Office of SAFETY Act Implementation (OSAI)

Science and Technology

SAFETY Act History

In the aftermath of the 9/11 attacks, the private sector was reluctant to deploy security technologies and services in civilian settings due to the liability risks involved. In response, Congress enacted the Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act in 2002.

The SAFETY Act provides legal and liability protections for sellers of qualified anti-terrorism technologies (QATTs) to incentivize the development and deployment of technologies that may save lives in the event of a terrorist attack. The Department of Homeland Security (DHS) Secretary has the discretionary authority to declare that an act is an Act of Terrorism.

The DHS Secretary delegated the responsibility of executing this program to the Science and Technology Directorate (S&T). The Office of SAFETY Act Implementation (OSAI) manages the implementation of the SAFETY Act by providing independent, objective, expert evaluation of anti-terrorism products and services to determine if they have the capability and effectiveness to warrant designation/certification as a QATT under the Act. The Under Secretary for S&T is the deciding official for all SAFETY Act applications.

SAFETY Act Mission

To incentivize development and widespread deployment of effective anti-terrorism technologies that reduce risks to the Nation by providing liability protections to sellers.

EVOLVING SCOPE & COMPLEXITY

The nature of SAFETY Act technology reviews has allowed the private sector to recognize the value of the program's liability protections. As a result, OSAI has seen a significant increase in both the volume and complexity of applications.

From Fiscal Year (FY) 2014 to FY 2021, applications and pre-applications increased by approximately 50 percent each. Earlier applications typically were for single technologies, with submissions that spanned 20 to 25 pages. The SAFETY Act program now receives applications for highly complex systems, with submissions that are 50 times larger — sometimes spanning 1,000-plus pages — as industry pushes technical innovation.

SAFETY Act Outreach

Outreach and engagement with the public and private sectors are key to raising awareness of SAFETY Act protections, and provide opportunities to share tools, best practices, and resources, and encourage investment in new anti-terrorism security programs to protect critical infrastructure, national security, and public safety. Key recent OSAI engagements have included:

- Hosting SAFETY Act webinars and taking part in conferences and events with the sports and entertainment industries and other stakeholders to discuss the SAFETY Act program.
- Conducting in-person site visits to sports venues, commercial properties, and entertainment locations to gain a better understanding of the security plans and processes by seeing them in operation.
- Participating in regional/national-level virtual briefings with Cybersecurity & Infrastructure Security Agency (CISA) Protective Security Advisors and other industry groups, and hosting information-sharing sessions with S&T Matrix partners.

SAFETY Act Success

- More than 1,200 technologies have been approved for SAFETY Act protections in areas such as, but not limited to:
  - Venue Security – More than 30 major sports and entertainment arenas have active SAFETY Act protections.
  - Threat Assessments – Evaluate evolving threat landscapes to plan for changes and protects facilities and critical infrastructure.
  - Detector/Sensor Technologies – Analyze and identify controls that will successfully mitigate potential threats.
- OSAI has reduced SAFETY application processing times and the number of applications being evaluated beyond the regulatory timeline from more than 50 percent in January 2022 to less than 25 percent as of January 2023.
- The SAFETY Act leverages support from other DHS component anti-terrorism programs such as the Transportation Security Administration's Certified Cargo Screening Program; Federal Emergency Management Agency grants assessment program for emergency response; the CISA Hardening Soft Targets Program, Protective Security Advisor program, and Chemical Facility Anti-Terrorism Standards.