

per-month increase in the Part B premium for seniors, on top of the 18-percent increase that is, in fact, going to be added just in this present year?

Mr. GREGG. I would be surprised to know that because, as I understand it from staff, the estimate, as by CMS, is \$1.68. But I guess we can turn to the record and find that out. You may be right, CMS may be right.

In any event, the number seems to be reasonable in the context of the benefit being received, which is seniors are being asked to pay for 25 percent of the Part B, which is not a great deal compared to what Americans who are working are being asked to pay, which is 75 percent of that.

Mr. NELSON of Florida. Will the Senator yield for another question?

Mr. GREGG. Certainly.

Mr. NELSON of Florida. Given the fact that there are 42 million seniors who would be affected, would the Senator be surprised to know that this is a total of \$1 billion that will come out of the pockets of seniors by the increased Medicare Part B premiums?

Mr. GREGG. I would presume the seniors are going to have to pay some of the cost of the Part B premium. As I said before, they are paying 25 percent of it. As I note, working Americans are being asked to pay tens of billions of dollars to support that benefit. In many instances, seniors who are receiving the benefits are moderate- and high-income seniors who have higher incomes than those working Americans who are working at a restaurant as servers or who are working on a factory line or working at a garage or who are working in maybe even a minimum wage job and are being asked to bear the burden of the HI insurance costs.

So it does seem reasonable and I think most seniors view it as reasonable that they pay 25 percent of the cost of their Part B premium. Yes, that adds up, if you take all the seniors in America—there are a lot of them—to a fairly significant number. So I would agree with that.

Mr. NELSON of Florida. Will the Senator yield for a final question?

Mr. GREGG. I will yield for a final question.

Mr. NELSON of Florida. Since this Senator was disciplined in his comments as promised, would the Senator be surprised that this amendment causes no increase in the Part B premium to senior citizens by offsetting what would be the enhanced payment to drug companies under the Medicaid increase that is going to the drug companies when they go over to HMOs from the current law that holds the drug companies to a discounted rate?

Mr. GREGG. In response to the Senator, the practical effect of what the Senator is proposing is to change a contractual agreement which the drug companies have already entered into. The basic effect of that would mean probably you would have fewer people willing to participate in the system and, as a result, seniors would have

fewer choices. And I suspect that the practical effect, if the Senator's amendment were to go forward, is that the seniors would have fewer choices.

One of the few advantages of the Part D program, which I still am not all that enamored of, is that it is giving seniors a variety of choices in their drug benefit. As seniors become more educated as to what those options are, they are going to be impressed that there are so many options on the table, and they can tailor their pharmaceutical needs to the options available to them. If you change the contractual agreements which encourage people to offer that type of opportunity, you obviously are going to undermine the number of options that would be available, in my opinion.

Mr. GRASSLEY. Mr. President, this bill includes a 1.0 percent payment update to physicians for 2006. This was done to maintain beneficiary access to physician services. After all what good are Medicare benefits if you can't get in to see a doctor.

Within the bill, the impact on the part B premium is calculated based on all the provisions that affect Part B. This amendment would only hold the beneficiary harmless from the impact caused by the physician update.

Other provisions included in the bill would increase Part B spending and there are other provisions that decrease Part B spending—so why should we single out physicians?

In June, Senator BAUCUS and I sent a letter to the Office of Management and Budget calling for removal of Part B drugs from the physician payment formula. This letter was signed by 87 additional Senators from both sides of the aisle. If the administration were to remove Part B drugs from the formula—it would also increase the Part B premium over a number of years.

This letter did not suggest the need for a hold harmless. I wanted to point this out to my colleagues who supported this letter.

Some may feel that the Medicare drug premiums along with the Medicare part B premium may be a significant cost burden to beneficiaries. However, CMS recently announced that Medicare drug premiums will be lower than expected. The average monthly premium will be \$32.20. That is \$5 less per month than previously estimated.

Even if the part B premium is increased in 2007, the increase is nothing close to the \$5 saved in the prescription drug premiums. And keep in mind that the part B premium increase does not affect low-income beneficiaries. Their premiums are paid for by the government. In fact, I worked hard to extend the QI program so Part B premiums would be covered. Currently, 16 percent of beneficiaries enrolled in Part B receive this assistance and more are eligible.

In addition, a MedPAC survey issued earlier this year found that 22 percent of beneficiaries already had trouble getting an appointment with a new pri-

mary care physician and 27 percent reported delays in getting an appointment. Payment cuts to physicians will only make these existing access problems worse.

I am also opposed to the provision used to pay for this amendment.

Regarding Medicaid MCO rebate, this amendment would in effect increase the rebate paid by drug manufacturers by making the rebate available to Medicaid managed care plans.

The bill we are considering today increases the rebate paid by drug manufacturers to States through the Medicaid program to 17 percent. The bill also closes a pair of loopholes that have the impact of increasing the rebate.

First, we require the best price of an authorized generic to be considered in the brand name drug's best price calculation. That will have the effect of increasing the rebate.

Second, we require physicians to notify the State Medicaid program of what drugs the physician administers in the office. Under current law, States are permitted to collect rebates on the drugs but nothing in statute requires physicians to disclose that information. As a result, States miss out on the appropriate rebate.

When all these policies are taken into consideration, we have increased the rebate paid by drug manufacturers by \$1.7 billion.

Now I understand my colleague might not think that's enough, but I would encourage you to look at a CBO report put out this past June examining the price of name brand drugs. That report shows that the effective rebate being paid by drug manufacturers is actually 31.4 percent not 15 percent.

I am also concerned about the substantive implications of your offset. These Medicaid health plans are private businesses that can negotiate low drug prices. I think it runs contrary to the policy this committee passed in the MMA to allow the plans to negotiate the best deal they can get and then give them a rebate on top of that.

Yes, I do realize the Medicaid Commission accepted your offset in its recommendation, but I am quite certain the Medicaid Commission stamp of approval would not win your support for other proposals we could be considering today. We have looked at this area and come up with responsible policy that addresses loopholes. I don't think we need to further increase the rebate beyond what is already included in the bill.

Therefore, I urge my colleagues to oppose the amendment and the offset that funds it.

MORNING BUSINESS

NEVADA DAY

Mr. REID. Mr. President, I rise to commemorate an important day in Nevada's history. One hundred and forty-

one years ago, on October 31, 1864, Nevada was admitted into the Union as the 36th State.

I am proud of Nevada's heritage. Native Americans have called Nevada home for thousands of years, evidenced by the spectacular petroglyphs found in our mountain ranges. Pioneers blazed trails across the Nevada frontier and miners discovered lines and lodes of precious minerals that would lead to Nevada's designation as the Silver State. While we honor and maintain our heritage, we also look with excitement at what Nevada has become today.

Every year, we welcome tens of thousands of people from across the Nation who want to make Nevada their home. We are one of the fastest growing States in the country, and all Nevadans, past and present, have made the Battle Born State what it is today. From the glittering lights of The Strip to the quiet strength of the bristlecone pines in the Great Basin, Nevada is a place we are proud to call home. Nevada is the majestic Ruby Mountains, the world-famous Black Rock Desert, magnificent Lake Tahoe, hard-working mining towns, and of course, Las Vegas, the world-class destination where millions of people from all over the world come to visit every year.

From the population centers of Las Vegas and Reno to rural communities that remain the heart of the American west, I have traveled all over the State in my decades-long career as an elected representative, and I am privileged to represent Nevadans here in Washington. Every day, I stand on the Senate floor and do the best I can for the Silver State and all those who call Nevada home.

I stand with my fellow Nevadans to honor our rich history and heritage and look forward to our bright future.

TRIBUTE TO SAM MOORE

Mr. McCONNELL. Mr. President, I rise today to pay tribute to the voice of Kentucky agriculture, Mr. Sam Moore. Mr. Moore is retiring as president of the Kentucky Farm Bureau after 7 successful years and will be forever remembered as the Kentucky farmer's greatest advocate.

Mr. Moore, a native of Butler County, first became involved with the Kentucky Farm Bureau in the late 1960s when he joined the Bureau's Young Farmer Program. By 1973 he was selected as Outstanding Young Farmer by the Kentucky Jaycees, and he knew he had found his calling in working with and for his fellow Kentucky farmers.

Mr. Moore has served on the Kentucky Farm Bureau's board of directors since 1975, and will continue to serve in an at-large capacity after his term as president ends. He is also a member of the American Farm Bureau's board of directors, and holds positions on the boards of the Southern Farm Bureau Life Insurance Company

and Farm Bureau BanCorp. He has also served as president of the Kentucky Farm Bureau Mutual Insurance Company.

Mr. Moore has been a leader of the Butler County Farm Bureau and is a member of the American Soybean Association, the Kentucky Beef Cattle Association, and the Kentucky Corn Growers Association. He also serves on the boards of the Kentucky Grain Insurance Fund and the Kentucky Council on Agriculture.

Mr. Moore was elected as the bureau's president in December 1998 after 7 years of service as its first vice president. Immediately upon assuming office, he was faced with a major change in the tobacco farming industry: the leading tobacco companies and the State governments had reached an agreement called the Master Settlement Agreement, which would place significant funds into the various States' treasuries.

Mr. Moore was the driving force behind a bill in Kentucky to allocate half of Kentucky's proceeds from the Master Settlement Agreement—\$3.6 billion over 25 years—into a new State fund that would dedicate the money to projects that develop the State's agriculture market, encourage environmental stewardship, support family farms, and fund agricultural research and development.

The whole process is overseen by the Kentucky Agricultural Development Board, which Mr. Moore has served on since its inception. Thanks to Mr. Moore and the board's efforts, Kentucky's agriculture industry is transforming to meet the needs of more Kentuckians.

But perhaps Mr. Moore's crowning achievement is his pivotal role in engineering the tobacco buyout of 2004. I worked side by side with Mr. Moore in that effort, and can testify that his hard work and dedication to moving that project through was critical to our success.

Thanks to Mr. Moore's efforts, Congress passed and the President signed a tobacco buyout bill that will guarantee \$2.5 billion to Kentucky farmers and their families over the next 10 years. Farmers now have the opportunity to explore other areas of agriculture, free from the restraints the government placed on tobacco farming for so long. Nothing was more important to Sam's Kentucky Farm Bureau members—and so Sam worked long and hard, until he delivered.

Sam is the co-owner of the Green River Feed Mill and also serves as a director of Morgantown Bank & Trust. He farms over 4,300 acres, producing corn, soybeans, wheat, and cattle. He and his gracious wife Helen have six wonderful children.

Sam has dedicated decades of his life to farming and his fellow farmers because he loves farming so much. He has made a lot of friends across the State over the years, and I am proud to be one of them. Any friend of Sam Moore

will tell you he spent his entire career with the Kentucky Farm Bureau thinking only of what was best for his members.

Mr. President, I ask my colleagues to join me in commending Mr. Sam Moore for his years of service to Kentucky.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 7, 2005, Robert Martin, an openly gay man, was found severely beaten at an abandoned school in Ashburn, GA. Before the beating Martin was being taunted about his sexual orientation by the man who later attacked him. The man that attacked Martin is still being sought by police.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DARFUR

Mr. KERRY. Mr. President, we must not lose sight of the devastating humanitarian crisis in Darfur, where some 3,000,000 people were killed in the genocide and almost 2 million more forced into displacement camps. While some progress has been made in ending large scale attacks by government forces, daily attacks against civilians and aid workers continue in a climate of lawlessness, and the Khartoum government still has not reined in the Janjaweed militia. Given these circumstances, I remain concerned that the administration has not done enough to bring about a peace agreement in the region.

The African Union soldiers sent to Darfur to date have made some progress in providing much needed protection. However, their mandate and current personnel levels are not sufficient to keep the civilians and aid workers safe. America and the international community should work to ensure that the African Union is able to get more peacekeepers into place, with an expanded mandate that allows them to complete their important work.

I ask unanimous consent to have printed in the RECORD a Christian Science Monitor article from October 25, 2005 describing the current problems Darfur and providing some sensible proposals to solve them.