

Group recommends that the President direct the Secretary of Energy to explore potential opportunities to develop educational programs related to energy development and use. This should include possible legislation to create public awareness programs about energy. Such programs should be long term in nature, should be funded and managed by the respective energy industries, and should include information on energy's compatibility with a clean environment."

The legislation currently under consideration in the House/Senate conference addresses a lot of important issues but these are tactical issues relating to energy. In order to better solve the Nation's long-term energy security or energy needs we must address public education.

One of the best ways to go about this would be with a broad based education program as recommended in chapter two. Today's public is far better informed about their energy choices than the public of even a decade ago, but there is always more room to learn. A highly informed public will be able to make better energy choices and will demand a long-term, far-reaching energy policy.

This will require broad based national, and international, public education and information programs on energy issues, including conservation and efficiency, the role energy plays in the economy and the impact energy use has on the environment. There must also be a focus on the interlocking relationship of what are referred to as the 3 Es: energy, economy, and environment.

It is important that all 3 Es be considered simultaneously in order to have credibility and to recognize this interlocking relationship. It is also important that any effort that tries to achieve a cultural change in how society views energy recognize its importance in the public's economic well-being and its role in the public's quality of life.

An excellent example of this is being conducted by the Energy Literacy Project, ELP. The ELP is currently supporting an ongoing research effort at the Colorado School of Mines to identify programs that offer educational material about the interlocking nature of Energy, the Economy and the Environment, the 3 Es. The ELP is a non-profit 501(c)(3) corporation whose goal is to see a cultural change in how society views the role energy plays in its economic well-being and in its quality of life. They have an excellent web site that explains much of their work located at www.energy-literacy.org.

The public wants and deserves sound, reliable information. A sustainable energy policy will be much more easily attained with a knowledgeable public that can make informed, well-reasoned decisions about its choices and a sustainable energy policy.

SKILLED NURSING FACILITIES

Mr. SMITH of Oregon. Mr. President, I would like to raise another issue today which has a major impact on older and disabled Americans and their families, nursing homes. Under current law, Medicare rates for seniors in nursing homes were reduced by ten percent as of October 1, because a series of previously-enacted add-on provisions expired. Let me be clear. On October 1, the average per diem payment to a nursing home to care for a Medicare patient was cut to a level ten percent lower than it was on September 30. The average rate fell from \$337/day to slightly more than \$300/day. This is a real cut.

This negative quirk results from the fact the Clinton Administration poorly implemented the Balanced Budget Act, BBA, of 1997, and in the process, set Medicare rates for seniors in nursing homes far below the levels Congress set out in the BBA of 1997. Recognizing that the new system was paying much less for nursing home care for Medicare patients than it had intended, Congress passed the Balanced Budget Refinement Act of 1999 and then the Beneficiary Improvement Protection Act of 2000, which provided limited fixes to the payment structure for skilled nursing care through add-on payments. But, because it was expected HCFA, now CMS, would "refine" the rates and fix the problem, these add-ons were temporary. However, CMS has not yet acted, and the "add-on" provisions have now expired.

Recognizing the pending cuts needed to be prevented, in June, I, along with several of my Senate colleagues, introduced the Medicare Skilled Nursing Beneficiary Protection Act of 2002. Because I felt Congress must ensure beneficiary access to quality care, my bill would protect funding levels for Medicare skilled nursing patients by maintaining payments at 2002 levels going forward.

During the last few years, five of the nation's largest providers of long-term care have filed for Chapter 11 bankruptcy protection. Some of those companies are just now emerging from that wrenching process. Moreover, 353 skilled nursing homes have closed. In my home State of Oregon alone, 23 skilled nursing facilities, SNFs, have closed—a loss of almost 1,500 beds. For a small state like Oregon, this is a significant loss. With the cuts in Medicare funding, a vital segment of our country's health care system is beginning to be thrown, once again, into crisis. More facilities will close. Patients, especially those in rural areas, will find it more difficult to obtain the long-term care services they need.

The instability of skilled nursing facilities is expected to worsen as states reduce Medicaid expenditures in the face of significant budget shortfalls and as private market capital continues to withdraw from the sector. If Congress goes home before re-instating the Medicare payment add-ons, it will

result in failures in the sector that will translate to unparalleled access problems for Medicare patients needing care in our nation's skilled nursing facilities. I will do everything I can to ensure quality care for our nation's seniors is not threatened.

CONGRESSIONAL-EXECUTIVE CONSULTATION ON TRADE

Mr. BAUCUS. Mr. President, in the coming weeks, the Finance Committee will be working closely with the Office of the U.S. Trade Representative to develop written Guidelines on consultations between the Administration and Congress in trade negotiations. These Guidelines will be our roadmap for collaboration between the Executive and Legislative Branches on trade negotiations for the next five years. They will be the basis for the partnership of equals called for by the Trade Act of 2002.

The trade negotiation agenda promises to be busy. Even before passage of the Trade Act, work was under way in the Doha Round of WTO negotiations and in the Free Trade Area of the Americas negotiations. USTR also was busy concluding free trade agreements with Chile and Singapore. Since passage of the Trade Act, USTR has expressed the Administration's interest in beginning FTA negotiations with Morocco, Central America, the Southern African Customs Union, and Australia.

This busy agenda requires maximum clarity in the rules governing interaction between the Administration and Congress. Clear rules will form a foundation for a common understanding of how we bring trade agreements from the concept phase to the implementation phase. This common understanding will help ensure a smooth process, with few if any surprises or bumps in the road.

The Trade Act defines the scope of coverage of the contemplated Guidelines on trade negotiations. Specifically, the Guidelines are required to address: the frequency and nature of briefings on the status of negotiations; Member and staff access to pertinent negotiating documents; coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during negotiating sessions, including at negotiation sites; and consultations regarding compliance with and enforcement of trade agreement obligations.

The Guidelines also must identify a time frame for the President's transmittal of labor rights reports concerning the countries with which the United States concludes trade agreements.

The Trade Act contemplates collaboration among USTR, the House Ways and Means Committee and the Senate Finance Committee in developing the Guidelines. I would like to use this opportunity to propose specific provisions that should be included in the Guidelines to maximize the potential for a