State Official’s Guide to Homeland Security
by Chad S. Foster

The Council of State Governments

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Foreword

As a result of the September 11, 2001 terrorist attacks in New York, Pennsylvania and Virginia, states find themselves playing an increasingly larger role in homeland security. Multi-agency coordination, new budget priorities, and an unprecedented expansion of responsibility have made states overnight players on a global stage. Following the release of the National Strategy for Homeland Security in July 2002, states have been tasked with new challenges, such as protecting public assets, preparing for future terrorist acts, and planning for emergency response.

State officials are facing many difficult questions as they address homeland security. How can they identify, detain and arrest terrorists without infringing upon the civil rights of all citizens? How do they protect critical infrastructure without disrupting key relationships with corporate America? How do they fund new homeland security responsibilities in a period of shrinking budgets?

We are pleased to provide the State Official's Guide to Homeland Security as a tool that will aid state policymakers in their important public safety decisions. This Guide is intended to be a key resource for understanding the states’ roles before and after Sept. 11, and highlighting state priorities and considerations in determining homeland security preparedness.

The Guide introduces state officials to the critical issues of homeland security, outlining factors you should consider and assess when making policy decisions about counterterrorism and terrorism response. Rather than prescribing policy, the Guide provides balanced information, enabling state officials to determine the answers best suited to their state’s circumstances. Finally, the Guide offers state officials with example policies and practices.

We want to extend special appreciation to the state officials and experts who served on CSG’s Homeland Security Advisory Board and to the state agencies and associates who responded to our surveys. Without their support, this report would not have been possible. We also thank the corporate funding donors and board members of CSG’s 21st Century Fund for supporting this important project.

November 2002

Daniel M. Sprague
Executive Director
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The Council of State Governments (CSG) is the only national organization serving every elected and appointed official in all three branches of each state and territorial government. Since 1933, CSG has championed excellence in state government by advocating multi-state problem solving and states’ rights, recognizing and tracking national trends, identifying innovations, and providing nonpartisan groundbreaking leadership training and support. CSG performs this work through its national office, as well as regional offices based in the East, Midwest, South and West.

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Executive Summary

What are the states’ roles in the war on terrorism? Although more than a year has passed since the Sept. 11, 2001 attacks in New York, Pennsylvania and Virginia, the states remain caught in a whirlwind of change. Now that the attack sites are clear from debris and physical repairs underway, it is time to reflect on the previous year to examine progress, readiness and lessons learned for future actions and activities.

Through state surveys and research, The Council of State Governments (CSG) has uncovered many issues and topics that state leaders are addressing in the wake of the war on terrorism. State priorities as defined by state homeland security coordinators serve as the foundation for this State Official’s Guide to Homeland Security. Supported by state-introduced or enacted legislation, these priorities define the states’ homeland security policy efforts over the past year. Additionally, this guide explains many state homeland security responses to include practices, procedures and administrative and organizational changes.

Although the states cannot be completely prepared for every possible future terrorist attack, this report illustrates that the states are taking necessary steps to form sound homeland security policy. This policy, combined with efforts at the local and federal levels, will provide a united front on the war on terrorism.

What is homeland security?

The National Strategy for Homeland Security has defined homeland security as “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.” The United States has experienced many forms of terrorism over the past few decades. During the 1970s and 1980s, terrorism was predominantly driven by political motivations. Recent attacks have little influence over national or international opinion and are less dependent on state sponsorship. Coupled with the loose, transnational affiliations based on religious or ideological affinity, today’s acts of terrorism are much more difficult to detect and prevent.

The focus on counterterrorism in the years leading up to the Sept. 11 attacks remained at the federal level of government. Although aware of the growing presence of terrorism, state and local levels of government focused very few resources and attention upon counterterrorism efforts and policy. Very few acts of terrorism were committed in the U.S. homeland, and a huge presence of international terrorist organizations was not evident in the states. Coupled with growing concerns over more traditional crimes such as drug use and trafficking, theft and murder, state and local governments felt comfortable playing only a supporting role to counterterrorism.

The Sept. 11 attacks have brought terrorism preparedness to the forefront of policy discussion at all levels of government, including state and local levels. The private sector has also shown determination and resolve to assist in the war against terrorism. The nation has experienced many successes over the past year with a new focus on homeland security.

To understand the roles of the states in the national strategy, it is necessary to first understand the roles of the federal government. In fact, the federal government is playing a lead role in the nation’s new strategy. On July 16, 2002, the president announced the National Strategy for Homeland Security. This strategy provides all levels of government and private sector partners with a definition for homeland security, clarity, operational focus and guidance. It outlines the nation’s homeland security goals as well as many ways that the federal government will partner and help the states address homeland security issues. Chapter one addresses these components of the national strategy as well as the policy trends leading up to and after Sept. 11 to assist the reader in understanding what homeland security means for the states.

How are the states assessing homeland security preparedness?

The Council of State Governments (CSG) and the National Emergency Management Association (NEMA) conducted a survey in March-April 2002 to uncover state homeland security priorities, issues and practices. Many of these priorities remained constant across all states while others were unique. First responders, public health, infrastructure security and intelligence gathering and investigations were the most prevalent priorities. Other priorities included border security, driver’s licenses and identification cards, mutual aid networks, volunteers and donations and public notification. These priorities provide the foundation for each state assessment for homeland security preparedness.

- **First Responders.** First responders are local law enforcement, fire and medical personnel who are the first on the scene at any disaster site. They have the greatest potential to save lives and limit casualties as a result of a terrorist attack.
- **Public Health.** Public health readiness includes the ability to medically respond to acts of terrorism such as biological, radiological and chemical exposure as well as incendiary and explosive acts against the civilian population.
- **Infrastructure Security.** States possess complex infrastructures which support or house critical services. Examples include highway and other transportation systems, airports, waterways, government buildings, critical utilities in the form of electricity, gas and fuels, telecommunications networks, Internet services and agriculture.
- **Intelligence Gathering and Investigation.** Most experts agree that the best way to fight terrorism is to find terrorists before they strike. Therefore, states have made intelligence gathering and investigation a top priority. Intelligence networks provide quick and accurate information which ultimately protects the lives and physical safety of all citizens.
- **Border Security.** Borders in the context of homeland security extend beyond our nation’s land and sea borders. They extend to all ports of entry including airports as well as sea and land avenues. For these reasons, border security is of concern for all states.
- **Driver’s Licenses and Identification Cards.** Five of the six hijackers on board American Airlines Flight 77, the plane that crashed into the Pentagon, fraudulently obtained licenses in Virginia. The attacks have caused the states to examine and begin solving problems with state-issued driver’s licenses and license programs.

- **Mutual Aid Networks.** There are times when state and local resources are overwhelmed following natural disasters or terrorist acts and federal assistance is inadequate or unavailable. Interstate and intrastate mutual aid networks provide an orderly and timely process of requesting and sending aid across state borders in response to terrorist incidents.

- **Volunteers and Donations.** Following the Sept. 11 attacks on the World Trade Center and the Pentagon, the nation experienced an unprecedented amount of volunteer and donation support for victims of the attacks and recovery efforts. Citizens felt an overwhelming need to volunteer their time and resources in the name of homeland security. Planning and preparing for these donations and volunteers is a critical issue for all state and local officials.

- **Public Notification.** States understand the importance of notifying the general public about terrorist acts and threats, with recommended actions. Likewise, states can solicit the assistance of the public in the interest of homeland security.

### Considerations for homeland security preparedness

In addition to administrative responses the states are addressing homeland security needs through organizational changes, legislation and cooperation with the private sector. To better assist the states in these areas, CSG and NEMA conducted surveys and research to identify trends and recommendations for these other areas of consideration.

### Organizational Structures

Following the Sept. 11 attacks, many states created new structures with the sole purpose of preparing the state for future terrorist attacks. Other states decided to incorporate additional security responsibilities into existing agency/departmental structures. CSG and NEMA conducted a survey in 2002 to review each state's organizational structure for homeland security. Survey results show that 19 states created new positions, offices or agencies to handle homeland security issues since Sept. 11. The remaining 31 states and the District of Columbia decided to add the duties and responsibilities of homeland security to existing structures such as the state's emergency management system, military or office of public safety.

Likewise, states found a need to create state-level groups, consisting of multiple department and agency representatives, to address homeland security on a united front. Survey results indicate that 37 states and DC have created some type of terrorism task force, working group, committee or council that is maintained in an advisory or planning capacity for the state's homeland security and anti-terrorism efforts. In addition to these 37 states, eight other states had active planning groups before Sept. 11th to address terrorism preparedness.
Legislative Trends

The Sept. 11 attacks caused the states to examine their terrorism preparedness and response capabilities. This examination spurred a variety of state legislation that spans the spectrum of related homeland security topics: criminalizing acts of terrorism, enhancing driver’s licenses and state license programs, strengthening emergency health, emergency assistance, funding initiatives, governors’ emergency powers, public records, search warrants and wiretapping, state organizations and volunteers and donations.

Corporate America

The private sector plays a critical role in helping guard against and respond to acts of terrorism. Corporations comprise over 85 percent of the critical infrastructures in the states and provide needed equipment and resources for state services. Similarly, the attacks on Sept. 11 raised many issues and concerns surrounding public and private affairs, cooperation and coordination as they relate to homeland security. For example, notification procedures between public offices and privately owned utilities must be established and exercised in case a direct threat is identified that targets a specific utility.

Summary

There is overwhelming evidence at both the state and federal levels of government that the key factor to homeland security success is an increase in cooperation and collaboration between all levels of government and private partners. The increased need to share information and communicate threats in a timely manner is a critical component to fighting terrorists before they strike. Responding to acts involving weapons of mass destruction requires a coordinated approach by local, state and federal agencies. Through surveys of state homeland security directors and private partners and the National Strategy for Homeland Security, CSG believes that the only successful front on the “war against terrorism” is a united one.

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Chapter One

What is homeland security?
Terrorism Defined

The National Security Institute defines terrorism as the “use of force or violence against persons or property in violation of the criminal laws of the United States for purposes of intimidation, coercion or ransom.”¹ In light of this definition, what is homeland security? The National Strategy for Homeland Security defines homeland security as “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.”²

The United States has experienced many forms of terrorism over the past few decades. During the 1970s and 1980s, terrorism was predominantly driven by political motivations. The world experienced numerous airline hijackings, kidnappings, hostage situations and ruthless bombings of civilian targets such as the international airports in Rome, Vienna and Athens. Latin America, the Middle East and Asia were occupied with groups fighting for changes in existing political structures, borders and leadership.

Recent attacks have little influence over national or international opinion and are less dependent on state sponsorship. Coupled with the loose, transnational affiliations based on religious or ideological affinity, today’s acts of terrorism are much more difficult to detect and prevent. Terrorists are acting on their own and are resorting to car bombs, suicide bombings and attacks on civilian buildings and diplomatic posts. They possess complex funding networks through drug trafficking, fundraising fronts, private businesses, independent wealth and local financial support.

Today, the principal motivations behind most terrorist movements are not bound to a particular territory. Their choice of victim is no longer a specific political target but rather anyone they consider opposed to their ideology, often with little concern for innocent bystanders.

The states have experienced acts of terrorism in the past but none so violent and catastrophic as the Sept. 11 attacks on the World Trade Center and the Pentagon. The Oklahoma City and Atlanta Olympic Park bombings are two recent terrorist acts in the states. The terrorists that committed these acts have little in common with present-day terrorist organizations such as al Qaeda, which has an international presence and works with other militant groups with similar ideologies. Whether al Qaeda or an American-born terrorist like Timothy McVeigh, all terrorists seek visible targets where they can avoid detection before or after an attack on airports, cities, international events, resorts and high profile landmarks.

Responding to these threats, the states have experienced a barrage of change over the past year. Not only were they forced to deal with the aftermath of the terrorist attacks; they were also forced to take measures to prevent future attacks. The president and the federal government have led the charge in the war against terrorism. At the same time, the federal government recognizes the critical role that local and state governments play in identifying, preventing and responding to acts of terrorism.

The president outlined his national strategy in July 2002, and that strategy is helping to focus states efforts. Federal funding is beginning to make its way to the states,

helping the states allocate internal funds for unique needs. The federal government is also playing a hands-on role in helping train and equip first responders through federal agencies such as the Federal Emergency Management Agency, Department of Justice and the Department of Health and Human Services.

Although much has been accomplished over the past year, much remains to be completed for the states. The reorganization of many federal offices, although needed, adds to the confusion at the state and local levels. As the national strategy unfolds, states’ roles and responsibilities will become clear. Until then, states must maintain a united front for the war against terrorism.

National Trends Before Sept. 11

The focus on counterterrorism in the years leading up to the Sept. 11 attacks remained at the federal level of government. Although aware of the growing presence of terrorism, state and local levels of government focused very few resources and attention upon counterterrorism efforts and policy. Very few acts of terrorism were committed in the United States, and a huge presence of international terrorist organizations was not evident in the states themselves. Coupled with growing concerns over more traditional crimes such as drug use and trafficking, theft and murder, state and local governments felt comfortable playing a supporting role to counterterrorism.

On the national stage, the term “counterterrorism” made its first appearance in the vocabulary of national policy-makers in the 1980s. President Ronald Reagan began to formulate counterterrorism-related policy with the passage of National Security Decision Directive (NSSD) 30 in 1982. This directive established the Terrorism Incident Working Group which was responsible for coordinating efforts to respond to terrorism and the Interdepartmental Group on Terrorism which was responsible for developing terrorism policy.

The nation experienced another surge in terrorism-related policy during President Reagan’s second term in office. NSSD 179 and 180 were issued in 1985 to establish the Task Force on Counterterrorism and the Civilian Aviation Anti-Terrorism Program. NSSDs issued the following year acknowledged the threat to national security posed by state-sponsored terrorism and provided guidelines on ways to prevent and respond to acts of terrorism.

The second wave of policy appeared during the Clinton presidency in the 1990s. In 1995, President Clinton issued an executive order to prohibit transactions with terrorists that threatened to disrupt the Middle East peace process and a directive to outline federal responsibilities as they relate to counterterrorism. In 1998, President Clinton amended a previous executive order to sever ties with Osama bin Laden and al Qaeda following the embassy bombings in Kenya and Tanzania.

Many of these national policy changes and the dramatic increase in counterterrorism policy during the 1990s reflect the increase in terrorist incidents at home and abroad. Despite these increased activities at the federal level, state and local governments played an extremely minor role. State and local law enforcement efforts focused on traditional crimes such as traffic violations, burglary and arson. Emergency management focused on natural disaster recovery. The terms “agroterrorism,” “bioterrorism” and “ecoterrorism” were simply not in the vocabulary of state and local officials. Likewise, comprehensive security planning and training was not universally accepted and executed.
Pros of the Pre-Sept. 11 Policy

Americans enjoyed many conveniences during the 1980s and 1990s. Some of these benefits included:

• The unhindered movement of people and goods to and from neighboring countries.
• Few disruptions and inconveniences in air travel and overall confidence in the airline industries.
• The unhindered movement of international travelers that boosted the country’s tourism industry.
• The ease in obtaining international students that provided higher education and related research institutions with a broad range of diversity, experiences and backgrounds.
• The decrease in hate crimes against specific ethnic or religious groups over the past few decades.

Cons of the Pre-Sept. 11 Policy

Despite these perceived benefits, the nation and the states failed to identify terrorist activity within the nation’s borders and prevent the catastrophic events of Sept. 11. Terrorists were able to capitalize on the freedoms of the 1980s and 1990s and disappear into American society. They were able to do so because state-issued driver’s licenses allowed them to operate vehicles, open bank accounts, make financial transactions and train to fly airplanes. Likewise, many of the terrorists overstayed their student visas without oversight or knowledge by the Immigration and Naturalization Service, law enforcement or other public officials.

Open borders with Canada and Mexico provided terrorists with the freedom to move between countries in an effort to take advantage of weak immigration laws. There were no protective measures at U.S. seaports to identify dangerous cargo. Federal law enforcement agencies failed to act on clues that potential terrorists were taking flight lessons. Likewise, airport security personnel lacked necessary training, resources and sufficient standards to identify potential weapons like box cutters.

The terrorist activities of the 1990s did cause the states to begin planning counterterrorism activities. A recent survey by CSG and NEMA found that 15 states had created some form of homeland security planning group before Sept. 11, including Alaska, Arizona, Arkansas, California, Connecticut, Hawaii, Idaho, Illinois, Maryland, Minnesota, Mississippi, Nebraska, Nevada, New Mexico and Washington. Although these states had established planning groups, most remained dormant for extended periods of time or met sporadically throughout the 1990s.

Counterterrorism Legislation in the 1980s and 1990s


H.R. 6311 provided authorities needed resources to combat terrorism worldwide. It authorized $356 million to boost security forces and provide improvements to military installations. Public Law 98-533 allows for the payment of monies to individuals providing information concerning terrorism.


S.960 authorized foreign assistance to those countries which are trying to deter terrorism and aggression.


Any foreign state or organization that knowingly assists the development, production, or transportation of chemical agents “shall be fined under this title or imprisoned for life or any term of years, or both.” This Act set forth guidelines approved by the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological and Toxin Weapons.


This Act provided heightened security on all international flights as set forth by the President’s Commission on Aviation Security and Terrorism. The Commission was created in the wake the crash of Pan American Flight 103 over Lockerbie, Scotland.


This Act made terrorism a federal crime punishable by death. It also assists in the investigation, prosecution and trial of those accused of a terrorist act.
National Trends After Sept. 11

The Sept. 11 attacks have brought terrorism preparedness to the forefront of policy discussion at all levels of government, including state and local levels. The private sector has also shown determination and resolve to assist in the war against terrorism. The nation has experienced many successes over the past year with a new focus on homeland security. However, Americans are experiencing inconveniences in many ways while the focus on security has degraded other important policy issues. Here is a glimpse at the pros and cons associated with national policy following Sept. 11.

Pros of the Post-Sept. 11 Policy

In response to the attacks on the World Trade Center and Pentagon, the nation united on all fronts to address the looming threat of terrorism in the homeland. State and local officials are assessing vulnerabilities and taking action to mitigate threats. Multi-agency planning is being conducted at all levels of government with private sector partners. Public offices are transforming and growing with counterterrorism experts to sufficiently address homeland security needs. As a result:

The changing face of terrorism from 1990 – 2001

1995: Alfred P. Murrah Federal Building Bombing, Oklahoma City

On April 19, the Murrah Federal Building in Oklahoma City, OK was destroyed by a bomb blast. The blast killed 168 people and injured more than 500 others. One hour after the blast, an Oklahoma state trooper stopped the vehicle of Timothy McVeigh 80 miles north of Oklahoma City for missing a license plate. McVeigh was found carrying earplugs, a loaded handgun and anti-government hate letters. He was formally charged with the bombing two days later.

1995: Sarin Attack in Tokyo Subway

On March 20, a terrorist cult group released the nerve gas sarin in commuter trains on three different Tokyo subways. The incident was timed to coincide with rush hour, when trains were packed with commuters. In the end, 12 people died from the sarin exposure, and 493 people were admitted to metropolitan hospitals.

1995: 1st World Trade Center Bombing

On February 26, a bomb exploded in the parking garage of one of the World Trade Center towers. The blast killed six and left approximately 1,000 injured. Ramzi Yousef, the perpetrator and leader of the attack, was captured in February 1995 in Pakistan. After the bombing, Yousef traveled to Pakistan and then on to the Philippines where he began planning for attacks on U.S. airliners. Investigators later uncovered details surrounding this plot to destroy numerous U.S. air carriers in a simultaneous operation using small explosive devices. Yousef was captured on February 7, 1995 in Islamabad, Pakistan, and rendered to the United States.

1996: Centennial Olympic Park Bombing, Atlanta

On June 27, at 1:20 a.m. a pipe bomb exploded at the Centennial Olympic Park in Atlanta. One woman died and 112 people were injured by the blast. Eric Robert Rudolph of North Carolina was charged in 1998 with this bombing but remains at large.
Citizens are more vigilant and aware of their surroundings. They now possess means to report suspicious and potential terrorist activities.

Law enforcement agencies at all levels have clearly defined roles for terrorism prevention and response. They have uncovered terrorist organizations and sympathizers and thwarted potential attacks.

Security at all points of entry into the country, including airports, seaports and borders with Mexico and Canada have been tightened.

Private-sector leaders are reviewing vulnerability assessments and security plans and are taking action to mitigate against new threats.

An unprecedented amount of communication, coordination and collaboration at all levels of government is occurring, both horizontally and laterally. Sectors involved include public health, emergency management, military, law enforcement, fire, agriculture, infrastructure, and transportation.

Short-term and long-term strategies are being developed and executed by all stakeholders including public offices and private companies.
Cons of the Post-Sept. 11 Policy

Despite the many benefits to heightened security and awareness at all levels of government, post-Sept. 11 changes have wrought residual and cascading effects on many parts of society, creating separate but equally challenging issues for state and local governments:

• Heightened focus and higher priorities for homeland security have forced other policy and associated programs to the wayside in terms of funding.
• Heightened security at the nation’s borders with Canada and Mexico is creating logjams and causing delays for international commerce and the free flow of goods. An increase in security at seaports has also slowed the movement of goods into and out of the country.
• Heightened security at the nation’s airports and borders has inconvenienced travelers by long waits and vehicle and body searches.
• Tourism by international and domestic travelers has declined this past year, causing residual effects on our state’s economies.
• Hate crimes increased by 15.5 percent in 2001 – most aimed at Muslims. In fact, hate crimes would have dropped 5 percent were it not for assaults and threats against Muslims or those who appeared to be of Middle Eastern descent.
• Increased supervision, management and scrutiny of international students and visas have created delays in school acceptances and attendance.

These issues provide a glimpse into benefits as well as negative repercussions from the new national focus on homeland security. How states specifically fit into the scheme of the national strategy is highlighted in Chapter Two. To understand the role of the states, however, it is first necessary to understand the roles of the federal government.

The Roles of the Federal Government

The federal government is playing a multifaceted role in the nation’s new strategy for homeland security. The four most visible roles include: protecting U.S. interests abroad and assisting other countries in combating terrorism; protecting the nation’s land, sea and air borders; improving intelligence gathering and information sharing; and enhancing the nation’s response capabilities, emergency management and public health structures.

The primary difference between the federal government’s focus and the states’ emphasis is a matter of boundaries. It is the federal government’s responsibility to push our nation’s borders out beyond the physical land or sea borders to protect U.S. interests abroad and prevent terrorist organizations and their tools of destruction from entering United States territory. Some means for protecting U.S. border interests include identifying potentially harmful containers before they embark for the United States, and identifying terrorist groups in neighboring countries and assisting those countries in making arrests, while holding countries accountable to the international community for harboring and supporting terrorists.

Likewise, the federal government is also playing many lead roles in directly protecting citizens and interests on U.S. territory, by enhancing security at our nation’s borders, including land, sea and air ports of entry. The federal government has begun a process of using federal government baggage screeners and security personnel at our
nation’s airports. The president announced a proposal to unite federal agencies with similar border-security responsibilities into a single Department of Homeland Security. Agencies in the proposed new Department of Homeland Security include: the Coast Guard, Customs Service, Immigration and Naturalization Service and Border Patrol, the Transportation Security Administration, and the Animal and Plant Health Inspection Service.

In addition, the federal government is working to streamline and improve information and intelligence sharing between federal agencies and state and local officials. A new alert system was announced in July 2002 to “provide a comprehensive and effective means to disseminate information regarding the risk of terrorist acts to Federal, State, and local authorities and to the American people.” 3 The Department of Justice began two task forces, the Joint Terrorism Task Force and the Anti-Terrorism Task Force, to improve intelligence sharing at the state and local levels. Similar information sharing is becoming common practice with other federal agencies and their state and local counterparts in public health, agriculture, transportation, critical infrastructures and the military.

Lastly, the federal government is playing a critical role in emergency management and enhancing the nation’s response capabilities. By providing federal funding, state and local governments can improve first responder equipment and training. The federal government also leads in managing the country’s National Pharmaceutical Stockpile. One of the biggest challenges, though, for the federal government is managing the multiple agencies with emergency management responsibilities, including the Federal Emergency Management Agency, Department of Justice, and Health and Human Services. The proposed Department of Homeland Security will assist the federal government in realizing a comprehensive strategy to address emergency management and response.

**The National Strategy for Homeland Security**

In light of these four primary roles, the President announced the National Strategy for Homeland Security on July 16, 2002. The strategy provides all levels of government and private-sector partners with homeland security definition and clarity, operational focus and guidance for the nation. The strategy, developed with input from state, local and private entities, outlines the nation’s homeland security goals as well as many ways in which the federal government will partner and help the states address homeland security issues.

The national strategy packages like homeland security functions into critical mission areas. These critical mission areas include intelligence and warning, border and transportation security, domestic counterterrorism, protecting critical infrastructures and key assets, defending against catastrophic threats and emergency preparedness and response.

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**Sept. 24, 2001: Executive Order blocks terrorist financing**

This order provides for the “blocking of all property and interests in property” of known and suspected terrorists, people who associate with terrorists, and those suspected of funding or assisting terrorist activities. It also prohibits donations to groups that fall under the above categories.

**Oct. 8, 2001: Executive Order establishes the Office of Homeland Security**

The overall goal of the Office of Homeland Security is to develop and implement a national strategy securing the borders that encompass the United States. The office will help manage the executive branch’s efforts “to detect, prepare for, prevent, protect against, respond to and recover from terrorist attacks within the United States.”

**Oct. 16, 2001: Executive Order creates the Critical Infrastructure Protection Board**

This order establishes the Critical Infrastructure Protection Board with the purpose of recommending policies and coordinating programs for protecting information systems associated with critical infrastructures. These include emergency preparedness communications and the physical assets that support such systems.

**Nov. 9, 2001: Executive Order creates the Presidential Task Force on Citizen Preparedness in the War On Terrorism**

The Task Force will recognize and propose suitable means “by which the American Public can prepare their homes, neighborhoods, schools, places of worship, workplaces, and public places for the possibility of any terrorist attack.”

Continued on page 10
The strategy also describes four foundations for homeland security or “unique American strengths that cut across all of the mission areas, across all levels of government, and across all sectors of society.” These four foundations include law, science and technology, information sharing and systems and international cooperation. The following sections outline some of these key partnerships involving federal and state governments. (See Appendix A)

Intelligence and Warning

As part of the national vision, the strategy states that national systems must be established that both “pull” intelligence from state and local law enforcement and “push” real-time warnings and recommended protective actions to state and local officials. States will play a large role in creating the structures required to materialize this vision. Also, the proposed Department of Homeland Security will serve as the primary provider of threat information for state and local officials thereby “minimizing confusion, gaps and duplication.”

Border and Transportation Security

The federal government passed the Aviation and Transportation Act of 2001, which provides transportation security measures to all forms of transportation and related infrastructure elements. The national strategy recognizes the need to partner with state and local officials to reduce vulnerabilities and to adopt best practices.

Domestic Counterterrorism

The national strategy highlights the importance of state and local law enforcement and examines ways to get state and local law enforcement more involved in counterterrorism activities. States also play a critical role in reporting and uncovering unusual behavior and activities. The FBI’s Joint Terrorism Task Force is helping to strengthen these intergovernmental partnerships.

Protecting Critical Infrastructures and Key Assets

The federal government recognizes the need to work with state and local governments to identify critical infrastructures and ensure protection of those assets. The federal government is also dedicated to providing states with one contact for coordinating protection activities rather than many. Lastly, the national strategy recognizes and supports state and local strategies to improve cybersecurity.

Defending against Catastrophic Threats and Emergency Preparedness and Response

The federal government will provide aid to state and local public officials in detecting and responding to acts involving weapons of mass destruction. They will also work with state and local entities to improve nuclear surveillance capabilities at ports of entry.

5 National Strategy for Homeland Security
6 National Strategy for Homeland Security
Emergency Preparedness and Response

The strategy encourages all states to update emergency operations plans and encourages all states to sign into mutual aid agreements to facilitate the sharing of resources in times of man-made or natural disasters. It will also establish standards for communications to ensure state and local communications are interoperable with other emergency response agencies. The federal government will provide grants to states to plan for the receipt and distribution of medicines from the national stockpile. Lastly, the federal government will provide states with guidance in ways to provide assistance to victims and their families.

Law

Laws provide the means for appropriate but responsible action by government to effectively combat terrorism. The strategy seeks to promote examination of legal issues by both federal and state governments. Specifically, the strategy seeks for state government examination into creating minimum standards for state driver’s licenses. The federal government will support and assist the states in developing minimum standards for driver’s licenses. The strategy also seeks assistance from the states to enhance market capacity for terrorism insurance. The federal government recognizes that state regulation will play an integral role in ensuring the adequate provision of terrorism insurance.

The federal government will assist state and local government in identifying, investigating, and enforcing cyber-related crimes and terrorism. The federal government recognizes the need to suppress money laundering; it asks the states to assess the current status of their regulations regarding non-depository providers of financial services and work to adopt uniform laws to ensure efficient and effective regulation. Lastly, the strategy favors state review of quarantine authority and asks the states to update quarantine laws to improve intrastate response to acts of bioterrorism.

Science and Technology

A critical component to the national strategy is the nation’s ability to leverage science and technology in support of counterterrorism programs and activities. Although science and technology span all facets of homeland security, the strategy specifically states that the federal government will set standards to assist the acquisition decisions of state governments.

Information Sharing and Systems

The national strategy calls for the “vertical” sharing of information between all levels of government by building and sharing law enforcement databases, secure computer networks, video teleconferencing technologies and accessible websites. Project SAFECOM will create a tactical wireless infrastructure for first responders and federal, state and local law enforcement and public safety entities.
Chapter Two

How are the states assessing homeland security preparedness?
How are the states assessing homeland security preparedness?

CSG and NEMA conducted a joint survey in March-April 2002 to uncover state homeland security priorities, issues and practices. Surveys were sent to each state’s director for homeland security, or emergency manager for those states without a homeland security coordinator. Many of these priorities remained constant across all states while others were unique. First responders, public health, infrastructure security and intelligence gathering and investigations were the most prevalent priorities. Other priorities receiving a high number of responses and comments were border security, driver’s license and identification cards, mutual aid networks, volunteers and donations, and public notification.

The survey responses, comments and discussions provide the foundation for the following state assessments on homeland security preparedness.

First Responders

First responders are local law enforcement, fire and medical personnel who are first on the scene at any disaster site. They have the greatest potential to save lives and limit casualties as a result of a terrorist attack. This population represents:

• Over 1 million firefighters;
• 847,000 local law enforcement personnel; and
• 155,000 nationally registered emergency medical technicians.1

The attacks on the World Trade Center and the Pentagon illustrated the critical role of first responders. They must work in some of the harshest environments to rescue people, extinguish fires, save lives and create order out of chaos. They must be prepared to face all possible scenarios including attacks on populated and urban areas and attacks involving biological, chemical or nuclear weapons. First responders currently lack equipment and training that would allow them to accomplish all response missions involving weapons of mass destruction. A critical component of their preparedness is cross-training between all first responders and command and control training at disaster sites.

State Assessment

☐ Do your state and local first responders have appropriate equipment and resources to respond to possible acts of terrorism?
☐ Are your state and local first responders trained to effectively respond to terrorist acts including the use of weapons of mass destruction?
☐ Do your state and local first responders train together in responding to acts of terrorism?
☐ Does your state need specialized teams to respond to unique threats and acts of terrorism?
☐ Do your first responders have interoperable communications?
☐ Do you have funding to support your first responder priorities?

Equipment

States need to ensure that first responders are appropriately equipped to respond to all types of disasters. Examples of needs identified in the states include vehicles, protective gear, medical treatment, biological and chemical agent detection equipment, interoperable and redundant communication equipment, weapons, night vision devices, etc. All states should review current and future equipment needs for all first responder groups.

Training

States identified the need to develop comprehensive training programs for all first responders. In addition to training on new equipment as it becomes available, first responders will need to continue training on tactics, techniques and procedures as new threats are identified. This preparation includes operating in chemical and biological environments and treating victims with symptoms of contamination. Many states are in the process of updating their emergency response plans.

Specialized Teams

The unique nature of terrorist threats has caused states to examine their capability to respond to unique situations by using both conventional and unconventional resources. Here are some examples of how states are responding to these unique threats:

• Special Weapons and Tactics (SWAT) Teams. SWAT Teams are subgroups of conventional local and state law enforcement agencies that possess and train on a variety of weapons. These teams act quickly to enter and neutralize terrorist threats.

• Urban Search and Rescue Teams. Urban environments with gridlocked streets and multiple-story buildings pose unique challenges for all first responders, since they contain large gatherings of people. The Urban Search and Rescue Teams are uniquely trained to deal with all of these factors.

• HazMat Teams. Hazardous Material Teams are becoming standard additions to state and local response capabilities. These teams are trained to identify areas contaminated with chemical and biological agents or abnormal amounts of radiation and operate within those areas.

• Weapons of Mass Destruction (WMD) Teams. The U.S. military is having a tremendous impact on civil security and response planning through their Weapons of Mass Destruction Teams. Aside from having the expertise to handle large-scale incidents, these military teams have been training state and local entities on how to respond to terrorist acts involving weapons of mass destruction.

Interoperable Communications

The states identified one major hurdle in equipping their first responders: technology. Specifically, states are faced with technological challenges in making communication equipment interoperable and redundant. Interoperable communication is the ability of one first responder group to communicate with other groups in a timely and effective manner. Redundant communications are backup systems that allow first responders to communicate when their primary system of communication is inoper-
able or disrupted. Disasters require the coordinated effort of fire departments from many jurisdictions, law enforcement from many jurisdictions and from all levels of government, and a myriad of local medical service providers. States have identified the following issues of concern in communications:

• Create a network of interoperable voice and data communications systems that integrate all frequency bands used in the field;
• Establish complete redundancy for emergency radio communication and information systems;
• Adopt legislation or rules to require commercial cellular telephone carriers to provide prioritization of frequencies to public safety uses during critical incidents; and
• Integrate law enforcement, fire and emergency medical systems for cross-disciplinary communications.

Funding

President Bush signed supplemental legislation (H.R. 4775, Public Law 107-206) on August 2, 2002 to support first responder preparedness. The first responder allocation is as follows:

• $201 million in First Responder Grants through the U.S. Department of Justice (DOJ)
• $447 million for emergency preparedness grants from the Federal Emergency Management Agency (FEMA), including:
  • $100 million for state and local emergency operations planning;
  • $150 million in fire grants from FEMA;
  • $56 million for state and local Emergency Operations Centers;
  • $50 million for equipment for interoperable communications to state and local governments; and
  • $25 million for the Citizen Corps. (See Citizen Corps, page 30)
Public Health

Public health readiness includes the ability to medically respond to acts of terrorism such as biological, radiological and chemical exposure as well as incendiary and explosive acts against the civilian population. Emergency planning involving acts of terrorism is new for most state and local health officials. Over the past two decades, managed care has forced health care systems to limit the number of hospital beds, decrease stockpiles of equipment and medical supplies, and force emergency rooms to accept many patients while personnel and facilities are tightly scheduled. Therefore, planning for a coordinated mass casualty response in both urban and rural areas is a challenge for all state and local health officials.

State Assessment

- Do your state and local emergency and medical authorities have the capability to communicate medical needs and threats in a timely and effective manner?
- Does your state have the ability to identify the presence of nuclear, biological and chemical agents in a timely manner?
- Does your state maintain mass casualty treatment facilities in case of large-scale disasters?
- Can your state and local jurisdictions share resources to include medical personnel, vehicles, equipment and facilities?
- Is there coordination between emergency managers, firefighters, paramedics, law enforcement and public and mental health personnel?
- Does your state maintain health lab facilities?
- Does your state understand federal decontamination plans or have internal decontamination plans?
- Are your state health officials planning in concert with federal and local efforts?

First Responders

A critical component to an effective health plan includes first responders, those Emergency Medical Technicians (EMTs) first on the scene at any disaster. Some challenges that EMTs face in responding to acts of terrorism include:
- Communicating with medical facilities and other first responders to include emergency managers, law enforcement and firefighters;
- Planning routes from disaster areas to medical facilities;
- Transporting large number of victims to nearby facilities;
- Establishing on-site triage systems;
- Providing necessary on-site medical supplies and equipment; and
- Using on-site volunteers.

Medical Facilities

One of the biggest challenges facing state and local planning efforts is finding sufficient space to treat massive numbers of victims. A designated trauma system or plan
can help EMTs and other emergency workers know where to send serious cases and where to treat noncritical patients. Hospitals must know how to quickly discharge noncritical patients or transfer them to other hospitals in case of disasters. Medical facilities must be notified and prepared to accept both critical and noncritical patients. Like the first responders, hospitals need to know when to ask for outside medical assistance and how to contact. Lastly, public health officials, hospitals and medical personnel must plan and prepare for the timely identification of the deceased and notification of family members.

**Pharmaceutical Issues**

The national and state policy debate continues over specific pharmaceutical issues. Two notable topics for debate include smallpox vaccinations and potassium iodide tablets. The federal government is conducting studies to determine whether the threat of a smallpox attack is greater than the possible risks associated with mass vaccinations. Similarly, potassium iodide tablets are a source of policy dispute in the states. The Nuclear Regulatory Commission offered potassium iodide tablets to 34 states with nuclear power reactors. States' reactions to these offers have been mixed. Twelve states have or plan to pass out the pills to residents, mainly those living within a specified distance from a nuclear power plant. Other states are either refusing the pills altogether or are consolidating the pills at one site with distribution plans in case of disaster. Issues of debate include whether or not there exists a threat of nuclear disaster and the real effectiveness of the pills to save lives.\(^2\)

**Funding**

The president signed the FY2002 supplemental bioterrorism appropriations bill into law on Jan. 10, 2002, providing $2.9 billion in bioterrorism preparedness.\(^3\) The Act authorized the Department of Health and Human Services (HHS) to provide funds to health agencies to assess their capacity to deal with public health threats and emergencies and to help build this needed capacity. Areas of spending include:

- $940 million for fortifying the federal/state/local public health network;
- $135 million for helping hospitals prepare to cope with bioterror incidents;
- $51 million for support for community emergency preparedness;
- $645 million for expanding the National Pharmaceutical Stockpile;
- $512 million for purchasing new smallpox vaccine;
- $248 million for National Institute of Health-supported research;
- $145 million for FDA food safety and drug/vaccine preparedness; and
- $116 million for enhanced Center for Disease and Control capacity (Lab capacity).

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\(^3\)Biological and Chemical Terrorism: Strategic Plan for Preparedness and Response, Centers for Disease Control and Prevention. April 21, 2000, <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr4904a1.htm>.
National Strategy to Prepare Public Health Agencies

Likewise, CDC is taking the following actions to help prepare public health agencies for a chemical attack:

- Enhance epidemiological capacity for detecting and responding to chemical attacks;
- Enhance awareness of chemical terrorism among emergency medical service personnel, police officers, firefighters, physicians and nurses;
- Stockpile chemical antidotes;
- Develop and provide bioassays for detection and diagnosis of chemical injuries; and
- Prepare educational materials to inform the public during and after a chemical attack.

Table 2-1: Bioterrorism funding by state/city/territory for FY2002

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<th>State</th>
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<th>State</th>
<th>Total Funds Allocated to State ($)</th>
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Source: The U.S. Department of Health and Human Services, June 6, 2002.5

Infrastructure Security

States possess complex infrastructures which support or house critical services. Highway systems, airports and waterways provide the backbone for a vibrant and diverse business economy. States possess networks of local, county, state and federal government services which are critical to the safety and welfare of state residents and guests. Public- and private-industry partners provide critical utilities in the form of electricity, gas and fuels. These partners also provide critical telecommunications networks and Internet services that have become vital communication and information-sharing services. Lastly, outbreaks of disease in plants and animals could destroy our nation’s agricultural infrastructure.

Destruction of any infrastructure system would have a debilitating impact on the security, economy, public health or safety of a state or the United States.

State Assessment

☐ Has your state identified priority assets and related infrastructures and venues?
☐ Has your state performed physical security audits and vulnerability assessments?
☐ Are there minimum standards in place for security personnel such as background investigations and training?
☐ Do state agencies have physical security plans?
☐ Does your state have a Continuity of Government Plan to continue critical services in times of a disaster?
☐ Does your state exempt certain information on private infrastructure assets from public disclosure?
☐ Does your state provide private sector businesses and government entities with accurate and timely information regarding credible terrorist threats so that life, property and vital services are protected?

Federal Responsibility

The responsibility for infrastructure security falls under the aegis of the following federal government agencies:

• Critical Infrastructure Assurance Office (Dept. of Commerce);
• National Infrastructure Protection Center (FBI);
• Federal Computer Incident Response Center (GSA);
• Computer Security Division of the National Institute of Standards and Technology (Dept. of Commerce); and
• National Communications System (Dept. of Defense).
The proposed Department of Homeland Security will consolidate many of these responsibilities into one federal department and will coordinate a comprehensive national plan with state and local government and with the private sector. In addition, the new department will develop and harness the best modeling, simulation, and analytical tools to prioritize efforts.  

Physical Security

Who provides physical security at our states’ critical infrastructures? Due to the vastness of the entire infrastructure sector, this answer is not a simple one. Generally speaking, physical security within the transportation and utility sectors consists of a combination of local, state, federal and private security entities. For these complex jurisdictional reasons, infrastructure security was complicated before Sept. 11 and presents an even tougher challenge for state and local officials in the aftermath of Sept. 11. The following sections examine some of the complicated security arrangements at our states’ critical infrastructures:

Nuclear and Hydropower Plants. Both nuclear disaster and dam failure, caused by terrorists, could result in catastrophic damage to both immediate and surrounding areas. Who is responsible for nuclear plant and dam security? Nuclear plants are predominantly owned and operated by private industry whereas hydropower plants and dams are predominantly owned and operated by federal government agencies. As of July 17, 2002, there was not a unified, national plan to improve security at nuclear power plants and this has forced the owners to adopt their own measures such as hiring guards, extending security systems, installing portable lights, etc. Likewise, dams and associated national park sites consist of similar individualized plans and security arrangements. Enhancing the overall security standards for all nuclear and hydroelectric plants, from personnel to plans, is of concern for all governmental entities.

Bridges. Many bridges, like the Golden Gate Bridge in San Francisco, serve a critical transportation and national landmark role. Following the Sept. 11 attacks, state and local officials decided to use California National Guard soldiers to protect the bridge against terrorist acts. Although the military presence has since disappeared, many security questions remain surrounding military-civil roles and responsibilities in securing our homeland. Issues include command and control, rules of engagement, searches and seizures, etc. Although the addition of military forces to existing local and state law enforcement arrangements can serve a security purpose, these arrangements require a great deal of planning and forethought.

References:
Airports. Like bridges, our states’ airports saw a similar transition to a military-security presence immediately after Sept. 11. National Guard soldiers were intertwined with private-security entities that presented their own set of issues and challenges. As airports now transition from private to federally employed screeners, states and localities need to be aware of airport-security contingency plans so that they can help implement additional security measures at a moment’s notice.

Agroterrorism

Terrorist attacks on our states’ plant, animal and food processing industries could lead to loss of life and economic disaster, in addition to a strain on all state resources. Awareness of the potential for such acts to further spur large-scale public health crises is even more acute since the terrorist attacks of Sept. 11. The threat of agroterrorism is naturally a key concern for states where agricultural and livestock production abound. Like other terrorist acts, state agriculture experts generally speak about improved surveillance, response and recovery when talking about combating against agroterrorism. Specific state concerns include:

- Developing quick and reliable communication equipment and other information-sharing methods for the early identification of outbreaks;
- Training and educating producers and farmers in remote locations to identify possible terrorist attacks and communicate with local officials;
- Obtaining adequate and necessary equipment and laboratory capacity in case of an actual agroterrorist attack;
- Using existing associations to share best practices about information sharing, delivery of educational materials, etc.;
- Having clear recovery plans in place for moving people and disposing of infected plants and animals; and
- Developing mutual aid capabilities like the Emergency Management Assistance Compact (EMAC) to share critical recovery resources. (See Mutual Aid Agreements, page 29)
Intelligence Gathering and Investigation

The best defense, some say, is a good offense. Many would agree that the best way to fight terrorism is to find terrorists before they strike. Therefore, states have made intelligence gathering and investigation a top priority. Intelligence networks can provide quick information throughout the state, which ultimately protects the lives and physical safety of all citizens. States are developing protocols and electronic networks to gather and disseminate intelligence from public safety, public health, public defense and animal and environmental health.

State Assessment

☐ Do your law enforcement agencies and attorneys general have the latitude to effectively investigate, detain and prosecute potential terrorists?

☐ Does your state need to expand its wiretapping and surveillance capabilities to ensure they incorporate new technologies and conform to federal law?

☐ Does your state need to identify and/or train language experts for use in wiretap and surveillance activities?

☐ Does your state need to examine the regulation of certain high-risk industries such as flight schools, hazardous material transportation, etc.?

☐ Does your state need to enhance the capabilities to detect and investigative cyber-terrorism?

☐ Does your state need to expand criminal justice information systems to other public safety entities?

☐ Does your state need to provide immunity from liability for those making good-faith reports of “suspicious activity or persons” to law enforcement?

Collection

States, like the federal government, are adapting to new intelligence-collection requirements. Recent trends show that states are responding to this growing need by:

• Creating new analysis centers within homeland security offices or existing law enforcement, military, or public safety offices. In addition to analysis, these centers will provide the states with the means to send intelligence to other organizations or receive intelligence from them in a timely manner.

• Training state and local law enforcement officers on how to provide effective surveillance and report suspicious activity.

• Establishing general public hotlines and websites. These provide civilians with the opportunity to either openly or anonymously provide information on suspicious activity in neighborhoods, parks, shopping centers, etc.
Sharing

One weakness identified at all levels of government is the capability to share potential terrorist-related intelligence, both vertically and horizontally. The federal government is in the process of creating a Department of Homeland Security, partly to improve intelligence and information sharing at the federal level. Similarly, states are forming homeland security offices and analysis centers to serve as a central clearinghouse of intelligence within their state. In addition, states are beginning to research and implement justice information systems that provide local, state and federal law enforcement agencies with real-time criminal activity, criminals with arrest warrants, etc.

Anti-Terrorism Task Forces

Soon after the Sept. 11 attacks, the U.S. Attorney General John Ashcroft developed the following strategic objective: Prevent, disrupt and defeat terrorist operations before they occur. In order to implement this objective, the Attorney General established anti-terrorism task forces within each federal judicial district to coordinate anti-terrorist activities. These task forces consist of representatives from the Federal Bureau of Investigation, Immigration and Naturalization Service, Drug Enforcement Agency, Marshals Service, Customs Service, Secret Service, Bureau of Alcohol, Tobacco and Firearms, as well as state and local police forces in that district. According to the Ashcroft, “These task forces will be part of a national network that will coordinate the dissemination of information and the development of investigative and prosecutive strategy throughout the country.” There are 93 U.S. Attorneys General stationed throughout the nation, and each is assigned to a judicial district. States typically have one to four judicial districts within their borders. These task forces are an effective means of federal, state and local anti-terrorism planning and coordination.

Funding and Manpower

Increased responsibilities for state and local law enforcement have placed a heavy burden on already-stretched state and local budgets. Overtime pay for police officers and additional training and equipment costs are contributing to this burden. Aside from funding, these organizations are feeling a squeeze on manpower. These increased responsibilities have caused the law enforcement community to quicken hiring paces. In addition, the federal government has transferred many of its responsibilities away from traditional crimes like drug enforcement, fraud and money laundering to counterterrorism. By making these changes, the formerly federal responsibilities now fall on the shoulders of state and local law enforcement officials.

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Other Priorities: Border Security

What prevents a terrorist from entering the country? The nation and the states are focused on hardening all points of entry, including land, sea and air avenues. Although the federal government plays a lead role, the states are playing a critical supporting role in securing these borders.

State Assessment

☐ Does your state maintain an ongoing security dialogue with your cross-border neighbors in Canada or Mexico?
☐ Do you have an active partnership with your cross-border neighbor to address security related issues?
☐ Does your state support the research and development of technological solutions to border security issues?

Land

Our nation’s northern border stretches over 4,000 miles, contains more than 100 official crossing points, and accounts for $1 billion dollars in trade per day between both the U.S and Canada. The Mexico-U.S. border is notorious for drug trafficking and the movement of legal and illegal immigrants. This 2,000-mile stretch of border presents law enforcement, drug enforcement and customs agencies with many complex security issues. How does the United States maintain surveillance on every mile of the border? How can the United States search vehicles and people at border crossings while maintaining an open commerce policy with other North American countries? While the federal government plays a lead role, states and localities are entering into partnerships with other levels of government, other states, and Canadian and Mexican provinces to identify security concerns and innovative cross-border solutions.

Sea

Three hundred sixty-one U.S. ports with 3,700 terminals handle 95 percent of this country’s overseas trade, support the mobilization and deployment of U.S. Armed Forces, and are departure points for millions of cruise passengers. With the expectations that maritime trade will double by the year 2020, seaport security will grow increasingly important. Even though U.S. Coast Guard and Customs Services are responsible for the protection of the nation’s ports, public port authorities consisting of state and local government agencies are playing a much larger role in the security of these critical ports.

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Air

More than 500 million people are admitted into the United States each year through land, sea and air. Most overseas travelers use our nation’s airlines and airports as the preferred port of entry into the country. The federal government has stepped up passenger and baggage screening, random spotchecks and identification checks at airports across the country. In addition, the federal government is also phasing in federal government screeners to replace privately contracted airline screeners.

Technology

Technological solutions are helping the country solve many of its border security issues. Ports are implementing enhanced x-ray technology to screen containers for abnormalities, explosives, etc. Airports and land border crossings are experiencing the implementation of “Easy-pass” technology that takes advantage of improved biometric identification. Notable programs include:

- **NEXUS** is an agreement between the U.S. and Canada that allows pre-screened and low risk travelers to move quickly across the border, thus allowing customs and immigration officials to focus on what they consider to be higher-risk vehicles and personnel.
- **The Customs-Trade Partnership Against Terrorism** (C-TPAT) is fundamentally similar to NEXUS. This Canadian partnership focuses on the free flow of goods from automakers and large corporations rather than individuals.
- **The Immigration and Naturalization Service Passenger Accelerated Service System** (INSPASS) is an automated immigration inspection system that uses a hand-geometry biometric image to validate the identity of travelers, query requisite background information and record the results of the inspection for future scrutiny.

Driver’s Licenses and Identification Cards

Five of the six hijackers on board American Airlines Flight 77, the plane that crashed into the Pentagon, obtained licenses in Virginia under weak issuance standards, that have now been improved. Since the Sept. 11 attacks, states have been examining driver’s licenses and driver’s license programs. Many states have found fraud within state Department of Motor Vehicle (DMV) offices. Other states are realizing that the physical driver’s license document is too easily forged and reproduced outside of DMV offices. Debate is brewing over whether or not issuance requirements need to be reformed to make it more difficult for a potential terrorist to gain access to a driver’s license.

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Some states are now requiring noncitizens to submit immigration documents in order to receive a driver’s license. Under the many state systems, noncitizens must only show proof of residency, employment-authorization cards or visa cards, which are easy to forge or have expired. States are also implementing biometric identifier programs to accurately match individuals with their license to prevent misuse and fraud. Nine states currently collect and store fingerprints or facial images during the new license or renewal process; thirteen other states are considering similar biometric gathering.

**State Assessment**

☐ Has your state reviewed the issuance requirements for driver’s licenses and identification cards (for both citizens and noncitizens)?

☐ Has your state reviewed the verification standards or those standards in place to match a license holder with the license?

☐ Has your state implemented programs to strengthen the driver’s license against forgery and fraud?

☐ Has your state considered ways to partner with other states in establishing uniform standards?

☐ Is your state taking action to match the expiration date on a driver’s license with the expiration date of a visa for a foreign national?

**State Options**

Although single state reform is required in many cases, problems will continue to plague the states until uniform standards are adopted across all 50 states, the District of Columbia, Puerto Rico and the territories. For example, potential terrorists will continue exploiting states with weak issuance requirements. Stovepipe programs involving new technology will create a much wider divide between the states and make it much more difficult for states to share information on drivers and assist law enforcement in the accurate identification of individuals.

To address these growing concerns, states may consider the following options:

- Drafting model legislation related to the issuance and verification processes. Model legislation would identify issues that have surfaced in all or most states regarding driver’s license issuance and verification and create a marker for individual states to target for making changes and modifications.

- Developing uniform minimum standards that could be adopted by states for issuance and verification of driver’s licenses. States would have flexibility to go beyond the minimum standards and, therefore, continue to test additional ways of enhancing the integrity of the overall system. Intergovernmental agreements to ensure compliance could also be adopted.

- A new interstate compact could be developed. As a contract among states, the new compact would provide a mutually agreeable and enforceable framework for cooperative state action.
Mutual Aid Networks

States have identified the importance of established interstate and intrastate mutual aid networks. These networks provide an efficient process of requesting and sending aid across state borders during times of natural or man-made disaster. During such disasters, state and local resources are overwhelmed and federal assistance is inadequate or unavailable. Examples of aid include first responders in law enforcement, fire or medical technicians. Specialized teams with specific training or equipment to operate in dangerous environments or disaster areas may also be required from neighboring states. Aid may come in the form of hospital space, vehicles, or trauma-qualified personnel. NEMA is taking the lead to assist the states in signing into agreements to facilitate the exchange of aid.

State Assessment

☐ Has your state passed the Emergency Management Assistance Compact (EMAC)?
☐ Has your state considered ways to effectively share resources between local jurisdictions during times of disaster?

Emergency Management Assistance Compact

EMAC offers a quick and easy way for states to send personnel and equipment to help disaster relief efforts in other states. EMAC is a legally binding, contractual agreement that addresses the issues of reimbursement of costs for assistance and liability for out-of-work state workers. EMAC also allows states to ask for whatever assistance they need for any emergency while not obligating another state to send assistance. As of Oct. 1, 2002, 47 states, D.C. and two territories were members of EMAC.12

Volunteers and Donations

Following the Sept. 11 attacks on the World Trade Center and the Pentagon, the nation experienced an unprecedented amount of volunteer and donation support for victims of the attacks and recovery efforts. State citizens felt an overwhelming need to volunteer their time and resources in the name of homeland security. Planning and preparing for these donations and volunteers is a critical issue for all state and local officials.

State Assessment

☐ Has your state developed an electronic management system to identify, inform and track volunteers?
☐ Has your state developed similar systems to identify and track donations for disaster and/or victim relief?
☐ Is your state participating in the Citizen Corps initiative?

Citizen Corps

At the federal level, the president launched the Citizen Corps in January 2002. The objective of this national program is to promote and channel the efforts of volunteers in assisting police, neighborhood watch efforts, public health projects, and anti-terrorist initiatives. To adequately support these initiatives, the president included $50 million in the FY2002 emergency funding request to Congress as well as a request for $374 million within the FY2003 budget.

Citizen Corps is a component of the newly created U.S. Freedom Corps, which also encompasses the Peace Corps, Americorps and Senior Corps programs. Included within the Citizen Corps category are smaller-scope programs that include:

- Community Emergency Response Team Program (CERT) - Federal Emergency Management Agency;
- Neighborhood Watch Program - National Sheriff’s Association;
- Volunteers in Police Service (VIPS) - U.S. Dept. of Justice;
- Medical Reserve Corps (MRC) - U.S. Dept. of Health and Human Services; and
- Terrorism Information and Prevention System (Operation TIPS) - U.S. Dept of Justice.

Despite the national scope of these initiatives, the states are playing a critical role in promoting and managing local Citizen Corps programs. The Guide for Local Officials spells out that “the responsibilities of state government mirror those of the federal government and include the mission to encourage every community in the state to participate in Citizen Corps.”

State governments’ expanded responsibilities for the Citizen Corps include:

- Identifying needs and developing a statewide strategy for increasing the first responder and volunteer collaboration; developing statewide marketing strategies;
- Matching Citizen Corps training needs with other major state training initiatives;
- Reporting statewide accomplishments; and
- Ensuring that Citizen Corps communities receive consideration for any relevant grant funding administered by the state.

The guide also recommends that state leaders appoint a state coordinator and council to coordinate Citizen Corps efforts and collaborate with federal, local and interested groups.

Programs within the Citizen Corps Initiative

Community Emergency Response Team (CERT)

The CERT program helps to train people to respond to emergency situations in their communities. These volunteers provide critical support to first responders in emergencies, provide assistance to victims, organize volunteers at a disaster site and collect disaster intelligence to support first responder efforts.

Neighborhood Watch Program

In the aftermath of the Sept. 11 attacks, the need for strengthening and securing our communities has become even more critical. Under the new Neighborhood Watch Program, community residents will be provided with information, which will enable them to recognize signs of potential terrorist activity and to know how to report that activity.

Volunteers in Police Service (VIPS)

The VIPS program is an effort developed by the U.S. Department of Justice in partnership with the International Association of Chiefs of Police (IACP). The VIPS program is designed to address the increasing demands on state and local law enforcement agencies in the aftermath of the terrorist attacks of Sept. 11. At a time when law enforcement’s limited resources are being stretched even further, some agencies are turning to civilian volunteers so that police officers can be on the front lines, working to make communities safer.
Public Notification

The two-pronged need to notify the general public regarding terrorist acts and threats and provide the public with recommended actions is critical to homeland security. Through public presentations and cohesive media relations, the needs of communities can be satisfied. Some states are distributing brochures covering recommended public actions and personal protective measures in case of terrorist attacks such as chemical and biological attacks. The assistance of the public can also be solicited in the interest of homeland security.

State Assessment

☐ Does your state have an all-hazard public awareness campaign that includes public service announcements, education programs and printed material?

☐ Does your state utilize public alert and notification systems to inform citizens?

☐ Does your state use existing notification systems such as the Emergency Alert Systems (EAS) or weather radio to provide immediate alert and notification of the event to the public?

☐ Does your state have redundant alert systems and conduct monthly tests from emergency operations centers and/or alternative command and control centers?

☐ Does your state identify and train state agency communications directors and public information officers to ensure the dissemination of fact-based emergency information?

☐ Does your state have procedures in place to ensure the governor and other public officials can broadcast emergency information from pre-identified locations across the state?

☐ Is your state pursuing an aggressive public awareness strategy to alert businesses and governmental entities of credible terrorist threats?

☐ Does your state have mechanisms in place to counter misinformation that may lead to mass hysteria and result in the loss of vital government services in the form of unnecessary calls for service?

Medical Reserve Corps

On July 19, 2002, HHS made $2 million available in grants to help local officials develop volunteer Medical Reserve Corps units. These units help to strengthen local communities’ capacity to respond to an emergency and also strengthen the local public health infrastructure. Volunteers can include current or retired health professionals such as physicians, nurses, mental health professionals, dentists, dental assistants, pharmacists and veterinarians, among others: social workers, communications and public relations professionals, health care administrators and clergy are also needed.

Operation TIPS

Industry groups have looked to the U.S. Justice Department to offer a reliable and cost-effective system that their workers could use to report information to state, local, and federal law enforcement agencies about unusual activities they might observe while fulfilling their daily routines. The Operation TIPS hotline builds upon current systems by providing a centralized telephone hotline and web-based reporting system that automatically and immediately routes tips to appropriate federal, state, and local law enforcement officials nationwide.
Chapter Three

Considerations for homeland security preparedness
Considerations for homeland security preparedness
The states have responded to overnight requirements for heightened security in a variety of ways. Previous sections outlined many of the administrative responses by states. In addition to administrative responses, states are addressing homeland security needs through organizational changes, legislation and continual cooperation with the private sector. To better assist states in these areas, CSG conducted surveys and current research to identify trends and recommendations in these other areas of consideration.

Organizational Structures
Prior to the terrorist attacks on Sept. 11, each of the 50 states had an organizational entity in place to deal with terrorism preparedness and response. The attacks on the World Trade Center and Pentagon have sparked a growing level of activity throughout all levels of government. At the federal level, President George W. Bush created the White House Office of Homeland Security to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from future terrorist threats. Many states are following the federal government’s lead by creating separate offices or positions to better focus on homeland security activities.

State Assessment
☐ Does your state have the organizational structure in place to conduct vulnerability assessments, share intelligence and threat information, conduct multi-agency planning, and serve as a liaison with the Office of Homeland Security?
☐ Is your state conducting multi-agency planning to address homeland security on a united front?
☐ Does your state’s homeland security office, position or planning group have the authority to act appropriately and serve in its required capacity?

State Offices and Positions
A recent survey by CSG and NEMA showed that 19 states created new positions, offices or agencies to handle homeland security issues since Sept. 11. States established and empowered these structures through the following authority:
- Governor’s Executive Order - 6 states;
- Legislation - 2 state; and
- No authority found (verbal authority granted) - 11 states.

Many of these offices are located in the governor’s office and serve in a coordinating and advisory capacity. Soon after Sept. 11, states identified a need to bring together many departments and agencies to collaborate and collectively develop and recommend state-level strategies and solutions. To coordinate these efforts, 19 states created new offices with a homeland security coordinator to facilitate the discussion and serve as the state’s single source of information for homeland security. Most state...
homeland security coordinators also serve as the state's primary contact with the White House Office of Homeland Security.

The remaining 31 states and DC decided to maintain the duties and responsibilities of homeland security within existing structures such as the state's emergency management, military and public safety structures. The following list shows, in general, which state department serves as conduit for homeland security efforts:

- Governor's office – 12 states
- Military / Adjutant General – 12 states
- Emergency Management – 10 states
- Public Safety – 9 states
- Law Enforcement – 3 states
- Attorney General – 2 states
- Lt. Governor – 2 states
- Land Commissioner – 1 state

Many state departments with new homeland security responsibilities underwent some form of transformation such as changing the department name, increasing staffing and hiring subject-matter experts.

Planning Groups

To thoroughly address all of the issues surrounding homeland security, states are creating groups of representatives from different departments or agencies. Survey results indicate that 37 states and DC have created some type of terrorism task force, working group, committee, or council that is maintained as an advisory/expert body for the state's homeland security and anti-terrorism efforts.

These groups were formed and empowered through various authorities:

- Governor's Executive Order – 18 states; 
- Legislation – 5 states; 
- No authority found (verbal authority granted) – 15 states.

In general, these planning groups were charged with identifying state vulnerabilities in detecting, deterring, defending and responding to terrorist attacks. Many states are also using these groups to develop state strategies and make recommendations to the governor. States differ on the permanency of the planning groups; some are temporary and others are permanent.

Most states have included a representative from at least some of the following departments to serve on their task force, work group, committee, etc.: Health and Social Services, Public Safety, Law Enforcement, Fire Marshall, Military and Veterans Affairs, Emergency Management, Natural Resources, Administration, Attorney General, Transportation, Agriculture, Environmental Conservation, Information, Office of the Governor, and Office of Management and Budget.

Pre-Sept. 11 Planning Groups

The figures above describe states with post-Sept. 11 established planning groups. The actual number of states with a homeland security group, established before or after Sept. 11, is 45. Here are the survey findings on pre-Sept. 11 planning groups:

- Fifteen homeland security coordinators stated that their state had created some form of planning group before Sept. 11. They include: Alaska, Arizona, Arkansas, California, Connecticut, Hawaii, Idaho, Illinois, Maryland, Minnesota, Mississippi, Nebraska, Nevada, New Mexico and Washington.
- Eight of the 15 states with pre-Sept. 11 groups decided not to recreate or rename an existing task force, work group, committee, etc.
- Of the 15 existing planning groups, many remained dormant until the Sept. 11 attacks.
- Of the 37 states with new work groups, seven of those possessed some form of multi-agency planning group before Sept. 11.

(See Table 3-1 for a state-by-state breakdown of structures and planning groups.)
Table 3-1: State Structures and Planning Groups since Sept. 11, 2001

<table>
<thead>
<tr>
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Legislative Trends

The Sept. 11 attacks caused states to examine their terrorism preparedness and response capabilities spurring a variety of state legislation that spans the spectrum of related topics. Laws permit an effective campaign against terrorism but prevent unnecessary infringements on citizens’ constitutional rights and freedoms. The following section outlines trends among states’ introduced and enacted legislation since Sept. 11. Categories of trends enumerated and followed include: criminalizing acts of terrorism, driver’s licenses and state license programs, emergency health, Emergency Management Assistance Compact, funding initiatives, governor’s emergency powers, public records, search warrants and wiretapping, state organizations, volunteers and donations. See Appendix B for example legislation.

Criminalizing Acts of Terrorism

Following the attacks, states enacted legislation criminalizing acts of terrorism. Assigning felony classes to specific acts, state legislation addressed the broad range of acts to include the death, injury or intent to commit such acts using chemical, nuclear or biological substances, fire bombs, explosive devices, etc. The legislation also assigned felony charges to hoax terrorist acts. Lastly, many states added and defined the term cyber-terrorism to mean an official act of terrorism.


Driver’s Licenses and State License Programs

Problems with driver’s licenses and driver’s license programs surfaced following the Sept. 11 attacks, mainly surrounding the issuance of licenses to immigrants. An increase has been found in state legislation that tightened the license issuance requirements for both citizens and noncitizens and strengthened the validity of the driver’s license document itself.

Legislative examples: CT SB 19 [2002], IA SB 2192 [2002], KS SB 410 [2002], KY HB 188 [2002]

Emergency Health

Many states have enacted versions of the Emergency Health Powers Act, which facilitates the early detection of a health emergency and allows for immediate investigation into such an emergency. Further, the Act grants health officials access to individuals’ health information and authorizes care and treatment to persons who are ill.

Legislative examples: MA SB 2194 [2001], MO SB 712 [2002]

Emergency Management Assistance Compact (EMAC)

Forty-eight states and two territories have enacted EMAC, a compact designed to share personnel and resources emergencies or disasters.

Legislative examples: NJ A 3727 [2001], MI SB 0715 [2001]
Funding Initiatives

The establishment of new offices, initiatives and priorities presents additional financial requirements and budget concerns. States have used creative legislation to finance homeland security requirements and initiatives. For example, one state increased its phone surcharge to finance homeland security requirements. Another state increased taxes on gambling facilities to pay for first responder equipment and supplies. Other states are financing anti-terrorism efforts through the issuance and sale of bonds.

Legislative examples: PA HB 122 [2001], MN SF 2683 [2002]

Governor’s Emergency Powers

Many states addressed concerns about the governor’s powers to respond to terrorist acts. A few states spelled out the governor’s authority under many emergency circumstances, while some states granted the governor access to the state’s reserve account to address terrorism issues.

Legislative examples: NC HB 1471 [2001], MD SB 234 [2002], MD HB 303 [2002]

Public Records

States realized the vulnerability of maintaining open records to the public that, if used by a terrorist or terrorist organization, could jeopardize the safety of its citizens. In response, states enacted legislation that denied access to public records when the custodian of the records deemed that it might jeopardize the security of any structure owned or operated by the state, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual.

Legislative examples: MD SB 240 [2002], VA HB 700 [2002], KY SB 136 [2002]

Search Warrants and Wiretapping

States have examined and, in many cases, changed their state laws for search warrants, in order to provide law enforcement, investigative and administrative services with timely access to facilities. For example, one state established an administrative search warrant to allow state officials access to factories, warehouses, vehicles, buildings, establishment or other premises to inspect for compliance with infectious and contagious livestock and poultry diseases. Similarly, many states have increased the number of crimes that authorize the use of wiretapping and the interception of communications by investigators.

Legislative examples: MD HB 1036 [2002], GA SB 459 [2002]

State Structures

States have created new offices to deal with homeland security by enumerating new legislation. Such legislative measures may establish new state homeland security offices, special units for terrorism law enforcement and investigation and bioterrorism units.

Legislative examples: VA HB 800 [2002], KY HB 258 [2002]
State Planning Groups

Most states responded to the threat of terrorism by forming multidisciplinary groups to address issues surrounding homeland security. These state-level groups include department and agency heads, as well as agency representatives from Health and Social Services, Public Safety, Law Enforcement, Fire Marshall, Military and Veterans Affairs, Emergency Services, Natural Resources, Administration, Attorney General, Transportation, Agriculture, Environmental Conservation, Information, Office of the Governor, and Office of Management and Budget.

Legislative examples: FL S 0024C [2001], NJ A 23 [2001], MD SB 242 [2002], IN HEA 1001 [2002]

Volunteers and Donations

States enacted legislation, which recognizes the important role of volunteers during natural or man-made disasters, by empowering volunteers acting in “good will” and preventing volunteer liability from the injury to any person, or civil damage as the result of volunteer services.

Legislative examples: PA HB 910 [2001], IL HB 3643 [2001]
Corporate America

The private sector plays a critical role in helping to guard against and respond to acts of terrorism. Corporate businesses own and operate over 85 percent of the nation's critical infrastructures and provide needed equipment and resources for state services. The attacks on Sept. 11 raised many issues and concerns surrounding public and private affairs related to homeland security.

State Assessment

☐ Is there an ongoing dialogue between business leaders and state and local government officials in your state?

☐ Does your state provide business leaders with access to the national criminal activity databases to conduct background checks?

☐ Does your state have standards for private security forces?

☐ Can your state and local responders communicate with business leaders?

☐ Does your state provide threat and alert information to businesses?

Research and Technology

Corporate America is playing a lead role in conducting research and developing technology to meet homeland security needs. From improved baggage scanners at airports to large x-ray machines at seaports, technology is helping the nation address security concerns. Improved technology is having a huge impact on homeland security, assisting the states in identifying, preventing and responding to terrorist acts.

Two examples of how private partners are assisting public officials in the war against terrorism are found in the trucking industry and medical technology sectors.

The trucking industry is participating in a number of technology programs to help companies and authorities track trucks and their contents, to verify personnel identification and maintain container and load security. These programs will facilitate movement of properly documented and secure freight through various ports and modal interchange points and prevent the entry and exit of illegal goods and potential terrorists.

The medical technology community, likewise, is also playing a huge role in homeland security. Their three-pronged roles of researching methods, testing devices to identify biological agents and developing systems to deliver anthrax and other vaccines are vital to state and national interests.

International Travel

Many U.S. businesses maintain an international presence and regularly conduct business outside the continental United States. Ensuring the safety of employees and executives who travel is of utmost importance to corporate America. Homeland security at all three levels of government means ensuring that private-sector partners know about travel restrictions and recommended actions for those personnel traveling to foreign countries.
Physical Security

Most companies have increased physical security at company owned locations in response to the heightened threat of terrorism. Changes taking place include additional perimeter fencing and lighting, increased presence of security personnel, restricted entry and exit locations and surveillance cameras. Many are reviewing and updating emergency procedures and policies, and now include evacuation drills and crisis management. Criminal background checks are more often performed before hiring employees involved in high-risk activities.

Private Security Standards

Public officials need to address issues surrounding private-sector security and jurisdictional authority. No consistent training standards for private-sector security workers or enforcement mechanisms to ensure security officers are properly trained currently exist. Further, there is little integration between private security officers and public law enforcement and other public officials. During times of crisis, policies and procedures to relinquish and gain control of private facilities need to be established and followed. Lastly, states should review policy surrounding arrest and violent force authority for private-security entities.

Public and Private Communication and Cooperation

Corporate America needs to be a player in homeland security discussions at all levels of government. Since they own and operate over 85 percent of the nation’s critical infrastructures, they are uniquely positioned to assist public officials in the detection and prevention of terrorist incidents. Critical communication issues between public and private partners include specific threat and alert announcements, exchange of criminal information on employees and planning between emergency planning agencies and major businesses in a given community, state or region.
Appendices

- Primary Initiatives Outlined in the National Strategy
- Example Legislation
- Glossary
Appendix A: Primary Initiatives Outlined in the National Strategy


Federal Critical Mission Area #1: Intelligence and Warning

• Enhance the analytic capabilities of the FBI;
• Build new capabilities through the Information Analysis and Infrastructure Protection Division of the proposed Department of Homeland Security;
• Implement the Homeland Security Advisory System;
• Utilize dual-use analysis to prevent attacks; and
• Employ "red team" techniques.

Federal Critical Mission Area #2: Border and Transportation Security

• Ensure accountability in border and transportation security;
• Create “smart borders;”
• Increase the security and international shipping containers;
• Implement the Aviation and Transportation Security Act of 2001;
• Recapitalize the U.S. Coast Guard; and
• Reform immigration services.

Federal Critical Mission Area #3: Domestic Counterterrorism

• Improve intergovernmental law enforcement coordination;
• Facilitate apprehension of potential terrorists;
• Continue ongoing investigations and prosecutions;
• Complete FBI restructuring to emphasize prevention of terrorist attacks;
• Target and attack terrorist financing; and
• Track foreign terrorists and bring them to justice.

Federal Critical Mission Area #4: Protecting Critical Infrastructures and Key Assets

• Unify America’s infrastructure protection effort in the Department of Homeland Security;
• Build and maintain a complete and accurate assessment of America’s critical infrastructure and key assets;

1National Strategy for Homeland Security
• Enable effective partnership with state and local governments and the private sector;
• Develop a national infrastructure protection plan;
• Secure cyberspace;
• Harness the best analytic and modeling tools to develop effective protective solutions;
• Guard America’s critical infrastructure and key assets against “inside” threats; and
• Partner with the international community to protect our transnational infrastructure.

Federal Critical Mission Area #5: Defending against Catastrophic Threats and Emergency Preparedness and Response
• Prevent terrorist use of nuclear weapons through better sensors and procedures;
• Detect chemical and biological materials and attacks;
• Improve chemical sensors and decontamination techniques;
• Develop broad-spectrum vaccines, antimicrobials, and antidotes;
• Harness the scientific knowledge and tools to counter terrorism; and
• Implement the Select Agent Program.

Federal Critical Mission Area #6: Emergency Preparedness and Response
• Integrate separate federal response plans into a single all-discipline incident management plan;
• Create a national incident management system;
• Improve tactical counterterrorist capabilities;
• Enable seamless communication among all responders;
• Prepare health care providers for catastrophic terrorism;
• Augment America’s pharmaceutical and vaccine stockpiles;
• Prepare for chemical, biological, radiological, and nuclear decontamination;
• Plan for military support to civil authorities;
• Build the Citizen Corps;
• Implement the First Responder Initiative of the Fiscal Year 2003 Budget;
• Build a national training and evaluation system; and
• Enhance the victim support system.

The Foundations of Homeland Security: Law
• Enable critical infrastructure information sharing;
• Streamline information sharing among intelligence and law enforcement agencies;
• Expand existing extradition authorities;
• Review authority for military assistance in domestic security;
• Revive the president’s reorganization authority; and
• Provide substantial management flexibility for the Department of Homeland Security.
The Foundations of Homeland Security: Science and Technology

• Develop chemical, biological, radiological, and nuclear countermeasures;
• Develop systems for detecting hostile intent;
• Apply biometric technology to identification devices;
• Improve the technical capabilities of first responders;
• Coordinate research and development of the homeland security apparatus;
• Establish a national laboratory for homeland security;
• Solicit independent and private analysis for science and technology research;
• Establish a mechanism for rapidly producing prototypes;
• Conduct demonstrations and pilot deployments;
• Set standards for homeland security technology; and
• Establish a system for high-risk, high payoff homeland security research.


• Integrate information sharing across the federal government;
• Integrate information sharing across state and local governments, private industry, and citizens;
• Adopt common “metadata” standards for electronic information relevant to homeland security;
• Improve public safety emergency communications; and
• Ensure reliable public health information.


• Create “smart borders;”
• Combat fraudulent travel documents;
• Increase the security of international shipping containers;
• Intensify international law enforcement cooperation;
• Help foreign nations fight terrorism;
• Expand protection of transnational critical infrastructure;
• Amplify international cooperation on homeland security science and technology;
• Improve cooperation in response to attacks; and
• Review obligations to international treaties and laws.
Appendix B: Example Legislation

Criminalizing Acts of Terrorism: NY S70002 [2001]

Summary: Legislation defining acts of terrorism and criminalizing acts of terrorism.

Enacts the anti-terrorism act of 2001; provides criminal penalties for a crime of terrorism, soliciting or providing support for an act of terrorism, terroristic threats and hindering prosecution of terrorism; creates new article 490 in the penal law.

AN ACT to amend the penal law and the criminal procedure law, in relation to criminal penalties for a crime of terrorism, soliciting or providing support for an act of terrorism, terroristic threats, and hindering prosecution of terrorism and to repeal certain provisions of the criminal procedure law relating thereto.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the “anti-terrorism act of 2001”.

3 § 2. Paragraphs (a), (b) and (c) of subdivision 1 of section 70.02 of the penal law, paragraphs (a) and (b) as amended by chapter 33 of the laws of 1999 and paragraph (c) as amended by chapter 189 of the laws of 2000, are amended to read as follows:

7 (a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, rape in the first degree as defined in section 130.35, sodomy in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, criminal possession of a dangerous weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.05; and criminal possession of a dangerous weapon in the second degree as defined in section 265.10.

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD12199-04-1
9 265.09, criminal sale of a firearm in the first degree as defined in
10 section 265.13, aggravated assault upon a police officer or a peace
11 officer as defined in section 120.11, gang assault in the first degree
12 as defined in section 120.07, [and] intimidating a victim or witness in
13 the first degree as defined in section 215.17, and hindering prosecution
14 of terrorism in the first degree as defined in section 490.35.
15 (b) Class C violent felony offenses: an attempt to commit any of the
16 class B felonies set forth in paragraph (a); aggravated sexual abuse in
17 the second degree as defined in section 130.67, assault on a peace offi-
18 cer, police officer, fireman or emergency medical services professional
19 as defined in section 120.08, gang assault in the second degree as
20 defined in section 120.06, burglary in the second degree as defined in
21 section 140.25, robbery in the second degree as defined in section
22 160.10, criminal possession of a weapon in the second degree as defined
23 in section 265.03, criminal use of a firearm in the second degree as
24 defined in section 265.08, criminal sale of a firearm in the second
25 degree as defined in section 265.12 [and], criminal sale of a firearm
26 with the aid of a minor as defined in section 265.14, soliciting or
27 providing support for an act of terrorism in the first degree as defined
28 in section 490.15 and hindering prosecution of terrorism in the second
29 degree as defined in section 490.30.
30 (c) Class D violent felony offenses: an attempt to commit any of the
31 class C felonies set forth in paragraph (b); assault in the second
32 degree as defined in section 120.05, stalking in the first degree, as
33 defined in subdivision one of section 120.60, sexual abuse in the first
34 degree as defined in section 130.65, course of sexual conduct against a
35 child in the second degree as defined in section 130.80, aggravated
36 sexual abuse in the third degree as defined in section 130.66, criminal
37 possession of a weapon in the third degree as defined in subdivision
38 four, five, six, seven or eight of section 265.02, [and] intimidating a
39 victim or witness in the second degree as defined in section 215.16,
40 soliciting or providing support for an act of terrorism in the second
41 degree as defined in section 490.10, and making a terroristic threat as
42 defined in section 490.20.
43 § 3. Subparagraph (xii) of paragraph (a) of subdivision 1 of section
44 125.27 of the penal law, as added by chapter 1 of the laws of 1995, is
45 amended and a new subparagraph (xiii) is added to read as follows:
46 (xii) the intended victim was a judge as defined in subdivision twen-
47 three of section 1.20 of the criminal procedure law and the defendant
48 killed such victim because such victim was, at the time of the killing,
49 a judge; [and] or
50 (xiii) the victim was killed in furtherance of an act of terrorism, as
51 defined in paragraph (b) of subdivision one of section 490.05 of this
52 chapter; and
53 § 4. Part 4 of the penal law is amended by adding a new title Y-1 to
54 read as follows:
S. 2 3
1 TITLE Y-1
2 ARTICLE 490
3 TERRORISM
4 Section 490.00 Legislative findings.
5 490.05 Definitions.
6 490.10 Soliciting or providing support for an act of terrorism
7 in the second degree.
8 490.15 Soliciting or providing support for an act of terrorism
9 in the first degree.
10 490.20 Making a terroristic threat.
11 490.25 Crime of terrorism.
12 490.30 Hindering prosecution of terrorism in the second degree.
13 490.35 Hindering prosecution of terrorism in the first degree.
14 § 490.00 Legislative findings.
15 The devastating consequences of the recent barbaric attack on the
16 World Trade Center and the Pentagon underscore the compelling need for
17 legislation that is specifically designed to combat the evils of terror-
18 ism. Indeed, the bombings of American embassies in Kenya and Tanzania in
19 1998, the federal building in Oklahoma City in 1995, Pan Am Flight
20 number 103 in Lockerbie in 1988, the 1997 shooting atop the Empire State
21 Building, the 1994 murder of Ari Halberstam on the Brooklyn Bridge and
22 the 1993 bombing of the World Trade Center, will forever serve to remind
23 us that terrorism is a serious and deadly problem that disrupts public
24 order and threatens individual safety both at home and around the world.
25 Terrorism is inconsistent with civilized society and cannot be toler-
26 ated.
27 Although certain federal laws seek to curb the incidence of terrorism,
28 there are no corresponding state laws that facilitate the prosecution
29 and punishment of terrorists in state courts. Inexplicably, there is
also no criminal penalty in this state for a person who solicits or
raises funds for, or provides other material support or resources to,
those who commit or encourage the commission of horrific and cowardly
acts of terrorism. Nor do our criminal laws proscribe the making of
terrorist threats or punish with appropriate severity those who hinder
the prosecution of terrorists. Finally, our death penalty statute must
be strengthened so that the cold-blooded execution of an individual for
terrorist purposes is a capital offense.

A comprehensive state law is urgently needed to complement federal
laws in the fight against terrorism and to better protect all citizens
against terrorist acts. Accordingly, the legislature finds that our
laws must be strengthened to ensure that terrorists, as well as those
who solicit or provide financial and other support to terrorists, are
prosecuted and punished in state courts with appropriate severity.

§ 490.05 Definitions.
As used in this article, the following terms shall mean and include:
1. “Act of terrorism”:
   (a) for purposes of this article means an act or acts constituting a
specified offense as defined in subdivision three of this section for
which a person may be convicted in the criminal courts of this state
pursuant to article twenty of the criminal procedure law, or an act or
acts constituting an offense in any other jurisdiction within or outside
the territorial boundaries of the United States which contains all of
the essential elements of a specified offense, that is intended to:
   (i) intimidate or coerce a civilian population;
   (ii) influence the policy of a unit of government by intimidation or
coercion; or
   (iii) affect the conduct of a unit of government by murder, assassi-
nation or kidnapping; or
   (b) for purposes of subparagraph (xiii) of paragraph (a) of subdivi-
sion one of section 125.27 of this chapter means activities that involve
a violent act or acts dangerous to human life that are in violation of
the criminal laws of this state and are intended to:
   (i) intimidate or coerce a civilian population;
   (ii) influence the policy of a unit of government by intimidation or
coercion; or
   (iii) affect the conduct of a unit of government by murder, assassi-
13 nation or kidnapping.
14 2. “Material support or resources” means currency or other financial
15 securities, financial services, lodging, training, safehouses, false
16 documentation or identification, communications equipment, facilities,
17 weapons, lethal substances, explosives, personnel, transportation, and
18 other physical assets, except medicine or religious materials.
19 3. “Specified offense” for purposes of this article means a class A
20 felony offense other than an offense as defined in article two hundred
21 twenty, a violent felony offense as defined in section 70.02,
22 manslaughter in the second degree as defined in section 125.15, criminal
23 tampering in the first degree as defined in section 145.20 of this chap-
24 ter, and includes an attempt or conspiracy to commit any such offense.
25 4. “Renders criminal assistance” for purposes of sections 490.30 and
26 490.35 of this article shall have the same meaning as in section 205.50
27 of this chapter.
28 § 490.10 Soliciting or providing support for an act of terrorism in the
29 second degree.
30 A person commits soliciting or providing support for an act of terror-
31 ism in the second degree when, with intent that material support or
32 resources will be used, in whole or in part, to plan, prepare, carry out
33 or aid in either an act of terrorism or the concealment of, or an escape
34 from, an act of terrorism, he or she raises, solicits, collects or
35 provides material support or resources.
36 Soliciting or providing support for an act of terrorism in the second
37 degree is a class D felony.
38 § 490.15 Soliciting or providing support for an act of terrorism in the
39 first degree.
40 A person commits soliciting or providing support for an act of terror-
41 ism in the first degree when he or she commits the crime of soliciting
42 or providing support for an act of terrorism in the second degree and
43 the total value of material support or resources exceeds one thousand
44 dollars.
45 Soliciting or providing support for an act of terrorism in the first
46 degree is a class C felony.
47 § 490.20 Making a terroristic threat.
48 1. A person is guilty of making a terroristic threat when with intent
49 to intimidate or coerce a civilian population, influence the policy of a
50 unit of government by intimidation or coercion, or affect the conduct of
a unit of government by murder, assassination or kidnapping, he or she
threatens to commit or cause to be committed a specified offense and
thereby causes a reasonable expectation or fear of the imminent com-
sion of such offense.
2. It shall be no defense to a prosecution pursuant to this section
that the defendant did not have the intent or capability of committing

Making a terroristic threat is a class D felony.

§ 490.25 Crime of terrorism.
1. A person is guilty of a crime of terrorism when, with intent to
intimidate or coerce a civilian population, influence the policy of a
unit of government by intimidation or coercion, or affect the conduct of
a unit of government by murder, assassination or kidnapping, he or she
commits a specified offense.

2. Sentencing.
(a) When a person is convicted of a crime of terrorism pursuant to
this section, and the specified offense is a class B, C, D or E felony
offense, the crime of terrorism shall be deemed a violent felony
offense.
(b) When a person is convicted of a crime of terrorism pursuant to
this section, and the specified offense is a class C, D or E felony
offense, the crime of terrorism shall be deemed to be one category high-
er than the specified offense the defendant committed, or one category
higher than the offense level applicable to the defendant’s conviction
for an attempt or conspiracy to commit the offense, whichever is appli-
cable.
(c) When a person is convicted of a crime of terrorism pursuant to
this section, and the specified offense is a class B felony offense, the
crime of terrorism shall be deemed a class A-I felony offense and the
sentence imposed upon conviction of such offense shall be in accordance
with section 70.00 of this chapter.
(d) Notwithstanding any other provision of law, when a person is
convicted of a crime of terrorism pursuant to this section, and the
specified offense is a class A-I felony offense, the sentence upon
conviction of such offense shall be life imprisonment without parole;
provided, however, that nothing herein shall preclude or prevent a
32 sentence of death when the specified offense is murder in the first
degree as defined in section 125.27 of this chapter.
34 § 490.30 Hindering prosecution of terrorism in the second degree.
35 A person is guilty of hindering prosecution of terrorism in the second
degree when he or she renders criminal assistance to a person who has
37 committed an act of terrorism, knowing or believing that such person
38 engaged in conduct constituting an act of terrorism.
39 Hindering prosecution of terrorism in the second degree is a class C
40 felony.
41 § 490.35 Hindering prosecution of terrorism in the first degree.
42 A person is guilty of hindering prosecution of terrorism in the first
degree when he or she renders criminal assistance to a person who has
44 committed an act of terrorism that resulted in the death of a person
45 other than one of the participants, knowing or believing that such
46 person engaged in conduct constituting an act of terrorism.
47 Hindering prosecution of terrorism in the first degree is a class B
48 felony.
**Emergency Health:** MA SB 2194 [2001]

**Summary:** Legislation that authorizes the early detection and response to a medical emergency.

**SECTION 1. Title**
This Act shall be known as the Massachusetts Emergency Health Powers Act.

**SECTION 2: Purpose**
The purposes of this Act are

a) To authorize the collection of data and records, the control of property, the management of persons, and access to communications.

b) To facilitate the early detection of a health emergency, and allow for immediate investigation of such an emergency by granting access to individuals’ health information under specified circumstances.

c) To grant state officials the authority to use and appropriate property as necessary for the care, treatment, and housing of patients, and for the destruction of contaminated materials.

d) To grant state officials the authority to provide care and treatment to persons who are ill or who have been exposed to infection, and to separate affected individuals from the population at large for the purpose of interrupting the transmission of infectious disease.

e) To ensure that the needs of infected or exposed persons will be addressed to the fullest extent possible, given the primary goal of controlling serious health threats.

f) To provide state officials with the ability to prevent, detect, manage, and contain emergency health threats without unduly interfering with civil rights and liberties.

g) To require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency.

h) To educate the public regarding preventative measures to reduce the spread of communicable disease.
**Governor’s Emergency Powers**: NC HB 1471 [2001]

**Summary**: Legislation that authorizes the governor to access funds from the savings reserve to address terrorism issues.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

SESSION LAW 2001-457

HOUSE BILL 1471

AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND AND TO AUTHORIZE THE GOVERNOR TO ACCESS FUNDS FROM THE SAVINGS RESERVE ACCOUNT TO ADDRESS TERRORISM ISSUES.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Department of Crime Control and Public Safety, Division of Emergency Management, the sum of one million nine hundred thousand dollars ($1,900,000) for the 2001-2002 fiscal year to implement terrorism defense measures and to address other terrorism issues. These measures may include the following:

1. Purchasing materials and equipment.
2. Training personnel.
3. Developing Operations Plans including use of alternate facilities within State government to protect critical State functions.
4. Equipping search and rescue teams.

The Secretary of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations on the use of funds authorized by this section no later than 30 days after using those funds.

**SECTION 2.** In compliance with G.S. 143-15.3, the General Assembly approves the use of and the Governor may access up to thirty million dollars ($30,000,000) from the Savings Reserve Account for the 2001-2002 fiscal year to be used to implement defense measures against all forms of terrorism, including, but not limited to, biological, nuclear, chemical, incendiary, and explosive terrorism and to address other terrorism issues. The Governor shall take steps to repay any monies diverted under this section if funds become available to offset the State’s expenditures for its terrorism response efforts. The Governor shall report to the Joint Legislative Commission on Governmental Operations on the status and use of funds authorized by this section no later than 30 days after accessing those funds.
Public Records: MD SB 240 [2002]

Summary: Legislation to establish circumstances under which a custodian may deny inspection of certain records relating to public security, emergency measure; and generally relating to the inspection of public records.

State Government - Access to Public Records -
Public Security Documents

FOR the purpose of establishing the circumstances under which a custodian may deny inspection of certain records relating to public security; making this Act an emergency measure; and generally relating to the inspection of public records.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Government

(a) Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part, as provided in this section.

(j) A CUSTODIAN MAY DENY INSPECTION OF A PUBLIC RECORD THAT CONTAINS INFORMATION DISCLOSING OR RELATING TO PUBLIC SECURITY IF THE CUSTODIAN DETERMINES THAT INSPECTION OF THE INFORMATION WOULD CONSTITUTE A RISK TO THE PUBLIC OR TO PUBLIC SECURITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.
State Planning Groups: IN HEA 1001 [2002]

Summary: Legislation creating the Indiana Counter Terrorism and Security Council and state homeland security coordinator.

AN ACT to amend the Indiana Code concerning antiterrorism measures and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-3-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 20. Counter terrorism and Security Council

Sec. 1. As used in this chapter, “council” refers to the counterterrorism and security council established by section 2 of this chapter.

Sec. 2. The counterterrorism and security council is established.

Sec. 3. (a) The council consists of the following members:

(1) The lieutenant governor.
(2) The superintendent of the state police department.
(3) The adjutant general.
(4) The director of the state emergency management agency.
(5) The state fire marshal.
(6) The state health commissioner.
(7) The commissioner of the department of environmental management.
(8) The assistant commissioner of agriculture.
(9) The chairman of the Indiana utility regulatory commission.
(10) The commissioner of the Indiana department of transportation.
(11) The executive director of the Indiana criminal justice institute.
(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.
(13) The speaker of the house of representatives.
(14) The president pro tempore of the senate.
(15) The chief justice of the supreme court.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.
Sec. 4. The lieutenant governor shall serve as the chair of the council and in this capacity, report directly to the governor.

Sec. 5. (a) The council shall do the following:
   (1) Develop a strategy to enhance the state’s capacity to prevent and respond to terrorism.
   (2) Develop a counterterrorism plan in conjunction with relevant state agencies, including a comprehensive needs assessment.
   (3) Review each year and update when necessary the plan developed under subdivision (2).
   (4) Develop in concert with the law enforcement training academy a counterterrorism curriculum for use in basic police training and for advanced in-service training of veteran law enforcement officers.
   (5) Develop an affiliate of the council in each county to coordinate local efforts and serve as the community point of contact for the council and the United States Office of Homeland Security.

(b) The council shall report periodically its findings and recommendations to the governor.

Sec. 6. (a) The governor shall appoint an executive director for the council. The executive director may employ additional staff for the council, subject to the approval of the governor.

(b) The executive director of the council shall serve as:
   (1) the central coordinator for counterterrorism issues; and
   (2) the state’s point of contact for:
       (A) the Office of Domestic Preparedness in the United States Department of Justice; and
       (B) the United States Office of Homeland Security.
State Planning Groups: NJ A 23 [2001]

**Summary:** Legislation creating the New Jersey Domestic Security Preparedness Task Force.

*An Act* concerning domestic security preparedness, establishing a domestic security preparedness planning group and task force and making an appropriation therefore.

4. a. There is established in, but not of, the Department of Law and Public Safety the Domestic Security Preparedness Task Force, which shall provide statewide coordination and supervision of all activities related to domestic preparedness for a terrorist attack. The task force shall be composed of nine members: the Superintendent of State Police or his designee, the Attorney General or his designee, the Adjutant General of Military and Veterans’ Affairs or his designee, the Commissioner of Transportation or his designee, the Commissioner of Health and Senior Services or his designee, the Coordinator of the Office of Recovery and Victim Assistance, all of whom shall serve ex officio, and three public members appointed by the Governor, with the advice and consent of the Senate. One of the public members shall have, by education or expertise, experience in chemical or biological agents that may be used in acts of terrorism. The public members shall serve for terms of three years and shall be subject to such security screening as may be necessary or appropriate. Of the public members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years. The Governor shall appoint a chairperson from among the members of the task force, who shall serve in that position at the pleasure of the Governor. The chairperson shall act as the State’s liaison with the federal Homeland Security Council. In the event the Governor shall appoint a public member as chairperson, that appointee shall be accorded cabinet status for the purposes of effectuating the purposes of this act. The task force shall adopt a plan of operation for the carrying out of its duties, which shall be approved by the Governor in accordance with the provisions of section 5 of this act.

b. The task force may appoint, in accordance with its plan of operation, such personnel, including attorneys, professionals in the field of terrorism and terrorism preparedness, disaster response, mitigation and recovery, and such other special consultants and experts as may be deemed necessary to carry out its duties under this act, as well as such clerical and other personnel as may be appropriate and necessary. All employees appointed pursuant to this section shall be in the unclassified service of the civil service of the State and shall be deemed confidential employees for the purposes of the “New Jersey Employer-Employee Relations Act,” PL.1941, c.100 (C.34:13A-1 et seq.).

5. The primary duties of the task force shall include, but not be limited to:

a. The development of proposals to preserve, protect and sustain domestic security and to ensure a comprehensive program of domestic preparedness. The task force shall formulate proposals for operational plans relative to domestic security, using inter-agency expertise, coordination and resource planning to meet and address the need to prevent terrorist attacks, to mitigate their impact, and to prepare and plan for the various responses required in the event of a terrorist attack. In carrying out this function, the task force shall identify and assess potential risks to the domestic security and well-being of New Jersey’s citizens, including risks to, and disruptions of, essential State and local infrastructures, transportation networks, public and private telecommunications and information networks, financial systems and networks, the delivery and availability of essential health care services, and the potential impact of terrorist chemical, biological and nuclear attacks or sabotage.
b. The development, implementation and management of comprehensive responses to any terrorist attack or any other technological disaster and the effective administration, management and coordination of remediation and recovery actions and responses following any such attack or disaster. In this regard, the task force shall be charged with managing responses in accordance with the State Emergency Operations Plan and serve as an all-hazards response center. The disaster remediation, recovery and response functions performed by the task force shall supplement those disaster relief functions currently performed by the Office of Emergency Management in the Division of State Police, which shall continue in its current capacity, subject to the direction and supervision of the Superintendent of State Police. The task force and Office of Emergency Management shall coordinate and consult with each other on the performance of their respective remediation, recovery and relief functions.
Volunteers and Donations: PA HB 910 [2001]

Summary: Legislation that provides for the volunteer-in-public-service negligence standard.

HOUSE BILL
No. 910 Session of 2001

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the volunteer-in-public-service negligence standard.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 8332.4(a) and (e) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:


(a) General rule.—Services covered.—

(1) Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders public services for a nonprofit organization under section 501(c)(3) [or (4), (4) or (6) of the Internal Revenue Code of 1986 (68A Stat. 3, 26 U.S.C. § 501(c)(3) [or (4), (4) or (6) or for a Commonwealth or local government agency conducting or sponsoring a public service program or project shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such person did an act or omitted the doing of an act which such person was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person fell below ordinary standards of care.

(2) Except as provided otherwise in this section, no design professional who, without compensation and as a volunteer, provides services related to a declared national, State or local emergency caused by a major earthquake, hurricane, tornado, explosion, collapse or other similar disaster or catastrophic event at the request of or with the approval of a Federal, State or local public official, law enforcement official, public safety official or building inspection official acting in an official capacity shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such design professional falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such design professional did an act or omitted the doing of an act which such design professional was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such design professional fell below ordinary standards of care.
Appendix C: Glossary of Terms

Agroterrorism - Terrorist acts directed toward the states’ plant, animal and food processing industries.

Bioterrorism - Terrorist acts involving biological agents.

Border Security - Preventing terrorists and potentially destructive equipment and substances from entering the country through all ports of entry to include land, air and sea.

Citizen Corps - A Federal Government initiative to train volunteers in how to assist local, state and federal officials in the war against terrorism.

Continuity of Government - Plans that ensure that state governments have the capability to preserve, maintain, and reconstitute their ability to function under the threat, or actual occurrence of, any major or catastrophic disaster that could disrupt governmental operations and services.

Critical Utilities - Electricity, gas and fuels as well as state water supplies.

First Responders - Local law enforcement, fire and medical personnel that are first on the scene at any disaster site.

Government Services - Local, state and federal government facilities and those that provide other critical government services to the public.

Infrastructure - Physical and virtual systems that support and house critical services. These include the transportation, critical utilities, government services, information and telecommunications, and agriculture industries.

Interoperable Communications - Voice and data systems that allow communication between all first responders.

Interstate Compacts - Legal agreements and contracts among states.

Model Legislation - State legislation developed to effect uniformity of law between inter-dependent states.

Public Health - The ability to medically respond to acts of terrorism to include biological, radiological and chemical exposure as well as incendiary and explosive acts against the civilian population.

Public Notification - Notifying the general public as to terrorist acts and threats and with providing the public with recommended actions.

Public Records - Documentation of the state agency's organizational functions, policies, decisions, procedures, and essential transactions, as well as information which protects the legal and financial rights of the government and of individuals directly affected by an agency’s activities.

Search Warrants - A warrant authorizing a search for stolen goods or unlawful possessions.

Terrorism - The use of force or violence against persons or property in violation of the criminal laws of the United States for purposes of intimidation, coercion or ransom.

Wiretapping - To tap a telephone in order to get information.