury Secretary to cooperate with foreign governments to identify the originators of wire transfers.	No action recommended or necessary.

114.	Patriot Act, Section 329	Imposes criminal penalties on government employees who are bribed in connection with their duties under the money-laundering title.	No action recommended or necessary.
115.	Patriot Act, Section 330	Sense of Congress that the United States should negotiate with foreign nations to secure their cooperation in investigations of terrorist groups' finances.	No action recommended or necessary.
116.	Patriot Act, Section 352	Directs financial institutions to establish anti-money laundering programs, and allows Treasury Secretary to prescribe minimum standards.	No action recommended or necessary.
117.	Patriot Act, Section 353	Imposes civil and criminal penalties for violations of geographic targeting orders; extends the effective period for geographic targeting orders from 60 to 180 days.	No action recommended or necessary.
118.	Patriot Act, Section 354	Requires the President's national strategy on money laundering to include data regarding the funding of international terrorism.	No action recommended or necessary.
119.	Patriot Act, Section 355	Allows financial institutions to disclose suspicious activity in employment references.	No action recommended or necessary.
120.	Patriot Act, Section 356	Obliges Treasury Secretary to issue regulations that require securities brokers and commodities merchants to report suspicious activities.	No action recommended or necessary.
121.	Patriot Act, Section 357	Requires Treasury Secretary to report on the administration of Bank Secrecy Act provisions.	No action recommended or necessary.
122.	Patriot Act, Section 358	Makes various amendments to Bank Secrecy Act to enhance United States' ability to fight international terrorism, including making information available to intelligence agencies.	No action recommended or necessary.
123.	Patriot Act, Section 359	Requires reporting on the suspicious activities of underground banking systems.	No action recommended or necessary.
124.	Patriot Act, Section 360	Instructs United States Executive Directors of international financial institutions to use their voice and vote to support loans to foreign countries that assist the United States' fight against international terrorism.	No action recommended or necessary.
125.	Patriot Act, Section 361	Establishes procedures and rules governing the Treasury Department's Financial Crimes Enforcement Network.	No action recommended or necessary.
126.	Patriot Act, Section 362	Requires Treasury Secretary to establish in the Financial Crimes Enforcement Network, a highly secure network that will allow the exchange of	No action recommended or necessary.

		information with financial institutions.	
127.	Patriot Act, Section 363	Increases civil and criminal penalties for money laundering.	No action recommended or necessary.
128.	Patriot Act, Section 364	Authorizes the Federal Reserve to hire security personnel.	No action recommended or necessary.
129.	Patriot Act, Section 365	Requires companies that receive more than \$10,000 in currency in a transaction to file a report with the Financial Crimes Enforcement Network.	No action recommended or necessary.
130.	Patriot Act, Section 366	Requires Treasury Secretary to study expanding exemptions from currency reporting requirements.	No action recommended or necessary.
131.	Patriot Act, Section 371	Makes it a crime to smuggle more than \$10,000 in currency into or out of the United States, with the intent of avoiding a currency-reporting requirement; also authorizes civil forfeiture.	No action recommended or necessary.
132.	Patriot Act, Section 372	Authorizes criminal and civil forfeiture in currency-reporting cases.	No action recommended or necessary.
133.	Patriot Act, Section 374	Increases penalties for counterfeiting United States currency and obligations; clarifies that counterfeiting statues apply to counterfeits produced by electronic means.	No action recommended or necessary.
134.	Patriot Act, Section 375	Increases penalties for counterfeiting foreign currency and obligations.	No action recommended or necessary.
135.	Patriot Act, Section 376	Designates a new predicate money-laundering offense: providing material support or resources to foreign terrorist organizations in violation of 18 U.S.C. § 2339B.	No action recommended or necessary.
136.	Patriot Act, Section 377	Provides for extraterritorial jurisdiction over certain crimes of fraud in connection with access devices.	No action recommended or necessary.
137.	Patriot Act, Section 401	Authorizes AG to waive caps on immigration personnel assigned to protect Northern Border.	No action recommended or necessary.
138.	Patriot Act, Section 402	Tripled the number of Border Patrol personnel, Customs Service personnel, and Immigration and Naturalization Service inspectors; also allocates an additional \$50 million each to the Customs Service and the INS.	No action recommended or necessary.
139.	Patriot Act, Section 403	Requires the FBI to share criminal-record information with the INS and the State Department for the purpose of adjudicating visa applications	No action recommended or necessary.
140.	Patriot Act, Section 404	One-time expansion of INS authority to pay overtime.	No action recommended or necessary.
141.	Patriot Act, Section 405	Requires AG to report to Congress on feasibility of	No action recommended or necessary.

		enhancing FBI's Integrated Automated Fingerprint Identification System, or "IAFIS," to prevent foreign terrorists from receiving visas and from entering United States.	
142.	Patriot Act, Section 411	Broadens the Immigration and Naturalization Act's terrorism-related definitions. Expands grounds of inadmissibility to include persons who publicly endorse terrorist activity. Expands definition of "terrorist activity" to include all dangerous devices in addition to firearms and explosives. Expands definition of "engaging in a terrorist activity" to include providing material support to groups that the person knows or should know that are terrorist organizations.	No action recommended or necessary.
143.	Patriot Act, Section 412	Requires AG to detain aliens whom he certifies as threats to national security. AG must charge aliens with criminal or immigration offenses within seven days. AG must detain aliens until they are removed or until he determines that they no longer pose threat. Establishes D.C. Circuit as exclusive jurisdiction for appeals.	No action recommended or necessary.
144.	Patriot Act, Section 413	Gives Secretary of State discretion to provide visa-records information to foreign governments, for the purpose of combating international terrorism or crime; gives certain countries general access to State Department's lookout databases.	No action recommended or necessary.
145.	Patriot Act, Section 414	Sense of Congress regarding need to expedite implementation of an integrated entry and exit data system.	No action recommended or necessary.
146.	Patriot Act, Section 415	Provides that Office of Homeland Security shall participate in the entry-exit task force authorized by Congress in 1996.	No action recommended or necessary.
147.	Patriot Act, Section 416	Requires AG to implement fully and expand the foreign student visa-monitoring program authorized by Congress in 1996.	No action recommended or necessary.
148.	Patriot Act, Section 417	Requires Secretary of State to enhance efforts to develop machine-readable passports.	No action recommended or necessary.
149.	Patriot Act, Section 418	Obliges Secretary of State to review how consular officers issue visas to determine whether consular shopping is a problem.	No action recommended or necessary.
150.	Patriot Act, Section 421	Grants special immigrant status to people who were in the process of securing permanent residence through a	No action recommended or necessary.

		family member who died, was disabled, or lost employment as a result of the September 11 attacks.	
151.	Patriot Act, Section 422	Provides a temporary extension of status to people who are present in the United States on a "derivative status" (the spouse or minor child) of a non-immigrant who was killed or injured on September 11.	No action recommended or necessary.
152.	Patriot Act, Section 423	Provides that aliens whose spouses or parents were killed in the September 11 attacks will continue to be considered "immediate relatives" entitled to remain in the United States.	No action recommended or necessary.
153.	Patriot Act, Section 424	Provides that aliens who turn 21 during or after September 2001 shall be considered children for 90 or 45 days, respectively, after their birthdays.	No action recommended or necessary.
154.	Patriot Act, Section 425	Authorizes AG to provide temporary administrative relief, for humanitarian purposes, to any alien who is related to a person killed by terrorists.	No action recommended or necessary.
155.	Patriot Act, Section 426	Requires AG to establish evidentiary guidelines for demonstrating that death or disability occurred as a result of terrorist activity.	No action recommended or necessary.
156.	Patriot Act, Section 427	Provides that no benefits shall be given to terrorists or their family members.	No action recommended or necessary.
157.	Patriot Act, Section 428	Definitions.	No action recommended or necessary.
158.	Patriot Act, Section 502	Enhances Secretary of State's authority to pay rewards in connection with terrorism.	No action recommended or necessary.
159.	Patriot Act, Section 503	Expands DNA sample collection predicates for federal offenders to include all offenses in 18 U.S.C. 2332(g)(5)(B) list, all crimes of violence (as defined in 18 U.S.C. 16), and attempts and conspiracies to commit such crimes.	No action recommended or necessary.
160.	Patriot Act, Section 504	Allows "federal officers" who conduct FISA surveillance or searches to coordinate efforts to investigate or protect against attacks, grave hostile acts, sabotage, international terrorism, or clandestine intelligence activities by foreign power.	No action recommended or necessary.
161.	Patriot Act, Section 505	Allows FBI Deputy Assistant Director or higher (or Special Agent in Charge) to issue National Security Letters for telephone toll and transaction records, financial records, and consumer reports.	No action recommended or necessary.
162.	Patriot Act, Section 506	Extends Secret Service's jurisdiction (concurrently with FBI's) to investigate offenses against government	No action recommended or necessary.

		computers.	
163.	Patriot Act, Section 611	Provides for expedited payment of Public Safety Officer benefits in connection with terrorism.	No action recommended or necessary.
164.	Patriot Act, Section 612	Technical amendments to Pub. L. 107-37.	No action recommended or necessary.
165.	Patriot Act, Section 613	Raises base amount of Public Safety Officer benefits from \$100K to \$250K.	No action recommended or necessary.
166.	Patriot Act, Section 614	Enhances authority of Assistant Attorney General for the Office of Justice Programs to manage OJP.	No action recommended or necessary.
167.	Patriot Act, Section 621	Makes many minor changes in crime victims compensation program; one is: amounts received by the Crime Victims Fund from the \$40B emergency fund are not subject to spending cap.	No action recommended or necessary.
168.	Patriot Act, Section 622	Makes many minor changes in the crime victims compensation program.	No action recommended or necessary.
169.	Patriot Act, Section 623	Makes many minor changes in the crime victims compensation program.	No action recommended or necessary.
170.	Patriot Act, Section 624	Makes many minor changes in the crime victims compensation program; one expands use of its emergency reserve.	No action recommended or necessary.
171.	Patriot Act, Section 701	Expands regional information-sharing system to enhance federal and state law-enforcement officers' ability to respond to terrorist attacks.	No action recommended or necessary.
172.	Patriot Act, Section 801	Makes it a crime to engage in terrorist attacks on mass transportation systems.	No action recommended or necessary.
173.	Patriot Act, Section 802	Adds definition of "domestic terrorism" to 18 U.S.C. 2331 and makes conforming change in existing definition of "international terrorism."	No action recommended or necessary.
174.	Patriot Act, Section 803	Makes it a crime to harbor a person where perpetrator knows or has reasonable grounds to believe that the person has committed or is about to commit one of several serious terrorism crimes; includes venue provision.	No action recommended or necessary.
175.	Patriot Act, Section 804	Extends the United States' special maritime and territorial jurisdiction to any offenses committed by or against U.S. nationals at foreign missions and related residences; excludes offenses by persons covered under 18 U.S.C. 3261(a) (which provides separate extraterritorial provision for persons accompanying the armed forces).	No action recommended or necessary.
176.	Patriot Act, Section 805	Amends crime of providing material support to	No action recommended or necessary.

		terrorists by deleting the "within the U.S." restriction; adds some additional predicate offenses; and adds "monetary instruments" and "expert advice or assistance" as types of prohibited support. Also, adds material support of foreign terrorist organizations as money laundering predicate.	
177.	Patriot Act, Section 807	Clarifies that Trade Sanctions Reform and Export Enhancement Act of 2000 does not limit the prohibition on providing material support to terrorists or foreign terrorist organizations.	No action recommended or necessary.
178.	Patriot Act, Section 808	Amends definition of "federal crime of terrorism" in 18 U.S.C. 2332(g)(5)(B) to include a number of serious crimes that terrorists are likely to commit. Makes conforming amendment to 2332b(f) to avoid reducing AG's primary investigative jurisdiction.	No action recommended or necessary.
179.	Patriot Act, Section 809	No statute of limitations for certain terrorism crimes that involve the occurrence or foreseeable risk of death or serious injury; other terrorism crimes subject to extended eight-year limitations period.	No action recommended or necessary.
180.	Patriot Act, Section 810	Amends statutes defining various terrorism crimes (including arson and material support to terrorists) to provide base maximum prison terms of 15 or 20 years, and up to life imprisonment where death results.	No action recommended or necessary.
181.	Patriot Act, Section 811	Amends statutes defining various terrorism crimes (including arson and killings in federal facilities) to add a prohibition on attempt and conspiracy; provides increased penalties for attempts and conspiracies that are equal to the penalties for the underlying offenses.	No action recommended or necessary.
182.	Patriot Act, Section 812	Courts may authorize postrelease supervision periods of up to life for persons convicted of terrorism crimes that involved the occurrence or foreseeable risk of death or serious injury.	No action recommended or necessary.
183.	Patriot Act, Section 813	Adds terrorism crimes listed in 18 U.S.C. 2332b(g)(5)(B) as predicates under RICO.	No action recommended or necessary.
184.	Patriot Act, Section 814	Makes a number of amendments to the computer hacking law to clarify protection of protected computers, and to ensure adequate penalties for cyber-terrorists.	No action recommended or necessary.
185.	Patriot Act, Section 901	Gives CIA Director responsibility to establish requirements and priorities for foreign intelligence information under FISA, and to assist AG in ensuring	No action recommended or necessary.

		that information derived from FISA surveillance or searches is used effectively for foreign intelligence purposes.	
186.	Patriot Act, Section 902	Includes international terrorist activities within the scope of foreign intelligence under the National Security Act.	No action recommended or necessary.
187.	Patriot Act, Section 903	Sense of Congress on the need to establish intelligence relationships to acquire information on terrorists.	No action recommended or necessary.
188.	Patriot Act, Section 904	Grants CIA Director temporary authority to delay submitting reports to Congress on intelligence matters.	No action recommended or necessary.
189.	Patriot Act, Section 905	Requires AG to disclose to CIA Director any foreign intelligence acquired by a DOJ element during a criminal investigation; AG can provide exceptions for classes of information to protect ongoing investigations.	No action recommended or necessary.
190.	Patriot Act, Section 906	Requires AG, CIA Director, and Secretary of the Treasury to report to Congress on feasibility of developing capacity to analyze foreign intelligence relating to terrorist organizations' finances.	No action recommended or necessary.
191.	Patriot Act, Section 907	Obliges Directors of FBI and CIA to report on the development of a "National Virtual Translation Center," which will provide intelligence community with translations of foreign intelligence.	No action recommended or necessary.
192.	Patriot Act, Section 908	Requires AG to establish a program to train government officials in the identification and use of foreign intelligence.	No action recommended or necessary.
193.	Patriot Act, Section 1001	Directs DOJ Inspector General to investigate if DOJ employees are alleged to have engaged in civil rights abuses.	No action recommended or necessary.
194.	Patriot Act, Section 1002	Sense of Congress that Sikhs should not be subject to discrimination in retaliation for the September 11 attacks.	No action recommended or necessary.
195.	Patriot Act, Section 1003	Defines "electronic surveillance" in FISA to exclude the acquisition of computer trespassers' communications.	No action recommended or necessary.
196.	Patriot Act, Section 1006	Provides that aliens who are engaged in money laundering may not be admitted to the United States.	No action recommended or necessary.
197.	Patriot Act, Section 1007	Authorizes Drug Enforcement Administration funds for anti-drug training in Turkey and in South and Central Asia.	No action recommended or necessary.

198.	Patriot Act, Section 1008	Requires AG to study feasibility of using fingerprint scanner at overseas consular posts and points of entry into the United States.	No action recommended or necessary.
199.	Patriot Act, Section 1009	Requires FBI to report to Congress on feasibility of providing airlines with names of passengers who are suspected to be terrorists.	No action recommended or necessary.
200.	Patriot Act, Section 1010	Allows Defense Department to contract with state and local governments to provide security at military installations during Operation Enduring Freedom.	No action recommended or necessary.
201.	Patriot Act, Section 1011	Enhances statutes making it unlawful to fraudulently solicit charitable contributions.	No action recommended or necessary.
202.	Patriot Act, Section 1013	Sense of the Senate that the United State should increase funding for bioterrorism preparedness.	No action recommended or necessary.
203.	Patriot Act, Section 1014	Office of Justice Programs to make grants to states to enhance their ability to prepare for and respond to terrorism involving weapons of mass destruction.	No action recommended or necessary.
204.	Patriot Act, Section 1015	Expands and reauthorizes the Crime Identification Technology Act for antiterrorism grants to states and localities.	No action recommended or necessary.
205.	ORS 181.575	Provides: "No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct."	No action recommended or necessary.

206.	MSEHPA (granting some authority to public health administrators to declare health related emergencies); ORS 401.025 (granting this power to the Governor).	This authority resides with Governor, no matter what the cause. <i>See</i> ORS 401.025. would grant some authority to declare emergencies to Public Health Officer, but ORS chapter 401 reflects Oregon's policy choice to leave that authority with the Governor. No change recommended. Consider adding "terrorist acts," which would have to be defined, to "Emergency" definition in ORS 401.025. However, present definition likely broad enough to cover any terrorist acts.	No action recommended or necessary.
207.	Patriot Act, Section 1016	Establishes National Infrastructure Simulation and Analysis Center to protect United States' critical infrastructure from terrorist attacks.	No action recommended or necessary.