

Keynote Address: Terrorism and its Impact on Insurance: Legislative Responses and Coverage Issues

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KEYNOTE ADDRESS: TERRORISM AND ITS IMPACT ON INSURANCE: LEGISLATIVE RESPONSES AND COVERAGE ISSUES

SENATOR MICHAEL A.L. BALBONI*

You heard this morning from a group of distinguished panelists who have a particular view and certainly as it relates to the second panel, a view in the trenches of trying to make the industry of insurance viable post 9/11. You heard a lot of details about how the industry operates and what it means to try to create a market, sustain a market, and have a market progress when the very thing you are supposed to insure, risk, is an unknown quantity because of the new environment. So I'm not going to talk to you about specifics.

I sit on the Insurance Committee but I'm going to talk to you about the underlying reasons for the unforeseen risks. Senator Joe Bruno, the Majority Leader of the New York State Senate, appointed me to a new chairmanship this year. I am now the Chairman of the Senate Standing Committee on Veterans, Homeland Security and Military Affairs. It is the first time the state has had a committee on this and in this capacity and I am one of the liaisons to Congress and to the White House for the State Senate.¹ I sit on two national committees, one a task force, and we have been involved in a discussion of terrorism issues since 9/11, but my involvement actually began before 9/11, so let

* See Michael A.L. Balboni, *Biography* (Jan. 2003) (describing Micheal A.L. Balboni's past and present occupations in New York State's government), at <http://www.senatorbalboni.com/biography.asp> (last visited Oct. 21, 2003). These remarks are an actual transcript of the author's comments at the St. John's Journal of Legal Commentary Symposium on Mar. 14, 2003.

¹ See *Senate To Act On Homeland Security Legislation*, NEWS FROM THE SENATE REPUBLICAN MAJORITY (May 13, 2003) (announcing creation of new Senate standing committee on Veterans, Homeland Security and Military Affairs), at <http://204.168.97.3/pressreleases.nsf> (last visited Oct. 21, 2003).

me just give you that background. In 1999 I was appointed by the Majority Leader to present to the conference two issues.² The first was how were we preparing for Y2K, the millennium change. What were the municipalities doing and how was it going to affect us? If you recall back then, that was a big deal. They really thought that everything was going to stop and the world was going to end, but here we were at the change of the millennium and it turned out to be a big bust. Actually, it really was not because it provided some basic templates for intergovernmental communication and coordination of efforts that we had not seen before. In addition to which, I was supposed to respond to Robert Kennedy's report as a part of the River Keeper group on the vulnerability of the New York City watershed to a terrorist attack.³ I remember the day very clearly because it was the first time in state government I was exposed to the concept of terrorism. Jerry Hauer came into the office and sat down. At that time, he was the Director of New York City's Emergency Management Office and is now the Chief Deputy to Tommy Thompson at the Health Department in Washington.⁴ He came in, and sat down and said, "Okay, let's talk about the different terrorist events and what we have to plan for." He threw onto the table a booklet called *A Biochem Handbook*.⁵ I picked it up and looked through it and said, "What's this?"

"Well, this is a handbook that goes through all the various chemical and biological agents, what the symptoms are, what the effects are, and what you do when you approach the scene where this is something that has happened."

I said, "Now who do you give this booklet to? I've never seen

² See Michael A.L. Balboni, *Bioterrorism: The Challenges to State Government* (describing Michael Balboni's work prior to September 11, 2001 tragedy), at http://www.senatorbalboni.com/senate_reports_on.asp?id=144 (last visited Oct. 21, 2003).

³ See *Indian Point What we Are Doing, President Bush: U.S. Vulnerable to Terrorist Attacks* (July 17, 2002) (noting Robert F. Kennedy, Jr.'s concern with New York power plant, Indian Point, 45 minutes from New York City, as a possible terrorism target), at http://www.riverkeeper.org/campaign.php/indian_point/we_are_doing/331 (last visited Oct. 21, 2003).

⁴ *Thompson Names Director of Preparedness Office*, U. S. DEP'T. OF HEALTH AND HUMAN SERVICES (May 3, 2002) (discussing Tommy Thompson's announcement of Jerome M. Hauer's new position as director of the Office of Public Health Preparedness), at <http://www.hhs.gov/news/press/2002pres/20020503a.html> (last visited Oct. 21, 2003).

⁵ See generally New York State Emergency Management Office (providing emergency guidelines and preparations for New York City residents), at <http://www.nysemo.state.ny.us/> (last visited Oct. 21, 2003).

anything like this.” He said he gives it to all emergency workers, personnel, in the City of New York.

I said, “Are we expecting something?”

“Yes, we are.”

I was stunned because you read about all this stuff in magazines. I said, “In New York we’re expecting this?”

“Yes. You know, New York law doesn’t deal with this at all. The Feds did a weapon of mass destruction.”

I said, “A what?”

“A weapon of mass destruction.”

“What’s that?” He then went through it and we talked about it.

He said “They did in 1996 and 1997, here’s the Act.” I started looking through it.

I said, “New York law, nothing in it?” So I drafted a bill and had the dubious distinction of being the first person in the state’s history, on the floor of our legislature, to say the words weapons of mass destruction, in the spring of 1999.⁶ At that time, people thought I was crazy or a fear monger, and somebody who was just looking for headlines. I wish that were the case. Obviously, after the anthrax attacks this has become a huge issue for all of us, and right now we are in the midst of trying to get the other half to even recognize the problem.⁷ Since that time we’ve discovered a lot of things, and I present a different perspective on this issue as a result of that experience, and of course, as a result of having lived through 9/11. I, too, lost friends and people in my district were affected. We had twenty six families come in without parents - an amazing number. We had to go through not only the economic rebuilding, but also the personal rebuilding. Some of the most important numbers I gave out were the numbers of priests and rabbis, and it was this constant effort to try and just keep the information flowing so that there would not be a breakdown. I arrive here today at this symposium and it is almost like watching something unfold in a kind of surreal fashion, to see leaders of the industry talk with calm,

⁶ See Balboni, *supra* note 2 (specifying part of Michael Balboni’s contribution in 1999 was sponsoring the Weapons of Mass Destruction bill which was aimed at protecting public against acts of biological and chemical terrorism), at http://www.senatorbalboni.com/senate_reports_on.asp?id=144 (last visited Oct. 21, 2003).

⁷ See Malcolm W. Browne, *Chemists Create Foam to Fight Nerve Gases*, N.Y. TIMES, Mar. 16, 1999, at F2 (eluding to New York concern with possible anthrax terrorist attack and the possible need for a vaccination still being developed).

intelligence, and economic perspective on something that is so horrible. The thought of another event occurring is something that all of us have to face, but none of us can realize the impact. In government, that is our job. We are supposed to be thinking of ways to try to prevent it, number one. Then, God forbid it does happen, how do you respond, and then, how do you recover?

I was talking to Fred Cirillo in the back, who was the class behind me in law school, and he is now Chairman of the Penn Station Partnership.⁸ He used to be a councilman and a very dear friend. Fred and I were talking about how it is strange to hear people talk about risks associated with another terrorist event. I guess the big question is: are there things that are uninsurable? Are there things that you cannot possibly provide money for, or that there will not be recovery from? Sure there are, and that is the realm we are talking about. To hear people actually talk about \$360 billion if a nuclear event were to occur in the city, to me, that is the least of our problems.⁹ That is so far down on the level of concerns that we have to address, but it does bring forth the point of my talk today. No matter how horrific the actual idea is, you need to come to grips with it, because we all have to play a role in trying to prepare the nation, our state, and our communities for whatever may come. You will see people who will ascribe the entire process of “what if” calculations as an academic, sensationalist fool’s errand. If it does happen we will never be able to do anything about it, and it probably will not happen so why bother. That truly is an America in denial and it is not just happening in the corporate sector. It is happening right here in this city, in this state, with elected officials. You know, when France fell, Winston Churchill addressed the Parliament and spoke of the roles that everyone had to play.¹⁰

⁸ At the time of this Symposium, Mr. Fred Cirillo had held the position of chairman of the Penn State Partnership. As of this writing, Bruce D Gitlin is now chairman of the Penn State Partnership. See generally the website for the 34th Street Partnership, at <http://www.34thstreet.org/> (last visited Oct. 21, 2003).

⁹ See, e.g., Edward Iwata, *State Farm Won't Cover Nuke Losses*, USA TODAY, Feb. 28, 2003, at 1B (reporting Warren Buffett's prediction that nuclear attack on New York City would cost insurers \$1 trillion in losses); Jay Loomis, *Threat of Attack Hangs Over Investors*, JOURNAL NEWS (Westchester County, NY), June 19, 2002, at 1D (citing researchers that warn targeted nuclear attack in New York City could cause billions of dollars in damage, dwarfing September 11th attacks).

¹⁰ See WINSTON S. CHURCHILL, *HIS COMPLETE SPEECHES, 1897-1963, VOL. VI, 1935-1942* 6236 (Robert Rhodes James ed., Chelsea House Pubs.) (1974) (quoting June 18, 1940 speech to House of Commons stating, “Much will depend upon this; every man and every

His main point was, whether the greatest or the least in society, all had a role to play.¹¹ That is what we must do. That is what the President's been talking about when he issues his call to arms, about getting involved and becoming a part of the second responders.¹² First responders are the police and fire department, but he wants you to become second responders.¹³ We should know things like evacuation procedures, triage procedures and CPR. These are things that we can do to make our society strong now. Everyone really made a big deal about duct tape and sheeting. I guess that was instructive in terms of imparting the message, but it was not helpful in terms of the overall goal. Duct tape and sheeting is a part of the list that the Center for Disease Control puts out for Americans to prepare, not only for a bioterrorism attack or a chemical terrorism attack, but for a storm.¹⁴ If there is a very bad hurricane or snowstorm coming, that is what you do. You should take these things, and put them in a safe place. If you do not have a basement, put them in a center room, and you will be able to stay there for a couple of days because that is your role. Your role is not to get in your cars and get on a parkway or highway that is so choked you are unable to go anywhere; it is not to go rush and overwhelm a supermarket or medical facility. You are supposed to be self-sufficient for a period of time so that you can add that brick to the wall of defense that is America. So duct tape and sheeting was taken out of this listing, and it was not focused on what the

woman will have the chance to show the finest qualities of their race, and render the highest service to their cause. For all of us, at this time, whatever our sphere, our station, or occupation or our duties, it will be a help to remember the famous lines: He nothing common did or mean, Upon that memorable scene.”)

¹¹ See *id.* (announcing importance of all people in fighting for a cause).

¹² See, e.g., President George W. Bush, *Remarks by the President on Citizen Preparedness at Lawrence Joel Veterans Memorial Coliseum in Winston-Salem, NC* (Jan. 30, 2002) (announcing formation of USA Freedom Corps and Citizen Corps), at <http://www.whitehouse.gov/news/releases/2002/01/20020130-12.html> (last visited Oct. 21, 2003); *About Citizen Corps* (outlining creation and purpose of Citizen Corps), at <http://www.citizencorps.gov/about.shtm> (last visited Oct. 21, 2003).

¹³ See *Facts About First Responders* (describing first responders as firefighters, police officers, and emergency medical workers), at <http://www.whitehouse.gov/homeland/firstresponders/01.html> (last visited Oct. 21, 2003).

¹⁴ See, e.g., CDC FACT SHEET, *Chemical Emergencies* (May 21, 2003) (indicating procedure and supplies for “sheltering-in-place” using duct tape and plastic sheeting), at <http://www.bt.cdc.gov/>; *Preparing for the Hurricane* (listing supplies which should be gathered in preparation for weather emergencies, including duct tape and plastic sheeting), at <http://www.cdc.gov/nceh/emergency/hurricanes/preparing.htm> (last visited Oct. 21, 2003).

point was. This is America's storm and I don't care where you live, you have a role.

I just came back from Kingston yesterday. I've been traveling around the state because the Governor has asked me to promote the terrorism plan on behalf of the State Senate. I have been talking to different editorial boards around the state, and I had a conversation with the Kingston-Freeman Editorial Board in Kingston, New York. Do you know what the managing editor told me?

"Well, we're not interested in meeting with you, Senator, because this is really not our problem. We're not near New York City. This is not really going to affect us so, you know what? Send us a copy of your bill and we'll take a look at it, but we don't really need to talk to you about this." I smiled at that and vowed that I was going to try another way in because that is the kind of attitude that is not helpful at all. Someone else has that attitude too, and that is the Speaker of the New York State Assembly, Shelly Silver. He believes that, at this point in time, what's going to happen is going to happen, and that there is not really a role for the state to play. I am trying desperately to get him to move off that mark. We have a bill in the State Senate right now that actually has passed the Senate and has not been introduced in the Assembly. It is a bill that would make illegal, as an A-1 felony, the use, development, or possession of a weapon of mass destruction if someone dies as a result.¹⁵ Now, could you think of anything more common sense? How could you possibly allow that within your state? The Federal Government bans it;¹⁶ we do not. This is the place where the worst attack in the nation's history occurred and we're not going to respond? If we cannot decide on that simple issue, how are we going to decide the tough stuff?

Let me talk about the role of the insurance industry in this battle. Much of what you heard today is part of what I believe the insurance industry will ultimately contribute to emergency preparation of high-rise, multiple residential dwellings. We all

¹⁵ See James C. McKinley, Jr., *Pataki's Bill On Terrorism Passes Senate*, N.Y. TIMES, Feb. 12, 2003, at B1 (noting the passage of antiterrorism bill in New York State Senate which would punish possession of weapons of mass destruction with life in prison).

¹⁶ See 18 U.S.C. § 2332(a) (2003) (announcing offense of "use of certain weapons of mass destruction").

know that if you develop a good evacuation plan, a good intercom system with good up-to-date information that's reliable, and good evacuation procedures with CPR and triage, you will make people and their buildings safer. That again will add to the defense of this nation. Now, if I introduce legislation in the State Senate requiring the owners of these buildings to conduct evacuation procedures and develop these different facets of emergency preparedness, I would be laughed out of the State Senate. Too expensive. How dare you? These are our lives, how are you putting costs on them? Well, you know who's going to require it? The insurance industry, because they are going to go right down the line to take a look at their risk, and then look at ways to mitigate their losses. They are going to look for common sense ways. They may be saying to you, "You want terrorism coverage? Fine. Then you have to reduce the risk and here are the ways you do it." We have seen this in the shoreline risks; they had hurricane straps.¹⁷ A hurricane strap is a big band that goes around your house so it doesn't blow away in a hurricane.¹⁸ It fits around the entire house and in a property and casualty policy, it is required.¹⁹ If you do it and are in certain zones you get a reduction in your insurance premium.²⁰ That is the kind of thinking and societal development that is going to impact our ability as a nation to respond to any type of act of terrorism. In addition there is another role that the insurance industry has to play, and that is in being economically viable. A lot of people take a look at the industry and say, well, it's premiums or it's policies, but it is people. It is people, their jobs, and their

¹⁷ See, e.g., Earl Daniels, *New Building Codes to Boost the Price of Houses This Year But Change Should Save on Insurance*, FLA. TIMES-UNION, Jan. 1, 2002, at A1 (reporting on new building requirements in Florida, including use of hurricane straps, to reduce property damage during hurricanes and, consequently, insurance premiums).

¹⁸ See, e.g., F.E.M.A., *Against the Wind: Protecting Your Home from Hurricane Wind Damage* (Dec. 1993) (demonstrating proper placement of hurricane straps), at <http://www.fema.gov> (last visited Oct. 21, 2003); F.E.M.A., *Reduce Your Risk From Natural Disasters* (Dec. 1993) (describing function of hurricane straps), at <http://www.fema.gov> (last visited Oct. 21, 2003).

¹⁹ See Daniels, *supra* note 17, at A1 (describing new home building requirements in Florida).

²⁰ See, e.g., CITIZENS PROP. INS. CORP., *Save Money with a Safer Home* (offering up to 50 percent discount on windstorm insurance premiums for consumers who make certain structural reinforcements on home, including hurricane straps), at <http://www.citizensfla.com/brochure.asp> (last visited Oct. 21, 2003); FLA. BLDG. COMM'N, *The Florida Building Code - Wind Zone Requirements, 2002-2003* (setting out wind requirements for buildings by county in Florida), at http://www.dca.state.fl.us/fhcd/fbc/publications/Wind_Zone_0702.pdf (last visited Oct. 21, 2003).

families who depend upon that stream of income. If we are going to continue to recover, as I believe we are trying slowly to continue to do, we need the insurance industry to be very, very viable. So we have to help them from a public policy standpoint. We have to help them ensure their economic vitality. But, we can also ask things from them. I am developing a plan now that is probably going to make the hair on the back of the neck of most industry people stand up. But, I think it is something the industry is going to have to come to grips with, and tell us if they want to participate. But, I want to hear it from them. I have taken a review of the different systems of our society and our culture and how they respond. One of them is the healthcare system. I am convinced right now that no matter how good a hospital is prepared, it does not have surge capacity.²¹ In other words, we can handle 100, 200, maybe 500 patients at a time in a hospital. What if it is thousands? We need to develop surge capacity. Talk to any professional from the FBI to FEMA, and they will tell you that the effect of a biological attack on a community is horrific.²² What would make that attack much worse is if you were to compromise a healthcare facility by contamination. When people are infected or exposed and come rushing to a hospital, we have to divert them and put them somewhere else. We need a lockdown of the facility. Yes, these are draconian measures because when you are injured what do you want? You want healthcare. These are steps you have to take. I proposed a plan, one of the first of its kind in the nation, and it is essentially a domestic MASH unit. I'm going to require with state legislation and the Health Department, that all hospitals do a shelter inventory. Look around the proximity of the existing healthcare facility. Is there an insurance company there that has a big room, auditorium, church basement, or

²¹ See, e.g., *Remarks by Homeland Security Secretary Tom Ridge at Town Hall Meeting Re: "Homeland Security from a Citizen's Perspective,"* FED. NEWS SERV., Sept. 16, 2003, at 1 (discussing activities designed to improve responses to possibility of mass casualties at hospitals); Sheryl Gay Stolberg & Judith Miller, *Threats and Responses: Bioterrorism - Many Worry That Nation is Still Highly Vulnerable to Germ Attack*, N.Y. TIMES, Sept. 9, 2002, at A16 (describing surge capacity as a "major concern").

²² See, e.g., *CONPLAN: United States Government Interagency Domestic Terrorism Concept of Operations Plan 11-12* (outlining likely consequences of biological attacks, including mass casualties, severe public reaction, and overwhelming local response capabilities), at <http://www.fbi.gov/publications/conplan/conplan.pdf> (last visited Oct. 21, 2003).

gymnasium? Where are the structures that we can use in the case of an emergency, to go in, stockpile it ahead of time, prepare for redundant communication capacity, and do liability agreements that if, God forbid, worst thing that we can imagine could happen happens, we have to have the ability to take people who are injured and exposed and bring them to these areas. We need to develop that surge capacity so we can handle 1,000 people. On Long Island and in Westchester, nobody truly believes that we are going to be the epicenter of any attack of any major proportion. Of course, the inner city is right in the bull's eye. So what are the challenges for the healthcare in the surrounding areas? How do we handle the casualties that come across? How do we respond and continue providing care and access? That is the other issue about regional stockpiles. The Federal Government has something, what's known as a "pushpack."²³ It is set up through FEMA and essentially, it is a cargo hold size pack of pharmaceutical supplies – syringes, ventilators, gowns, gauze, saline – all the things you would need to supplement and augment a healthcare operation.²⁴ They put the "pushpack" in the body of a plane. They fly it up to where the incident occurred, unload it and distribute it.²⁵ It is over 100 tons of medical supplies.²⁶ We need to have that stockpile in different places in the state because there is going to be a period of time, if an event occurs, before that plane gets here. We have to think about emergency response in stages. The initial response is to lock down the hospitals and to divert people who come in to these shelters. The second response is to access these regional stockpiles that are available, to continue to provide the medications and supplies we need to treat the people while the

²³ See Federal Emergency Management Agency, *Available Support* (noting that relief packages are designed so that they can be driven or airlifted into disaster locations), at <http://www.fema.gov/rrr/mers02.shtm> (last modified Feb. 11, 2003).

²⁴ See Federal Emergency Management Agency, *Introduction and Background* (explaining that FEMA is primary federal response agency that initially responds to health emergencies during a crisis), at <http://www.fema.gov/rrr/conplan/compln1c.shtm> (last modified Feb. 11, 2003).

²⁵ See Federal Emergency Management Agency, *MERS Support Considerations* (stating that disaster packages have highly specialized equipment which are tailored for specific emergencies), at <http://www.fema.gov/rrr/mers17.shtm> (last modified Feb. 11, 2003).

²⁶ See *Bioterrorism: Hearing Before the House Comm. on Energy and Commerce*, 107th Cong. (2001) (statement of Tommy Thomson, Health and Human Services Secretary) (addressing addition of pushpacks while supplemented existing 400 ton U.S. supply by 200 tons).

Federal Government comes in with everything else, so that we can continue to provide continuous care and give people confidence. We also need to train our hospital personnel, the personnel of our academic institutions, and our private businesses so that they can respond. Private business has a role to play in learning how to take care of its own people. There are websites now, in the CDC and the Americorps, for registering to train the trainers.²⁷ They teach things like CPR, evacuation, triage.²⁸ That is a responsibility for corporate America as well for everybody else. Lastly, we have to take a check on this, a psychological check. I had lunch with a psychologist who consults with the Israeli government, and some of the speakers this morning talked about how England has dealt with trying to develop insurance in the wake of the IRA bombings.²⁹ Obviously there is no democratic society on the face of the planet who has had to deal with, for as long a period of time and as constant a ratio, than Israel.³⁰ They have had to deal with this issue day in and day out. Of course with the suicide bombings,³¹ it is going to be done in the most mundane of places. Places where you shop, where you take your children. The psychological impact on them is dramatic.

I spoke with this psychologist and he said, "This is what we do. We view biological, chemical, nuclear, radiological, the same way as we view a bus."

I said, "What do you mean by that?" You could go out in a nuclear holocaust, a biological event, a chemical attack, or you could walk across the street and get hit by a bus, have a heart attack, or die of cancer. In other words, it' is still death. We have to come to grips in our own mind not to elevate because of

²⁷ See Americorps: Corporation for National & Community Service (providing users access to multiple opportunities for Americorps training and education), at <http://www.americorps.org/> (last visited Oct. 21, 2003).

²⁸ See Center for Disease Control, Emergency Preparedness and Response (offering medical instruction for different medical emergencies which may arise from terrorist attacks), at <http://www.bt.cdc.gov/training/index.asp#intro> (last modified Sept. 8, 2003).

²⁹ See William Gloyn & Bain Clarkson, *Insurance Against Terrorism*, 90 LAW SOCIETY'S GAZETTE 22, 20 (1993) (discussing provisions developed by insurance companies and United Kingdom government in response to IRA bombings).

³⁰ See Yoram Schweitzer, *Suicide Bombings: The Ultimate Weapon?*, International Policy Institute for Counter-Terrorism (noting Israel's history of over fifty suicide attacks since 1993), at <http://www.ict.org.il/articles/articleDet.cfm?articleid=373>. (last visited Oct. 21, 2003).

³¹ See *id.* (discussing definition of suicide attack, identity of suicide bombers, and providing documentation of attacks).

the sensational nature of these things, so it freezes us and immobilizes. It is a very difficult thing, and a horrible subject. It's a subject that grips us and compels us, but it's not a subject to freeze us and stop the way we are living now. We have to come to grips with what the risks are. The insurance industry professionals know a lot more about risk assessment than I do, but I will give you the political perspective. Over 3,000 people died in the World Trade Center,³² and many people were affected.³³ But the actual chances of you being in that building on that day, if you lived in New York City, based upon population, were incredibly small, incredibly slim. We have to remember that though we should respond as a nation to the threat, we should not feel that we are at risk when we sit in our home in Mineola, or we sit in our homes in Queens. What we should do is understand that, yes, there is a risk out there, but it cannot stop us as a society. We have to continue doing what we are doing. That is what the message is from Israel. But, the percentage of being involved in a bombing is a lot higher in Israel than it is here. Corporate America, the insurance industry, must also take a leadership role in realizing that as much as the Federal Government did not do, or did not encompass all the risks that TRIA³⁴ could have encompassed, it was probably one of the best responses of any civilized society in our history to one of the greatest threats. That is the thing people will always gloss over. They gloss over the fact that the rescue and evacuation of the World Trade Center was the largest rescue and evacuation ever of a civilian population in that period of time.³⁵ The funds that were set up to compensate the families were the most generous funds ever established in history.³⁶ Now, these are

³² See September 11, 2001 Victims (providing names of known persons lost from terrorist attacks of September 11, 2001), at http://www.september11victims.com/september11victims/victims_list.htm (last modified Sept. 4, 2003).

³³ See *generally id.* (providing links to personalized notes from family, friends, and observers).

³⁴ Terrorism Risk Insurance Act of 2002, Pub. L. No. 107-297, 116 Stat. 2322 (2002) (codified at 15 U.S.C. § 6701) (stating purpose of Act).

³⁵ See National Memorial Institute for the Prevention of Terrorism, Lessons Learned (noting that safe evacuation of over 25,000 people on September 11, 2001 was largest rescue operation in U.S. history), at <http://www.counterterrorism.org/pdf/fdnylessonslearned9-11.pdf> (last visited Oct. 21, 2003).

³⁶ See, e.g., New York State, World Trade Center Relief Fund Distribution (stating that New York State's World Trade Center Relief Fund has received donations in excess of 68 million dollars), at http://www.nysegov.com/news/WTC_Relief_Dist.htm (last

things that we have to take a look at with pride. We have responded as a nation and, I believe, as every day goes on past September 11th, we get stronger and we can do things better. But again, we should not try to tear down the efforts that are made. We need to improve them and realize, first, that there is not a book on this. We are learning as we are going. Secondly, that the efforts we take today are going to be merely the building blocks for the things we do tomorrow. I found today's discussion to be incredibly important because what it does is pieces out the insurance industry, but it makes us recognize that insurance and the economy are a part of life. The risks that they have to deal with and assess are the things that we have to deal with in our own lives. We should stop being an America in denial and the deer in headlights. We should recognize our part and try to urge other people to do the same. Challenge everybody to pick up the phone and find out who their assemblyman is and call that assemblyperson in the State of New York and just ask one question: what are we doing about terrorism? Just ask the question because against the backdrop of all the information you have heard this State Assembly has done nothing on terrorism. We have no committee, no legislation, but we need to respond.