threats. However, due to concerns about potential lawsuits and liability, these technologies are not being made available to federal, state or local governments or to other commercial entities. Under current law, companies can only provide these technologies to a limited number of agencies of the Federal Government—but not to other entities with front line responsibility for protecting the public, including state and local authorities.

The SAFETY Act ensures that these important technologies can be made available to help protect our cities, schools, hospitals, nuclear power plants, bridges, dams, and other critical areas.

This legislation accomplishes this objective by providing litigation reforms and insurance guidelines for companies that help to prosecute the global war on terrorism. Without these protections, each time a technology or defense company puts its anti-terrorism technology to use, it becomes vulnerable to potentially unlimited and uninsurable liability. Such an enormous risk has an understandably chilling effect on the willingness and ability to research, develop, and deploy critical homeland security technology. The SAFETY Act guarantees that the best companies with the best products will come forward with their technologies and will not sit on the sidelines.

The SAFETY Act helps to ensure that the most advanced anti-terrorism technology is put to use as soon as possible to protect American citizens through four mechanisms:

First of all, the Act limits non-economic damages to the percentage of responsibility and limits the award of punitive damages.

Second, the Act allows all providers of anti-terrorism technology to claim the ''government contractor defense.'' If a contractor or company follows the strict specifications set forth by the government, then that company will have a government contractor defense as is commonplace in existing law.

Third, the Act applies to all providers of anti-terrorism technology, whether sold to the Federal government, state or local government, or a private sector entity that deals with the public safety. It also requires the companies to obtain liability insurance coverage. This provision balances the interests of potential plaintiffs and technology companies by requiring that the companies buy the maximum amount of reasonably available insurance without incurring unreasonable premiums. It is Congress' intent that the insurance that the contractor must obtain should be reasonably priced and the Act does not require the purchase of insurance that is priced at unreasonable or exorbitant levels which would distort the sales price of the technologies.

Fourth, because any act of terrorism presents unknowable risks, liability for all claims against companies that provide anti-terrorism technologies are capped at the amount of the companies' liability insurance coverage required under the Act. We must not allow the litigation fallout from one act of terrorism to bankrupt a company that otherwise could have developed technology that could prevent another act of terrorism. This section is modeled after a similar provision in the Air Transportation Safety and System Stabilization Act. It is the intent of Congress that this provision limit the liability for any and all claims as detailed in the Act.

Only those technologies designated by the Secretary of Homeland Security are covered under the SAFETY Act. Therefore, it is Congress's hope and intent that the Secretary will use the necessary latitude to make this list as broad and inclusive as possible, so as to insure that the maximum amount of protective technology and services become available. In addition, it is worth mentioning that the Act's anti-terrorism technology criteria are not intended to be exclusive, and in order for a technology to merit coverage by the Act, it needn't meet all criteria. For instance, though prior U.S. government use or demonstrated utility is the first criterion listed, products new to the market are certainly eligible for coverage.

Finally, all of the liability reforms and litigation measures of the SAFETY Act are intended to complement other government risk-sharing measures that some contractors can use such as Public Law 85–804. Thus, in those situations both types of measures could apply.

Through this Act, we want to give the appropriate incentives to companies to provide the technologies that can protect the American people.

KAZAKHSTAN'S REGIME SHOULD FREE JOURNALIST SERGEI DUVANOV

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ROHRABACHER. Mr. Speaker, the despotic regime in Kazakhstan has imprisoned one of that country's best known journalists and human rights activists, Mr. Sergei Duvanov. I have joined a number of Members of the House International Relations Committee in writing a letter to President Bush urging the Administration to strongly speak to President Nursultan Nazarbayev and his regime to release Mr. Duvanov.

The campaign for the release of Mr. Duvanov, who has previously testified before our International Relations Committee on the need for human rights in Kazakhstan, has been joined by international human rights organizations, such as Human Rights Watch and Amnesty International, as well as by numerous Members of the European Parliament.

I am including for the RECORD a copy of an article titled, ''Central Asia Resists Pressure From West To Improve Human Rights,'' that appeared in the November 11, 2002 Wall Street Journal. I join the many voices of advocates of democracy and human rights from around the world who strongly urge the immediate freedom of Sergei Duvanov.

CENTRAL ASIA RESISTS PRESSURE FROM WEST TO IMPROVE HUMAN RIGHTS

(By Steve Le Vine)

ALMATY, KAZAKHSTAN—Several recent steps taken by Central Asian republics suggest an increasing boldness against Western pressure by the region's autocratic leaders, most of whom are key U.S. allies in its war against terrorism, Western officials say.

Following the Sept. 11, 2001, terrorist attacks, the U.S. began using Central Asia as a jumping-off point for its war to dislodge the Taliban in neighboring Afghanistan. The U.S. established military bases in three of the countries, Uzbekistan, Kyrgyzstan and Tajikistan, and obtained Air Force landing rights in Kazakhstan. U.S. aid to the region more than doubled.

In recent months, however, the U.S. and Europe have been increasingly outspoken about the region's poor human-rights record, and in response, the region's leaders have begun to publicly resist those pressures.

The Kazakh government says it officially charged a well-known opposition journalist with raping a 14-year-old girl, an accusation Western officials suggest may be politically motivated. The journalist, 49-year-old Sergei Duvanov, had been planning a trip to the U.S. for speaking engagements on Kazakhstan's human-rights record. He says the charges against him are fabricated.

It is the third time Mr. Duvanov has accused the government of harassment since he wrote a story earlier this year for an Internet site about Swiss bank accounts allegedly belonging to President Nursultan Nazarbayev. The accounts are part of separate money-laundering investigations by the U.S. and Switzerland. In July, the Kazkah government charged Mr. Duvanov with criminal libel for the story, and in August—two weeks before he was to attend a human-rights conference in Warsaw—he was beaten and a cross carved into his chest by unidentified men.

In a statement last week, the Organization for Security and Cooperation in Europe said, ''The pattern of incidents involving Mr. Duvanov, their coincidence with his planned trips abroad to discuss publicly the situation in Kazakhstan, and the disputed circumstances of the latest case trigger concerns that these incidents may be politically motivated.''

The U.S. and Europe are increasingly critical of President Nazarbayev, particularly regarding a series of attacks on journalists. Mr. Duvanov's beating was the eighth unexplained assault on a local reporter in the country this year. The government has denied any role in the attacks, and last week Mr. Nazarbayev admonished diplomats in a yearly meeting that he ''categorically rejects recommendations and advice aimed at unnaturally speeding up democratic processes.''

Mr. Nazarbayev's neighbors also appear increasingly brash, some analysts say. In Kyrgyzstan, President Askar Akayev has faced a drawn-out test of wills with his political opposition since police shot dead six demonstrators last March. More recently, Mr. Akayev said it is time for deeper democratic changes, yet critics complain that a Kyrgyz judge recently overturned an election victory by an opposition figure, saying his papers weren't in order, and gave the triumph to a challenger who received just 19% of the vote.

Uzbekistan President Islam Karimov recently used a news conference with United Nations Secretary-General Kofi Annan to assail critics of his human-rights record. And in Turkmenistan, the European Bank for Reconstruction and Development has blocked new loans for public projects because of President Saparmurat Niyazov's poor record on political and economic change.

''The key question is whether Washington's new relationship with these countries has increased its leverage with them. The tenor of the leaders in the region seems to indicate it hasn't,'' said Anthony Richter, director of the Central Eurasia Project at the New York-based Open Society Institute.