

2014 Regional Meeting (Regions 9 and 10) Protective Security Advisor Program

Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act

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Homeland Security

Science and Technology



A Summary of the SAFETY Act

- Congressionally enacted as part of the Homeland Security Act of 2002
- Provides legal liability protections for providers of qualified anti-terrorism technologies 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 when SAFETY Act approved technologies have been deployed



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 Plans / Services

Crisis Management Systems

Venue Security

Recent Approvals

- Multi-layered security system deployed at a major venue
- Anti-terrorism detection, collection, and analysis tool for the detection of terrorist surveillance and pre-attack planning
- System design, integration, monitoring and maintenance for perimeter security and anti-intrusion systems
- Physical security services that deter, prevent, detect, alert and respond to a variety of security threats at commercial facilities



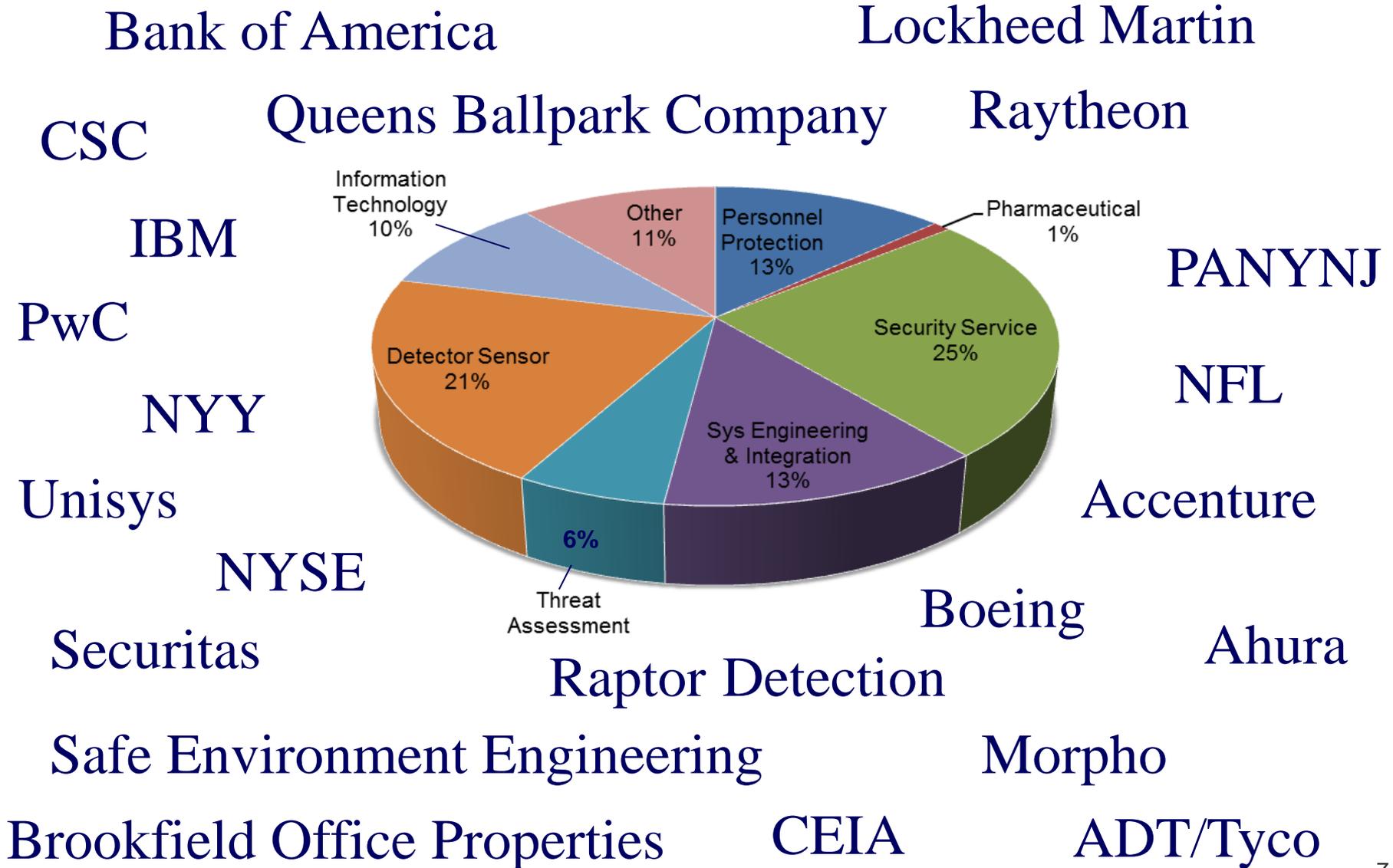
Recent Approvals

- Explosives detection canine services
- Real-time, web-based situational awareness dashboard, data surveillance and early-warning software system
- An evacuation planning tool undergoing testing and evaluation that provides evacuation modeling for sports stadiums
- Codes and standards that have an association with preventing, detecting, identifying, deterring acts of terrorism or limiting the damage such acts might cause

Examples of Approved Technologies

-  December 05, 2013 - Professional Security Consultants, Inc., (Headquarters in CA) provides PSC Security Guard Services for Commercial Shopping Malls. These services provide enhanced protection, deterrence, and response to terrorist acts against shopping centers whether perpetrated by use of explosives or through active-shooter incidents. The Technology also includes policies and procedures for recruiting, screening, and hiring of employees. This Designation and Certification will expire on December 31, 2018.
-  April 07, 2014 - Eid Passport, Inc. (Headquarters in OR) provides RAPIDGate® System (the “Technology”). The Technology combines identity assurance, background screening, smart credentials, biometrics, and electronic access control into a program that is purchased on a subscription basis. The Technology also includes training, maintenance, and replacement of the furnished equipment and software (including periodic software updates and upgrades), and customer service and technical support. This Designation and Certification will expire on May 31, 2019.
-  July 21, 2011 - Prepared Response, Inc. (Headquarters in WA). The Technology is a web-based application that provides access to critical facility information enabling authorized first responders and managers to view pre-determined tactical response plans while responding to an emergency and assist in the coordination of an on-site response to emergency incidents. This Designation and Certification will expire on August 31, 2016.

SOME RECENT APPLICANTS





What protections are available?

Liability cap

Exclusive action in federal court

No joint and several liability for non-economic damages

No punitive damages or prejudgment interest



Limitations on the use and deployment

Limited term

Liability protections associated apply only to acts that occur during the term

All benefits of designation, plus...

government contractor defense

Approved products list for homeland security

Essential Concepts

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 Qualified Anti-Terrorism Technology, the Seller’s suppliers or contractors, or any other person or entity...”

Preamble to Final Rule, 6 CFR Part 25, at 33150

*Seller- any person, firm, or other entity that provides a QATT to customer(s) and to whom a Designation has been issued.

**QATT (Qualified Anti-Terrorism Technology), a technology or service that is approved by DHS for SAFETY Act protections.

Criteria for Designation

- Prior United States Government use or demonstrated substantial utility and effectiveness
- Availability of the Technology for immediate deployment in public and private settings
- Existence of extraordinarily large or unquantifiable potential third party liability risk exposure to the Seller or other provider of the technology
- Substantial likelihood that the Technology will not be deployed unless SAFETY Act risk management protections are extended
- Magnitude of risk exposure to the public if the Technology is not deployed
- Evaluation of scientific studies that can be feasibly conducted in order to assess the capability of the Technology to substantially reduce risks of harm
- Whether the Technology is effective in facilitating the defense against Acts of Terrorism
- ATT determination made by Federal, State, or Local officials

Red=Technical criterion Blue=Economic criterion

Criteria for Certification

Designation is a prerequisite for granting Certification.

To receive Certification, a QATT must also be shown to:

- Perform as intended
- Conform to the Seller's specifications
- Be safe for use as intended
 - Seller is required to provide safety and hazard analyses

Performs as Intended

High confidence it will continue to be effective:

- Consistent positive results (e.g., long-term low failure rates and false alarms)
- Reliability/Availability is high (e.g., MTBF)
- Performs in accordance with performance specifications
- Installation, use, maintenance procedures proven
- Documented processes (e.g., training, hiring, technology refresh) are being followed
- Standards are identified and met
- QA/QC processes are effective

Essential Concepts

SAFETY Act Approval Summary

	DTED	Designation	Certification
Effectiveness Evaluation	Needs more proof, but potential exists	Proven effectiveness (with confidence of repeatability)	Consistently proven effectiveness (with high confidence of enduring effectiveness)
Protection	Liability cap only for identified test event(s) and for limited duration (≤ 3 yrs)	Liability cap for any and all deployments made within 5 year term	Government Contractor Defense (GCD) for any and all deployments made within 5 year term

How is Proprietary Data Protected?

- Strong data protection measures that conform to DHS information security standards
- All application reviewers are screened for conflicts of interests, sign conflict of interest statements for each application they review, and sign non-disclosure agreements



Who are the SAFETY Act Reviewers?

- Reviewers from the FFRDCs, non-profits, Federal Government, Federal & National Labs, and Academia
- 100+ trained reviewers (SMEs) in areas of:
 - Cyber
 - Economic
 - Chemical
 - Biological
 - Explosives
 - Rad/Nuclear
 - Human Factors
- Three Technical Reviewers and two Economic Reviewers per application
- Conflict of Interest & Non-Disclosure Agreement signed by each reviewer per application



Program Performance

DHS approved over 680 Technologies for SAFETY Act protections

In FY13, 60 Technologies were approved. These approved Technologies are among the most complex and significant applications received in the history of the Program and were deployed at:

- Bank of America Corporation
- Citi Field Stadium (Mets) – NY
- World Financial Center – NY
- Willis Tower – IL

SAFETY Act and the PSAs

How can the PSA program help spread the word about SAFETY Act

- When to promote
- How to promote

How can PSAs engage with the SAFETY Act process

- Identify effective or innovative technologies
- Recommend SAFETY Act to appropriate Applicants
- Participate in review process
- Participate in site visits when they occur

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Additional SAFETY Act Information



Online: www.safetyact.gov

- FAQs
- Help Topics
- Help Desk: Online form for questions requiring an individual response

Email: SAFETYActHelpDesk@dhs.gov

Toll-Free: 1-866-788-9318



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