

to the satisfaction of the Director that the laws or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in a sexual act (as defined in subsection (f)(3)(B)), the State requires as follows:

“(A) That the defendant be tested for HIV disease if—

“(i) the nature of the alleged crime is such that the sexual act would have placed the victim at risk of becoming infected with HIV; and

“(ii) the victim requests the test.

“(B) That if the conditions specified in subparagraph (A) are met—

“(i) the defendant undergo the test not later than—

“(I) 48 hours after the date on which the information or indictment is presented; or

“(II) 48 hours after the request of the victim if that request is made after the date on which the information or indictment is presented;

“(ii) the results of the test shall be confidential except as provided in clause (iii) and except as otherwise provided under State law; and

“(iii) that as soon as is practicable the results of the test be made available to—

“(I) the victim; and

“(II) the defendant (or if the defendant is a minor, to the legal guardian of the defendant).

Nothing in this subparagraph shall be construed to bar a State from restricting the victim's disclosure of the defendant's test results to third parties as a condition of making such results available to the victim.

“(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

“(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that comply with the requirements of paragraph (1).

“(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).”

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking “subsection (f),” and inserting “subsections (f) and (g).”

(c) FUNDING.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (25), by striking “and” after the semicolon;

(2) in paragraph (26), by striking the period and inserting “; and”; and

(3) by inserting at the end the following:

“(27) programs to test defendants for HIV disease in accordance with the terms of subsection (g).”

(d) EFFECTIVE DATE.—

(1) PROGRAM.—The amendments made by subsections (a) and (b) shall take effect on the first day of the fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

(2) FUNDING.—The amendment made by subsection (c) shall take effect on the date of enactment of this Act.

DEAR SENATOR ABRAHAM: I understand that you are interested in sponsoring legislation

that would provide rape victims the opportunity to quickly learn if they have been exposed to the HIV virus. I have been associated with this compelling issue for many years as an advocate for crime victims and thank you for considering the health issues that a rape victim is forced to deal with following a horrific experience. As a survivor of rape myself, I personally know how traumatic it is to wait for medical information regarding exposure to the many frightening venereal diseases that exist, not to mention the possibility of pregnancy occurring.

A rape victims needs to learn the HIV status of their assailants when making decisions with her doctor about taking risky drug medications. The only way for a victim to know if she has been exposed to the HIV virus is to test the assailant because of the 16-week infection time window period. It is inhumane and cruel to deny rape victims the right to learn of their assailants' H.I.V. status early enough to eradicate the virus, if exposed.

Currently, in states like mine, a person accused of rape cannot be involuntarily tested for the AIDS virus until he is convicted of the crime, which can be years later. The H.I.V. test becomes a plea bargaining tool for defense attorneys to use, reducing the sentencing of violent sex offenders to non-felony convictions. Our current laws force prosecuting attorneys to choose between prosecuting violent criminals or protecting the health of the victims.

New York has had its share of horrific cases where an arrested rapist will have boasted to the victim of a positive H.I.V. status and then refuse to take the test on the advice of a defense attorney. I was personally outraged by a case in Brooklyn where a fifty-seven-year old man raped a little girl next to her five-year-old brother and then declared to police that he had AIDS upon arrest. The Brooklyn District Attorney's Office could not force the arrested man to take an HIV test.

In order for states to qualify for AIDS funding, they should have legal provisions in place to allow rape victims to test arrested assailants for HIV, no exceptions. Our laws should not aggravate the terror that rape victims face when coping with their fear of the attacker and the numerous frightening health risks.

I thank you for considering the rights of rape victims before the privacy concerns of rape assailants, as rape victims deserve compassionate help that includes determining whether or not exposure to HIV has occurred.

Sincerely,

DEIDRE RAVER.

By Mr. SANTORUM:

S. 3207. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

AFFORDABLE DRINKING WATER ACT OF 2000

Mr. SANTORUM. Mr. President, I rise today to introduce the “Affordable Drinking Water Act of 2000.” This bill sets out an innovative approach to meet the safe drinking water needs of rural Americans nationwide.

The Affordable Drinking Water Act of 2000 provides a targeted alternative

to water delivery in rural areas. Through a partnership established between the federal government and nonprofit entities, low to moderate income households who would prefer to have their own well or are experiencing drinking water problems could secure financing to install or refurbish an individually owned household well. In my home state of Pennsylvania, 2.5 million citizens currently choose to have their drinking water supplied by privately-owned individual water wells.

The government assistance envisioned under this bill would also allow homeowners of modest means in Pennsylvania, and the rest of the country, to bring old household water wells up to current standards; replace systems that have met their expected life; or provide homeowners without a drinking water source with a new individual household water well system.

Another important component of this legislation will afford rural consumers with individually owned water wells the same payment flexibility as other utility customers. Centralized water systems currently are eligible to receive federal grants and loans with repayment spread out over 40 years. The Affordable Drinking Water Act of 2000 would provide loans to low to moderate income homeowners to upgrade or install a household drinking water well now, and then repay the cost through convenient monthly charges. This ability to stretch out payments over the life of the loan gives rural well owners an affordable option that they otherwise do not have.

Mr. President, I am pleased to introduce this legislation today, and believe that it is appropriately balanced to meet the safe-drinking water needs of rural households.

ADDITIONAL COSPONSORS

S. 3005

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3005, a bill to require country of origin labeling of all forms of ginseng.

S. CON. RES. 146

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes.

SENATE CONCURRENT RESOLUTION 151—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 2348

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) submitted the following