

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 non-profit 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

concurrent resolution; which was considered and agreed to:

S. CON. RES. 151

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, the Clerk of the House shall make the following correction: Strike section 4 and insert:

SEC. 4. EFFECT ON RECLAMATION LAW.

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will:

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligation; or

(3) service as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

SENATE CONCURRENT RESOLUTION 152—TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 4868

Mr. ROTH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 152

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike “: and” and all that follows through line 10, and insert a period.

AMENDMENTS SUBMITTED

DAKOTA WATER RESOURCES ACT OF 1999

**CONRAD (AND OTHERS)
AMENDMENT NO. 4317**

Mr. LOTT (for Mr. CONRAD (for himself, Mr. DORGAN, and Mr. BOND)) proposed an amendment to the bill (S. 623) to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; as follows:

The committee amendments were agreed to.

The amendment (No. 4317) was agreed to, as follows:

On page 10, beginning on line 14, strike the sentence that begins “If the features selected under section 8”.

On page 13, line 2, strike the sentence that begins “As appropriate, the Secretary shall rehabilitate or complete”.

On page 13, line 5, strike “Sections 8(c) and 8(d)(1)” and insert “section 8”.

Beginning on Page 18, strike line 17 and all that follows through Page 23, line 4, and insert the following:

SEC. 8. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89-108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

“SEC. 8. SPECIFIC FEATURES.

“(a) RED RIVER VALLEY WATER SUPPLY PROTECT.—

“(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

“(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

“(3) COMMENCEMENT OF CONSTRUCTION.—

“(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

“(i) a detailed description of the proposed project feature;

“(ii) a summary of major issues addressed in the environmental impact statement;

“(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

“(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

“(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary’s transmittal of the report required in paragraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

“(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.”

(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

(2) NEEDS.—The needs addressed in the report shall include such needs as—

(A) municipal, rural, and industrial water supplies;

(B) water quality;

(C) aquatic environment;

(D) recreation; and

(E) water conservation measures.

(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies’ jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

(c) ENVIRONMENTAL IMPACT STATEMENT—

(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

(2) DRAFT.—

(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

(3) FINAL.—

(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.