Protecting you, Protecting U.S.

SAFETY Act
September 2010

The Support Anti-terrorism by Fostering Effective Technologies Act of 2002

Homeland Security
A Summary of the SAFETY Act

• The Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act) was enacted as part of the Homeland Security Act of 2002 (Title VIII, Subtitle G)

• Intended to facilitate the development and deployment of effective anti-terrorism technologies by creating systems of “risk management” and “litigation management”

• Provides important legal liability protections for manufacturers and sellers of technologies and services that could save lives in the event of a terrorist attack

• Protections apply only to claims arising out of, relating to, or resulting from an Act of Terrorism
What is Eligible for SAFETY Act Protections?

The SAFETY Act liability protections apply to a wide range of technologies, including:

- Products
- Services
- Software and other forms of intellectual property

Examples of eligible technologies:

- Threat and vulnerability assessment services
  - Detection Systems
  - Blast Mitigation Materials
  - Screening Services
- Sensors and Sensor Integration
- Threatening Object Detectors
- Decision Support Software
- Security Services
- Crisis Management Systems
- Cyber Security Technologies
Essential Concepts

1. Two Principal Levels of Protection

   DTED:
   Additional evidence of effectiveness needed.
   Shows potential.

   Designation:
   Proven effectiveness.

   Certification:
   High confidence it will continue to be effective.

   Government Contractor Defense

   Liability Cap

   Homeland Security
4. SAFETY Act Protections Extend to Users

(whether Designation or Certification)

“Such cause of action may be brought only against the Seller of the QATT and may not be brought against the buyers, the buyers’ contractors, downstream users of the QATT, the Seller’s suppliers or contractors, or any other person or entity…”

-Preamble to Final Rule, 6 CFR Part 25, at 33150.
Timeline of SAFETY Act Application Review Process

Pre-Application

- Scoring
- Response letter to applicant

21 Days

Full Application

- Receiving & Completeness
- Technical Review
- Economic Review
- Consolidation
- Presentation of Findings
- DHS Decision

120 Days
SAFETY Act Progress

FY 2004-05: 233 applications, 108 days to process
FY 2006: 163 applications, 104 days to process
FY 2007: 170 applications, 113 days to process
FY 2008: 179 applications, 106 days to process
FY 2009: 218 applications, 102 days to process

Number of Applications
Days to Process
Applications by Company Size*

*Small = $0 - $50,000,000
*Medium = $50,000,000 - $1,000,000,000
*Large = Over $1,000,000,000 by Net Revenue
Additional SAFETY Act Information

- Online: [www.safetyact.gov](http://www.safetyact.gov)
  - FAQs
  - Help Topics
  - Help Desk: Online form for questions requiring an individual response
- Email: helpdesk@safetyact.gov
- Toll-Free: 1-866-788-9318