

Opening Statement of Ranking Member Cedric L. Richmond

Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies

“Promoting and Incentivizing Cybersecurity Best Practices.”

July 28, 2015

The Department of Homeland Security, Science and Technology Directorate, is responsible for operating the SAFETY Act through the Office of Safety Act Implementation, or the OSAI.

While we are going to hear testimony today about the process for companies interested in having cybersecurity technologies designated as qualified anti-terrorism technologies under the SAFETY Act, we are also going to discuss some of the features of the draft SAFETY Act legislation that Chairman McCaul has circulated to industry.

The SAFETY ACT provides government sponsored immunity from liability to products or services that have gone through examination by the Office of Safety Act Implementation, and then designated, or certified under the SAFETY Act.

Congress has provided this kind of liability protection since 2002 to encourage innovation in the development of products and technologies for the homeland security enterprise that would help protect us from the terrorist threats or terrorist events, but only when the Secretary has determined that a terror event has taken place.

It would seem to me that the large, prime contractors who already supply the Department of Defense would need little help in providing the Department of Homeland Security with the kinds of services they might need in the civilian threat arena.

But small businesses are the backbone of America’s workforce and innovation, creating most of the jobs in America. A SAFETY Act designation or certification for a new innovative product can improve a smaller company’s bottom line and help resolve their concerns about liability protections. That was the original intent of the Act in 2002.

We are all concerned about the ability of American businesses, large and small, to protect their data and networks in today’s amplified cyberthreat atmosphere.

The question before us is how to best encourage civilian businesses to make sure their cybersecurity efforts are state-of-the-art, and how does SAFETY Act liability protection play a key role in helping us achieve that goal, in the complex, multilayered arena of cybersecurity?