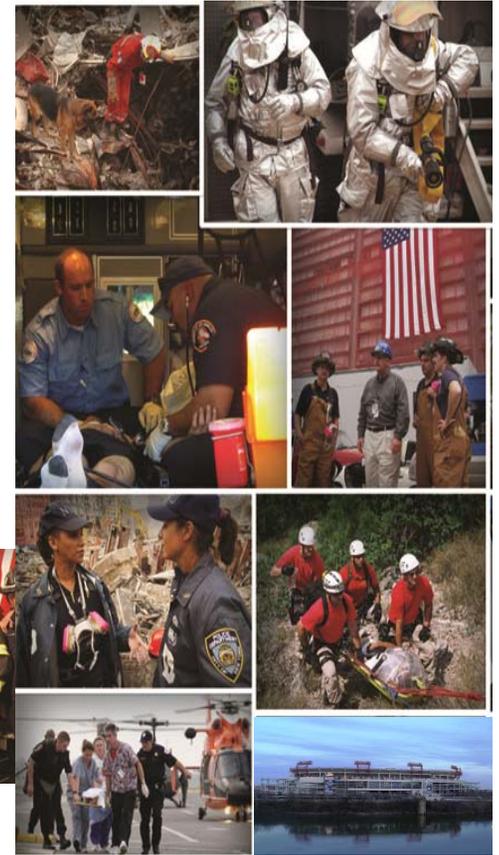


SAFETY Act Webinar

What is the SAFETY Act and how do you apply?



Office of SAFETY Act Implementation (OSAI)

February 11, 2015



Homeland Security

Science and Technology





**Homeland
Security**

Science and Technology



What is the SAFETY Act?

- Congress enacted the Support Anti-terrorism by Fostering Effective Technologies (SAFETY) Act as part of the Homeland Security Act of 2002
- Provides legal liability protections for manufacturers and sellers 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 covered technologies have been deployed





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.



**All benefits of Designation, plus...
Government Contractor Defense
Approved Products List for
Homeland Security**



Limitations on the use and deployment

Limited term

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



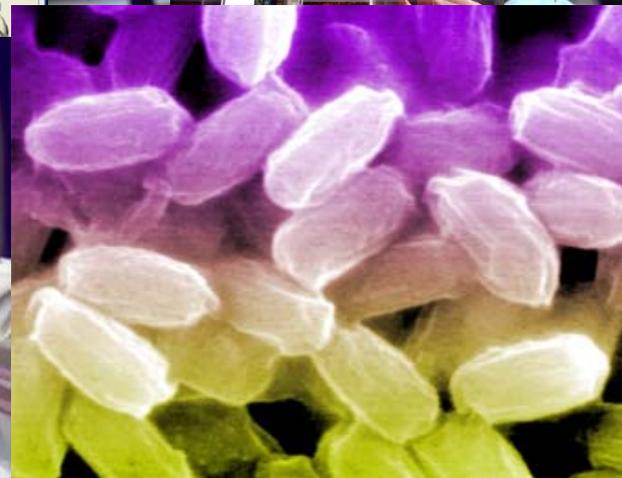
Designated and Certified Technologies

- DT&E Designation: 67
- Designation: 394
- Certification: 28
- Designation & Certification: 235
- **Total: 724**



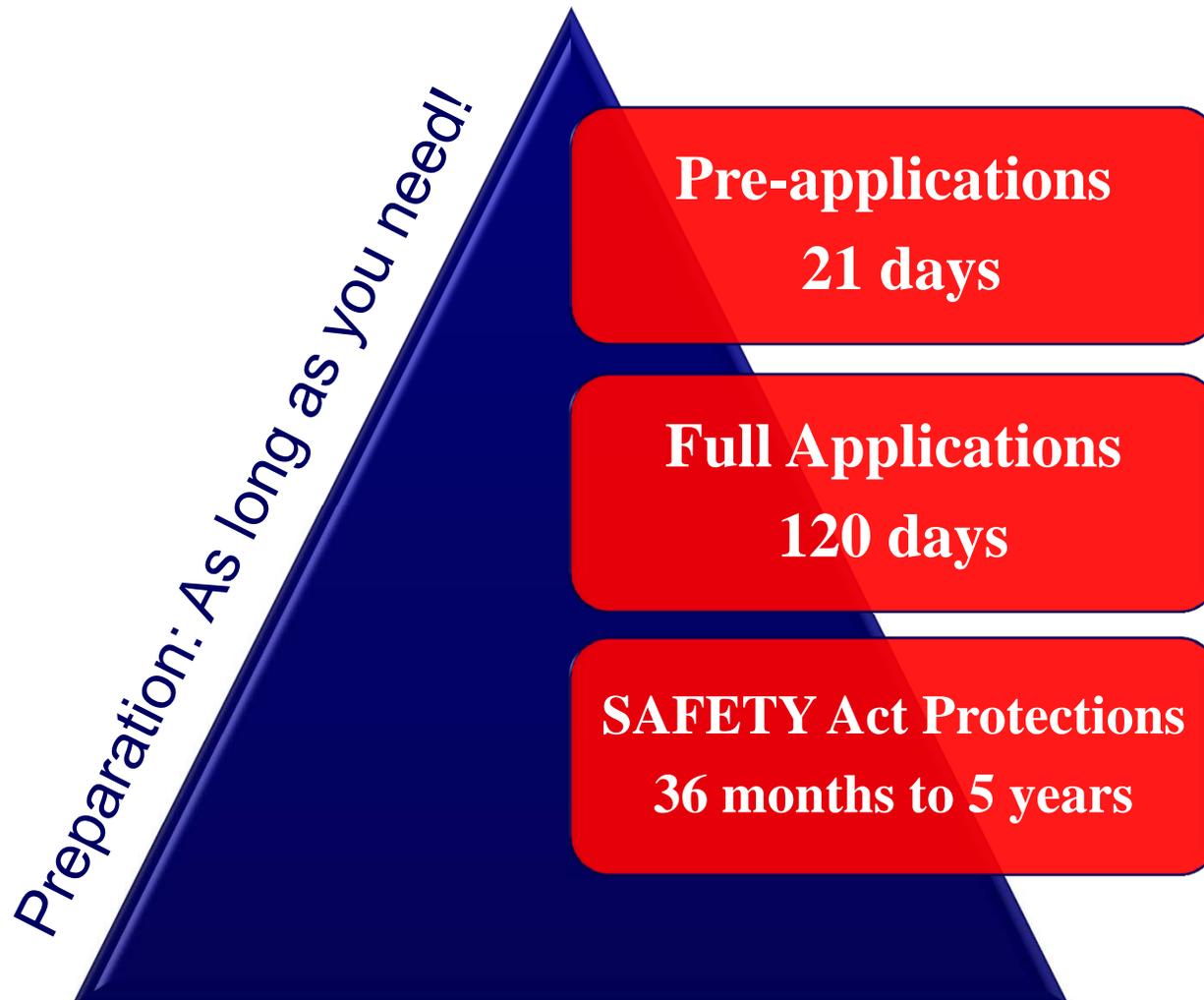
Types of Technologies

Any qualifying product, equipment, service (including support services), device, or technology (including information technology) designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism or limiting the harm such acts might otherwise cause.





What is the SAFETY Act timeline?



There is no fee associated with filing an application.

How can I protect business sensitive information?

The SAFETY Act Web site is certified and accredited by the DHS Office of the Chief Information Officer (CIO) indicating compliance with security protocols/requirements.

All users sign Conflict of Interest/Non-disclosure Agreement statements per application.



To submit classified data or other data that cannot be uploaded to the website, contact the SAFETY Act Help Desk for instructions.

Online Materials

 **PRINTER FRIENDLY MATERIALS**

CATEGORY:

-  Application Kit (PDF)
-  Application for Block Certification and Instructions
-  Application for Block Designation and Instructions
-  Application for Certification and Instructions
-  Application for D,T and E Designation and Instructions
-  Application for Designation and Certification and Instructions
-  Application for Designation and Instructions
-  Application for Registration and Instructions
-  Application for Tr
-  Block Standards
-  Contour Instruct
-  Final SAFETY Act

Check out the Printer Friendly Materials and the FAQs!

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Support Antiterrorism by Fostering Effective Technologies Act of 2002

[HOME](#) [ABOUT US](#) [APPROVED TECHNOLOGIES](#) [HELP](#) [FAQs](#) [CONFERENCES](#) [LOGIN / APPLY NOW](#)

What is the SAFETY Act?

The SAFETY Act provides important legal liability protections for providers of Qualified Anti-Terrorism Technologies - whether they are products or services. The goal of the SAFETY Act is to encourage the development and deployment of new and innovative anti-terrorism products and services by providing liability protections.

For more details, see the [SAFETY Act Final Rule](#).

The SAFETY Act **Benefits to Your Company**

Encouraging the **DEVELOPMENT and DEPLOYMENT** of **ANTI-TERRORISM TECHNOLOGIES**



Where do I start?

File a pre-application and call us



Make a list of all the materials you have and pick the correct application type



Organize your material, fully answer the questions in the application, and upload



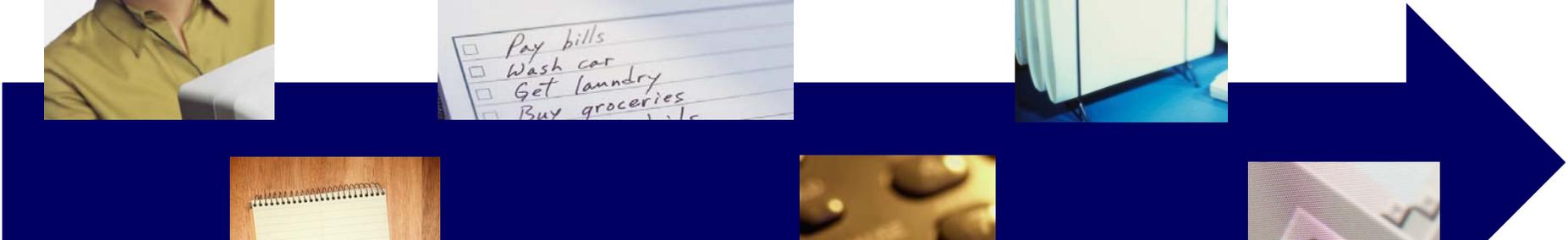
Write a Technology Description



Call us with questions, concerns, etc.



Submit your application





Wait, what is a Technology Description?

- Technology = What You Provide
 - It does not have to generate revenue
 - Keep it simple
 - Focus on the anti-terrorism aspects
- Submittal Tips
 - Be clear and concise
 - Include all elements



You can modify your Technology Description after SAFETY Act protections are granted, if something changes. Check out “Notices of Modification.”



What is the best way to organize my application?



- Answer every question, including ones from previous requests or letters
- For long submissions, use section headers
- Provide a list of attachments, number your attachments, and reference them by name in your ATTDDetails
- Submit files in searchable PDF format to help us locate information quickly



OSAI can review a draft prior to submission. Contact us via the Help Desk for assistance.

How much information is needed?

Please submit all relevant information to demonstrate the development and effectiveness of your Technology and the insurance/financial information requested in the application kit.

Define

Start with Item D.9 and your Technology Description.

Discuss

Address personnel, policies, procedures, and performance. Provide points of contact and let them know that we will call them!

Document

Provide support materials, such as policy documents, training materials, letters of support, etc.



Unfortunately, OSAI cannot receive prototypes or samples of your Technology.



Exercise

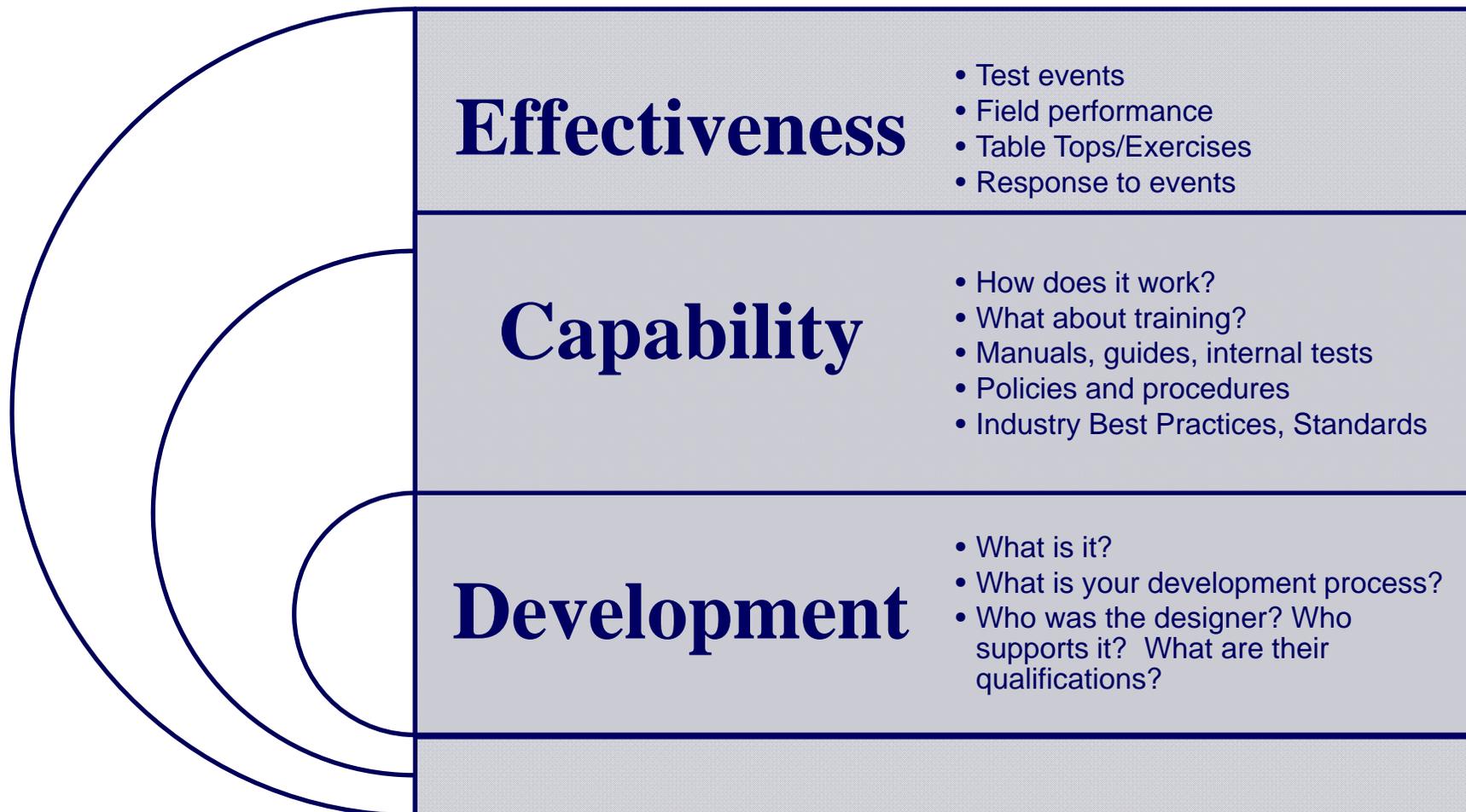
- Item D.14 of the application kit requests information about Technology effectiveness.
- You reply “see attachments 7-10, test data.”
- A more detailed narrative response that describes the data, what it means, and what changes, if any, were made to the Technology as a result is more informative.



Please provide descriptive narratives to describe the contents and provide us with the context of each attachment.



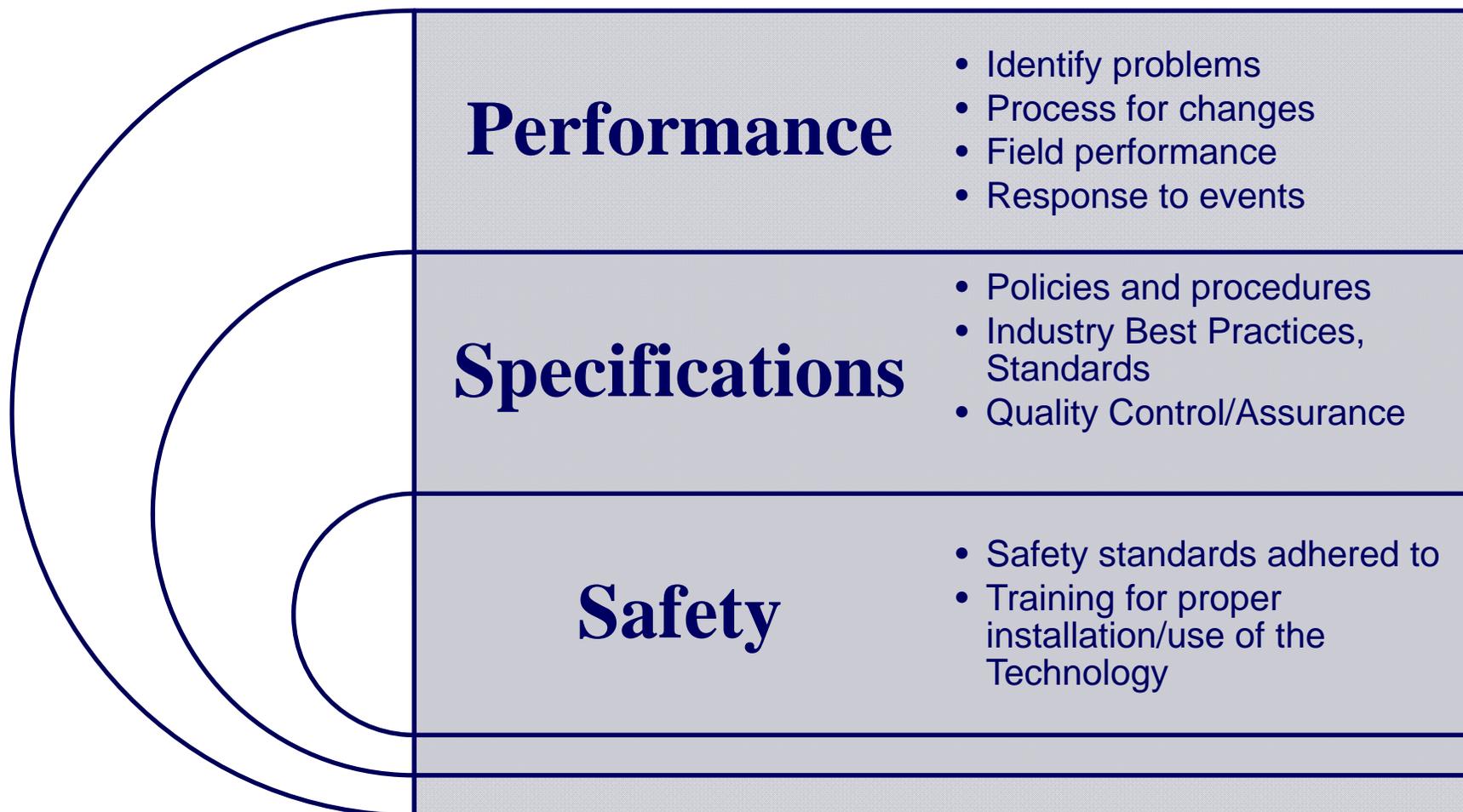
Designation Information



Remember to support your submission with copies of manuals, test reports, training materials and the like. Before uploading, make sure you include a list of attachments and that all files are readable.



Certification Information

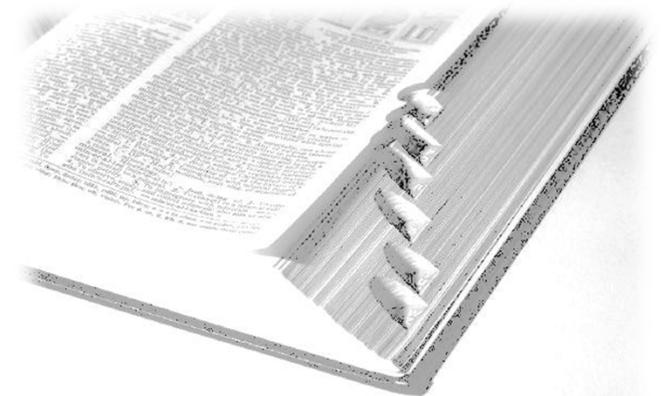


Coordinating the transfer of data from third parties in advance of your application is essential to maintaining the evaluation timeline. To support transfer, provide current POC information. Advise POCs that OSAI will contact them to arrange the transfer and/or review of this information.



What do you mean by....

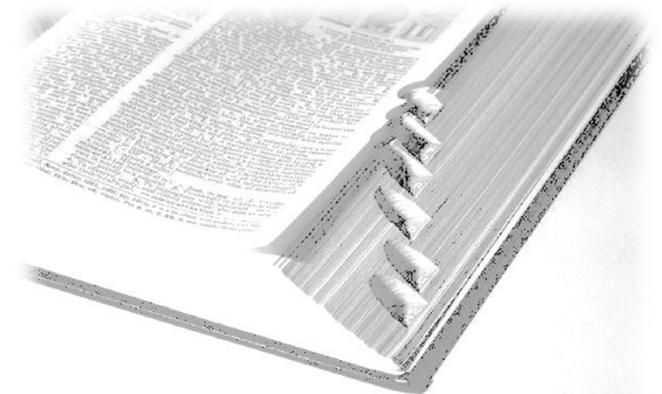
- **Developmental test:** Tests in a controlled environment, or testing in which one or more of the Technology's parameters are routinely altered. Developmental testing proves the design of the Technology; at this stage, modifications are still being made to enhance the functionality of the Technology
- **Operational test:** Tests that subject the Technology to conditions that reflect the intended environment for Technology use and that reasonably mimic the terrorist threat the Technology is designed to counter.





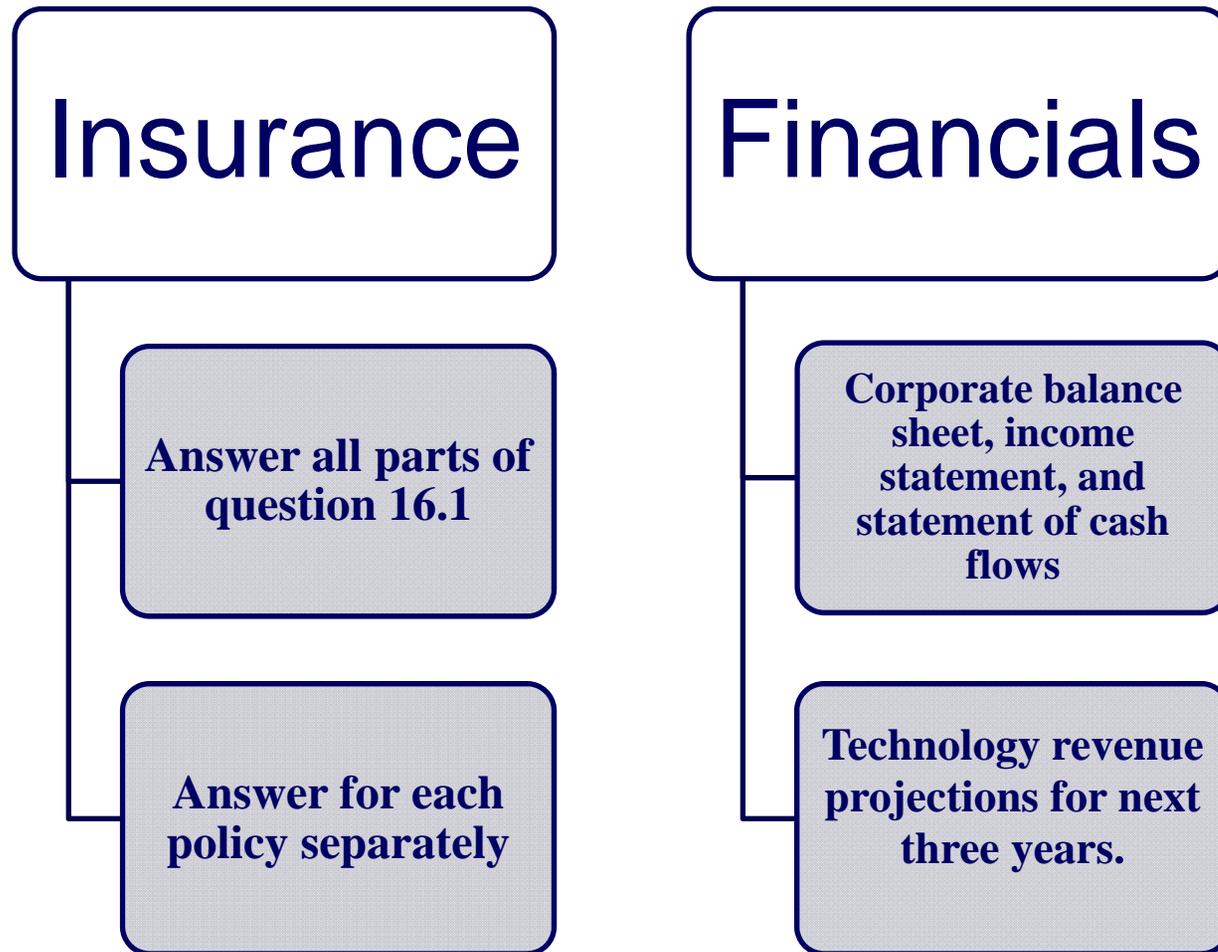
What do you mean by....

- **Suitability:** The ability of a Technology to perform and be used re: its performance specifications. Suitability measures may include documentation of quality control plans, reliability data, and indicators of reproducibility between deployments.
- **Representative sample:** Supporting documents may include training records, personnel records, quality control reports, etc., to demonstrate capability and/or effectiveness of your technology over all deployments





What insurance and financial information is needed?



Please provide the number of employees in the company and the number who worked directly on your Technology for the most recent fiscal year.



How do I certify my insurance?

“Pursuant to Section 25.5(h) of the Regulations, *Applicant Name*, hereby certifies that it will maintain the insurance required in the Certificate of SAFETY Act Designation, dated *Date of original Designation letter*, concerning the above referenced Technology.”

- Remember to use corporate letterhead
- Sign and date the letter
- Submit via SAFETY Act website: www.safetyact.gov

What is TRIA and How Does it Affect Me?



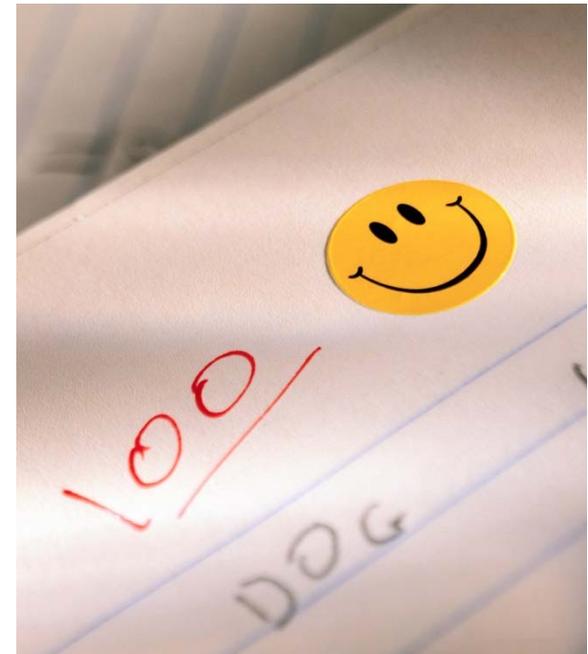
The Terrorism Risk Insurance Act (TRIA) offers businesses the option to voluntarily purchase terrorism coverage. It defines “certified” acts of terrorism but sets no pricing requirements or restrictions on obtaining coverage.

- TRIA was allowed to expire in December 2014 following unresolved congressional disagreements over unrelated issues.
- President Obama signed a six-year reauthorization of TRIA January 1, 2015, making it effective through December 31, 2020.
- TRIA covers acts of terrorism committed by foreign persons against interests in the U.S. or against certain U.S. interests overseas.



Recipe for Success

- Schedule a pre-submission consultation through the Help Desk.
- Ask early, ask often! We are here to help you through the process.
- Take your time, make sure everything is clear, concise and organized.
- Working through the process can help you refine your Technology and your process.





Additional Information

Online: www.safetyact.gov

- FAQs
- Help Topics
- SAFETY Act 101 For Small Businesses
- Step-by-Step User Guide
- SAFETY Act 101 Briefing
- SAFETY Act Fact Sheet
- Help Desk: Online form is available for questions requiring an individual response under Contact Us > Help Ticket links

Email: SAFETYActHelpDesk@dhs.gov

Toll-Free: 1-866-788-9318



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