

human rights. This represents a colossal failure of leadership.

For 2 years, we have heard that if you are not with us, you are against us. Who is with us now? And who was ever with us? The coalition the President speaks of is a mirage. It is Americans who are dying. It is Americans who are paying the price—another \$25 billion, according to the President today, and that is only for the next few months. Another \$50 billion at least will be necessary next year just for Iraq. That is \$75 billion we do not have to pay teachers and police and firefighters and other needs in America.

We have heard how the Secretary of Defense waited for months to tell the Congress about what was happening in that prison. When the photographs appeared in the press, he and the National Security Adviser, the President, everybody else said they were stunned and shocked and said these were isolated incidents. The only thing they could have been shocked by was that the facts became public because they had known about them for a very long time. That is the real question that should trouble each one of us: Why we thought it was OK to behave this way. It represents a serious flaw of character, of morality, of decency, of professionalism, of training. It does not reflect the great military of our country. It certainly does not reflect the values of America, and we have to ask the leaders: Why did you allow this shame to happen? Why did you allow America—America—to be shamed this way throughout the world?

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that following morning business today the Senate proceed to executive session for the consideration of Calendar No. 685, the nomination of John Negroponte to be Ambassador to Iraq.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, we hope to work very closely with our Republican friends and have a good discussion and debate about the Negroponte nomination. I understand there are a number of other Senators who wish to be recognized in regard to this nomination.

Last night, we confirmed two members of the Federal Marine Maritime Commission and the nominee for chief executive officer of the Millennium

Challenge Corporation. We are now going to get the agreement on Ambassador Negroponte, and we hope before the end of the day to announce an agreement on additional ambassadors who might be confirmed yet today as well.

I hope all of the cooperation that is being demonstrated will allow the administration to reciprocate with a number of our nominees to various boards and commissions from whom we have yet to hear. So I look forward to working through the confirmation of the Negroponte nomination today and the ambassadors tonight, and our hope is we can get additional cooperation from the administration on our board nominees very shortly.

I have no objection to going forward as the majority leader has now proposed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I am pleased we are making progress. The fact that we are going to the debate on the future Ambassador of Iraq, Mr. Negroponte, demonstrates that we are making some progress. We have a whole series of judges who must be addressed, a whole series of nominees who were just mentioned who must be addressed, and a whole series of ambassadors on whom it sounds as though we are making some progress with the Negroponte nomination, as well as what we will see take place later during the day.

I further ask consent that there then be 5 hours 30 minutes equally divided between the chairman and ranking member of the Foreign Relations Committee; provided further that the minority time be divided among the list that is at the desk. I also ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

Finally, I ask unanimous consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, I ask the majority leader if it is his intention to go back to the FSC bill after we have completed this work. I have consulted with the assistant Democratic leader. We are now down to four amendments which will only require 1 hour 35 minutes on our side. We are getting down to a very small number. Only 1 hour 35 minutes on four amendments, and we would be finished with the bill as far as our side is concerned.

I ask the majority leader if it is his intention to complete work on the FSC bill.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in response, through the Chair, our inten-

tion is that as soon as we finish the 5 hours 30 minutes, we go back to the FSC/ETI JOBS bill. We have made tremendous progress on the bill. I congratulate the managers for their leadership over the course of the week. They have done a commendable job in getting the number of amendments both down and dealt with. Some have been adopted. Some have had votes on them over the course of the week. Our intention is, as soon as we finish the Negroponte nomination debate and vote, to go back to FSC/ETI. I hope all 5 hours 30 minutes might not be required on the Negroponte nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There is still 6½ minutes remaining for the Democratic Party. The Senator from New Jersey has 5 minutes.

The Senator from New Jersey.

Mr. CORZINE. May I make an inquiry? Are there other of my colleagues requesting time?

The PRESIDING OFFICER. The Senator from New Jersey is the only one on the Democrat side seeking time.

SUDAN DARFUR CRISIS

Mr. CORZINE. Mr. President, I rise today to speak on an issue that too easily comes off our agenda in America and around the globe. We accepted S. Con. Res. 99 which condemns the Government of the Republic of Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan. I think it is not enough just for us to be condemning in this situation. It has all of the makings of turning into a humanitarian crisis that rivals or at least approaches the kinds of problems we saw in Rwanda.

While we will take a stand in recognizing it as a problem, I think it is absolutely essential that we maintain attention and focus when there are so many events in the world that draw us away.

The United Nations, international humanitarian and human rights organizations, as well as our own Government, agree that the campaign by the extremist, theocratic Sudanese Government and their militia allies against Muslim civilians of African ethnicity in Darfur, western Sudan, over the last 14 months has driven over 1 million civilians from their home. We have the risk of another tragic genocidal action in place.

The 1 million Muslim civilians displaced within Darfur, Sudanese citizens victimized by their own Government, cling to life as displaced, homeless persons living in the open or in pathetic and inadequate camps, in constant fear of further attacks and depredation.

Their physical condition is severely weakened, food supplies are exhausted, and the international community so far has been unable to get critically needed food assistance into the interior, due to deliberate interference and

obstruction by the Khartoum government. These individuals, these Muslim civilians, are fleeing systematic attacks by their own Government, Sudanese armed forces, and their militia allies, the "janjaweed."

The horrors which civilian families in Darfur are fleeing include the cold-blooded murder of unarmed civilians; pillage and burning of villages; organized, systematic rapes of women—wives, daughters, sisters; rape used as a deliberate weapon of terror and political control; and the deliberate destruction of farms, the irrigation systems, and food stockpiles on which this already impoverished region depends; in other words, deliberately manufactured starvation that will lead to the kind of real potential for genocide that we have seen in other places on the African Continent. We must stay alert. We must keep the focus of public opinion on this issue.

Last is a key point. Even though from 10,000 to as many as 30,000 civilians have died so far in Darfur since February, 2003, the final death numbers for 2004 and 2005 may prove far higher because of the actions that are being taken and the lack of ability for the international community to actually participate and provide assistance for the unbelievable inhumane conditions.

This is all in the context of a very difficult environment—underdeveloped, impassable roads, huge swings in the nature of the weather. It is an incredibly complex and debilitating human situation which needs to be brought to attention. While genocide may not yet have occurred in Darfur, the elements are in place. The possibility of such horrors should not be far from our minds. That is why I speak out about it on the Senate floor, and I will do it over and over. This needs to be made into something about which we have a positive sense of responsibility, both here in the United States and in the international community.

U.N. Secretary Kofi Annan has compared the genocide in Rwanda 10 years ago to events that are now unfolding. It will not be enough to go back and look, after the fact, to this kind of inhumanity to man.

We will have, later this year and next, an occasion to vow yet again, in the wake of another deliberately inflicted mass murder and disaster, to say: Never again. But we can do that now as opposed to after the fact. I hope all of us in this body, those of us who are part of the Foreign Relations Committee and are very focused on these issues, will make sure it stays a priority, although that is very hard in the complex world we have. So I hope by speaking out today and as we go forward that this Darfur situation will not fall off the radar screen.

This is a real risk of genocide evolving. I think it absolutely essential that our Government stand up, stand tall, be outspoken, make sure we are not tolerant of the developments that are so readily reported in that part of the

world. It is important that we recognize it and keep it in the limelight so world public opinion can stop this kind of action before it happens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FAMILY OPPORTUNITY ACT OF 2003

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 295, S. 622.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 622) to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Family Opportunity Act of 2003" or the "Dylan Lee James Act".]

[(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

[(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- [Sec. 1. Short title; amendments to Social Security Act; table of contents.
- [Sec. 2. Opportunity for families of disabled children to purchase medicaid coverage for such children.
- [Sec. 3. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
- [Sec. 4. Development and support of family-to-family health information centers.
- [Sec. 5. Restoration of medicaid eligibility for certain SSI beneficiaries.

SEC. 2. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

[(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

[(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

[(A) in subsection (a)(10)(A)(ii)—

[(i) by striking "or" at the end of subclause (XVII);

[(ii) by adding "or" at the end of subclause (XVIII); and

[(iii) by adding at the end the following new subclause:

[(XIX) who are disabled children described in subsection (cc)(1);"; and

[(B) by adding at the end the following new subsection:

[(cc)(1) Individuals described in this paragraph are individuals—

[(A) who have not attained 18 years of age;

[(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

[(C) whose family income does not exceed such income level as the State establishes and does not exceed—

[(i) 250 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

[(ii) such higher percent of such poverty line as a State may establish, except that—

[(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

[(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual."].

[(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

[(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

[(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

[(ii) if such coverage is obtained—

[(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

[(II) treat such coverage as a third party liability under subsection (a)(25).

[(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance."].

[(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

[(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

[(2) by adding at the end the following new subsection:

[(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

[(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

[(A) the aggregate amount of such premium and any premium that the parent is