INTRODUCING THE ACCESS TO DIABETES SCREENING SERVICES ACT OF 2003

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce the Access to Diabetes Screening Services Act of 2003. This common-sense legislation will ensure that Medicare beneficiaries with diabetes are diagnosed and treated as soon as possible.

Diabetes is a serious, debilitating chronic illness that afflicts more than 17 million Americans, including 7 million Medicare beneficiaries. This sometimes silent disease causes many serious complications, including heart disease, stroke, blindness, kidney failure, and lower limb amputation. Unfortunately, more than one-third of people with diabetes won't realize it until they develop one of its deadly complications.

Diabetes imposes an enormous financial burden on our health care system. More than 25 percent of the Medicare budget is currently devoted to providing medical care to seniors living with diabetes. Congress recognized the need to address this problem when it required Medicare coverage of blood-glucose monitors and diabetes education services in the Balanced Budget Act. While this was a positive development in our fight against diabetes, it has done little to help us diagnose and treat the 2.3 million seniors who do not realize they have diabetes, or the 20 percent of Medicare beneficiaries who have pre-diabetes, a condition which, if left untreated, will develop into diabetes.

While diabetes is sometimes a silent disease, the risk factors are often obvious. Diabetes is prevalent among individuals who are overweight, aging, and lead a sedentary lifestyle. Other health conditions, such as gestational diabetes, high cholesterol, and hypertension often lead to diabetes. It is also more common in certain racial and ethnic groups, including Hispanics, African Americans, and certain Native Americans.

Currently, Medicare does not cover diabetes screening, even if a patient has some of these risk factors. We must strengthen the Medicare program to ensure that individuals get treatment before it is too late. By testing high-risk individuals, we will be able to diagnose and treat individuals earlier on, and subsequently prevent many complications. Studies have shown that people with pre-diabetes can prevent or delay the onset of type 2 diabetes by up to 58 percent through lifestyle interventions, including modest weight loss and increased physical activity.

That is why I am introducing this legislation, which would require Medicare to cover diabetes screening under Part B. Diagnosing diabetes and pre-diabetes through testing would improve the lives of our Nation's seniors and prevent an increase over the already huge amount of Medicare budget devoted to seniors with diabetes. In addition to improving the health and quality of life for millions of Americans, extending coverage to cover simple testing would save Medicare money in the long run by lowering the incidence of complications.

I urge my colleagues to support this legislation.

HEALTHY FORESTS RESTORATION ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise in opposition to H.R. 1904, the Healthy Forests Restoration Act of 2003.

I cannot overstate the importance of the nature of this legislation. As a Member of Congress from the west, I take very seriously the need to find a balanced approach to reduce the threat of catastrophic wildfire. The Cerro Grande fire, which occurred within my district in 2000, scorched over 40,000 acres and consumed over 400 homes and businesses in Los Alamos, NM. This tragic example highlights the importance of this issue in New Mexico.

Wildfire prevention and protection is of such grave importance that I am extremely concerned about, and strongly object to, the manner that this legislation was brought before us today. A Committee Print of this bill was received in my office, during a recess period, five days before it was scheduled for Resources Committee markup. Not only did we, nor the public, have time to analyze and digest its content, but the importance and depth of this issue was further undermined by the fact that this committee did not even hold any hearings on the bill before proceeding straight to mark-up.

In the past, I have worked with Mr. MCINNIS on fire issues and had hoped to be able to do so again this Congress. I believe that by working together on a bill in a bipartisan manner, we could have crafted legislation that protects our communities from catastrophic fires without the perceived need to impose unprecedented deadlines and standards for injunctive relief on the federal judiciary, and without emasculating our environmental laws. However, due to the manner in which this bill was presented to us, the opportunity to work together, or at least consider any viable alternatives to H.R. 1904, did not arise.

Considering this, I would like to point out that H.R. 1904 was not the sole option available to Congress for the protection of our at-risk communities from wildfire devastation. Similar to H.R. 1904's Section 104, which essentially eliminates any public alternatives to agency action as set out in NEPA, the majority did not allow us to consider any alternatives to H.R. 1904, aside from the Miller/Defazio Substitute offered here today. For example, in February Mr. UDALL of Colorado and I introduced H.R. 1042, the Forest Restoration and Fire Risk Reduction Act. Had we had an opportunity to hold hearings on our bill, Mr. UDALL and I would have been able to formally raise some of the issues not addressed in H.R. 1904, but that are critically important to wildfire prevention and protection.

H.R. 1042 refocuses the implementation of the National Fire Plan (NFP) to areas designated as ''wildland/urban interface,'' the critical zones that are of the highest risk to people, property and water supplies, by redirecting NFP funding and hazardous fuels reduction projects through state selection panels. H.R. 1042 would accomplish this through the collaboration between state and federal land managers, and local and tribal communities in both decision and implementation activities. Through their individual contributions, we could develop cost-effective restoration activities, and empower these diverse organizations to implement activities that value local and traditional knowledge, build ownership and civic pride, and ensure healthy, diverse, and productive forests and watersheds. Such collaboration would result in the efficient restoration of areas distressed by wildfires and help protect our homeowners and businesses from future losses.

While I agree with the general consensus that thinning our forests—by controlled burns or mechanical means—will lessen the likelihood of unusually severe fires, I cannot support the contention of the Bush Administration and the majority that to facilitate such projects we need to expunge our environmental laws and procedures for public comment and participation. The exemption of fire-risk reduction projects from environmental review and administrative appeals, and to deny the public the full and fair opportunity to have viable alternatives to agency action considered, circumvents established policy of public participation, an important aspect of our democratic process for making decisions affecting public lands. Excluding public comment does not assist in developing sound forest management.

H.R. 1042 makes some relatively innocuous procedural concessions that can expedite the process of resolving appeals, but, unlike H.R. 1904, it maintains these sound principles of law and public policy, and does not affect the traditional judicial review process and standards of equity inherent in our legal system.

H.R. 1904 contains unwarranted judicial review standards. Not only does it impose unreasonable time limits for filing cases in federal court after final agency action, H.R. 1904 contains an unprecedented provision that changes the fundamental legal standard of equitable relief. H.R. 1904 directs the court, when considering a motion for injunctive relief, to determine whether there would be harm to the defendant and whether the injunction would be in the public interest. In effect, these provisions tip the scales of justice in favor of the administrative agency.

The equitable balancing of competing claims has historically been part of the court's province. Injunctions are intrinsic to our federal judiciary's ability to remedy wrongs. Consequently, H.R. 1904's judicial review provisions serve to diminish the court's ability to balance competing interests, and blur the line separating the legislative role and the role of our courts.

In conclusion, I believe, as all of us from the western United States would likely agree, that it is imperative to support proactive programs that reduce the risk of catastrophic wildfires and aid in the restoration of lands that have met the same unfortunate fate as the Cerro Grande. However, such programs should be community-based and should not gut our environmental protection laws, nor affect existing standards of judicial review.

H.R. 1024 had the capacity to meet these important objectives. However, we were not offered the opportunity to consider that alternative. For this reason, and those reasons stated above, I must oppose H.R. 1904.