

Testimony Regarding the DHS SAFETY Act

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NVision Solutions Inc. was founded in 2002 and is a growing, award-winning, minority, woman-owned, small business headquartered on the Mississippi Gulf Coast. NVision is a geospatial technology company specializing in emergency management services and products for industry and government.

With over one-million dollars in small business contracts and grants from NASA, NVision built a high-tech crisis management information system called the Real-Time Emergency Action Coordination Tool or REACT. In 2007, The Center for Asymmetric Warfare at the US Naval Post-Graduate School invited NVision to participate in a three-year series of federal, state, and local multi-agency homeland-security exercises along the Puget Sound. During this three-year activity, NVision worked with the Pacific Northwest National Laboratory who used REACT to monitor and report on first-response training involving hundreds and sometimes thousands of participants. The positive attention garnered by REACT highlighted the product's potential. At the same time we began to understand the enormous risk to a small business realm of homeland security.

In 2009, at the recommendation of a partner company, we began investigating the SAFETY Act as a pathway to nationwide deployment. Our goals were to have the government review our software within the context of the National Response Plan, mitigate litigation risk, and bolster product credibility.

Our process began at The SafetyAct.gov website which provided clear step-by-step application instructions. In the pre-application process, a DHS specialist spent 45 minutes with us describing the application process, discussing our product, and answering all our questions. Among the important pre-application facts learned was that existing customers like NASA and St. Tammany Parish, Louisiana, were critical as real-world performance references and examples of customers potentially benefiting from SAFETY Act protection.

The REACT application we started in 2009 included everything from company financial statements to product documentation, technical descriptions, and marketing strategy. The technical application, comparable to a patent application, was thirty pages long. Our entire application totaled hundreds of pages and took us six months to complete. We submitted the application in early 2010 and began the minimum mandated four-month review. During that time we exchanged seventeen e-mails and at least a dozen phone calls with DHS providing additional information. Through the entire process we dealt with the same individuals and always felt the application process was moving forward.

We received notice of our SAFETY Act Designation on July 27, 2010. DHS informed us we had 30 days to cover a one-million dollar insurance liability before we were officially protected by the act's indemnification clause. This requirement is the only part of the process presenting us with difficulty. We found insurers unfamiliar with the SAFETY Act and unwilling to cover "acts of terrorism". Despite the fixed liability we were unable find affordable insurance. Ultimately, armed with help and encouragement from DHS, we finally located a broker willing to provide affordable insurance and finalized our SAFETY

Act designation. To our knowledge, we are the first organization in the state of Mississippi to have a SAFETY Act designated product.

While the SAFETY Act application process took nearly a year and hundreds of pages of documentation, it was never “bureaucratic”. We feel strongly that the thoroughness of the process gives the SAFETY Act designation meaning and provides tangible benefits to the government users, the citizens it protects, and the individuals and companies that develop innovative products.

We believe the SAFETY Act provides a tremendous national security benefit and provides incentives, through risk mitigation, for industry to develop homeland security solutions. The process gives DHS early insight into product development and the opportunity for constructive dialogues with potential suppliers. The SAFETY Act also provides a conduit for the government to identify solutions well before a crisis strikes instead of attempting to deploy poorly understood technologies in the midst of chaotic events.

By leveling the playing field and capping financial exposure The SAFETY Act encourages innovation. Without the SAFETY Act, our desire to bring REACT to market may have never been realized.