

# SAFETY Act

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# What is the SAFETY Act?

- DHS program
  - **S**upport **A**nti-terrorism by **F**ostering **E**ffective **T**echnologies Act (SAFETY Act) of 2002
  - Congress developed the act to encourage the creation of **effective** anti-terrorism technologies that could prevent attacks and save lives
  - Companies feared being legally liable if they developed anti-terror technologies and this act protects them
  - Facilitate the development of anti-terrorism **technologies** by creating systems of :
    - Risk management
    - Litigations management – provides legal liability protections
  - These technologies can potentially prevent future terror attacks.
    - Enhancing public protection against terror attacks
  - Protections apply **only** to acts of terrorism



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# Examples of SAFETY Act Technologies

- TSA's screening processes
- K-9s trained to detect explosives
- Border surveillance systems
- Products
- Explosive detection systems
- Security plans/services
- Blast mitigation materials
- Software



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# Why SAFTEY Act?

- Demand from our partners
- It makes sense
  - The C-TPAT program and CBP's primary objective is anti-terrorism
  - C-TPAT's security criteria lessens the chance of tampering cargo and qualifies as a "technology."
- Provides an additional benefit to C-TPAT partners
  - Saves time and effort for those applying to the SAFETY Act
- Incentive to improve levels of security beyond that of the minimum security criteria.
  - C-TPAT evolves to get better as the threats change
  - Reminder that this program can prevent loss of life



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# SAFETY Act Benefits

Allows the following benefits:

- Caps liability limits on civil lawsuits
- Limits lawsuits to the federal courts
- Only direct litigation is recognized
- Payout of lawsuits can only be for actual damages



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# SAFETY Act Benefits (cont'd)

- SAFETY Act protections extend to users of the technology.
- Legal action may be brought only against the qualified anti-terror technology, not against the buyers, contractors, downstream users or any other person or entity.
- Designations last for five years
  - In the case of C-TPAT members, will last up to five years provided re-validations and Tier III status continue.
  - Designation may be renewed based on continued status as Tier III partner in good standing.



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# SAFETY Act / C-TPAT Requirements

- Terror insurance coverage – basic coverage
- Be in good standing with the C-TPAT program
  - Once you lose C-TPAT status, SAFETY Act coverage will end
    - Security profiles up to date
    - Risk assessments completed
    - Revalidations are done timely
  - SAFETY Act Designation may be reinstated when C-TPAT Tier II status is restored
- DHS does not charge fees for being in the program



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# Time saved applying through C-TPAT

- Normal SAFETY Act processing time is 120 days
- Under the C-TPAT Block Designation, processing time should be 90 days, or less.
- Technical documentation supporting the application is minimized.
- Through C-TPAT, the application process is simplified to the point that a pre-application isn't needed.



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# Entity Participation

- Tier III companies
  - Importers
  - Why? Safety Act is an incentive program built on the need to increase anti-terrorism detection, deterrence and prevention capabilities.
  - DHS desires the highest levels of security
  - Examining other entities for participation
    - Highway carriers
    - Others



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# C-TPAT/SAFETY Act process

- Applied as a pre-applicant
- Assigned a SAFETY Act advisor
- Met with DHS internally to discuss program objectives and processes
  - Got the SAFETY Act 101
- Completed documentation explaining how our “technology” would prevent or deter acts of terrorism
  - Applied for creation of a “block designation”
    - Idea was to have C-TPAT companies get better at anti-terror prevention
  - Our approach is to tackle many areas of security not just one element
    - Our security criteria functions as this service and technology
    - Risk assessment requirements
    - Security profiles enhance security



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# C-TPAT/SAFETY Act process

- Completed our Exhibit A description of the “Technology”
- Defined tier III companies
  - Exceed minimum security criteria



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# Current Status

- Submitted our criteria, policies, explained the program to DHS
- Reviewed tier III
- Completed Exhibit A (in review within DHS)
- Awaiting further notification from DHS
- Should have block designation by the end of September 2014



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# Summary

- No costs for program participation
- Only applies to acts of terrorism but may provide competitive advantage for future contracts
- Must apply through SAFETY act first then use C-TPAT as your “technology.”
- Must be in good standing/certified exceeding status with C-TPAT as a Tier III partner
- C-TPAT block designation by the end of September 2014
- Apply individually through [www.safetyact.gov](http://www.safetyact.gov)
- Call Toll-Free: 1-866-788-9318 for assistance



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