

Mitigating Risk with the SAFETY Act

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

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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 (QATTs) 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



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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

Threat and Vulnerability Assessment Services

Detection Systems

Blast Mitigation Materials

Screening Services

Sensors and Sensor Integration

Cybersecurity capabilities

Decision Support Software

Security Plans / Services

Crisis Management Systems

Venue Security



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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...

Assert Government Contractor Defense

Placed on SAFETY Act's Approved Products list for Homeland Security



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SAFETY Act Coverage 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



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