

**Testimony before the US House Energy & Commerce
Subcommittee on Health
By the Hon. Richard Nolan
Former Member of Congress
October 20, 2021**

Madam Chairwoman Eshoo, Ranking Member Brett Guthrie,
and Members of the Committee,

And to all the members of the committee, their staffs, and the committee staff, thank you so much for your service, for holding this hearing, and for allowing me to testify in support of HR 3749: Katherine's Law for Lung Cancer Early Detection and Survival - expanding access to Lung cancer screening.

Thank you, also, to the distinguished women and men invited to participate on this panel, for your remarkable careers, accomplishments, and dedication to cancer research, treatment, care, prevention, education, and diagnosis.

And once again, thanks to my colleagues, their staff, and the committee staff, for their many kind thoughts, prayers, and encouragements for Katherine and our family.

Since former President Richard Nixon first declared War on Cancer in 1971, and with the support of all our Presidents since that time, the Congress of the United States has been a strong, resolute, bipartisan partner with the cancer and medical communities in the successes and progress that have been made in saving and extending the lives of cancer victims.

My purpose today is to give voice to lung cancer victims, to share our family's personal experience with lung cancer, and to highlight the importance of cancer research and screening for early detection.

My Aunt, Eleanor Nolan, the first female judge in the State of Minnesota, was diagnosed with terminal lung cancer at age 54, more than 50 years ago. She passed away within 6 months.

Our daughter, Katherine (Nolan) Bensen, a mother of 4 children, was diagnosed with stage 4 terminal lung cancer at age 41, and passed away almost 6 years later on September 15th of last year.

Katherine – a non-smoker – dedicated her terminal cancer diagnosis life – her “ticking time bomb” – to spending every painful moment of her remaining time on earth to two things:

First, to spending time with her four young children and her husband.

AND second, to being a “living research project”, for the Mayo Clinic in hopes of helping doctors find a way to save those brave souls with a cancer diagnosis who would come after her.

You can help save lives as well, by PASSING the bill Katherine created and championed to enable early detection and treatment of this terrible disease.

YOU have the power to pass Katherine’s Law to ensure routine scanning for lung cancer.

As we sometimes say in our logging yard and sawmill in Northern Minnesota, “this one is an easy pull.”

Lung cancer kills more people every year than breast, prostate, and colorectal cancer - combined. I am including fact sheets for your review and for the hearing record that relates to my testimony.

The simple fact is – lung cancer is a national emergency.

Here in the United States, 361 people die of lung cancer every day.

That is the equivalent of an Airbus A340-500 airliner crashing every single day, and killing every person on board!

Katherine benefited from targeted drug therapies, treatments, and experimental new trials. Each extended her life beyond her original projection of 8 to 10 months.

During those 6 years, she never complained, saw her children grow and mature, counseled and advised newly diagnosed lung cancer victims, conducted lung cancer seminars for medical students, raised thousands of dollars for research, and became an articulate and forceful national advocate for victims of lung cancer.

Katherine was extremely grateful for the many good people and public policies responsible for the progress we have made in this battle. I want to acknowledge the work of GO2 Foundation for Lung Cancer who I have worked closely with for years – and has long advocated to Congress for lung cancer to

be made a national public health priority with increased early detection and treatment research funding. And also the Breath of Hope foundation who I work locally with in Minnesota. Both support this bill and the need to bring a brighter light on lung cancer's disparate impact on women through the Women and Lung Cancer Legislation, that I also co-authored while in Congress and which aligns with Katherine's Law.

Now it was also during this time that Katherine learned that progress much greater than that for lung cancer was being made for victims of breast, prostate, colorectal and other cancers, due in part to federal policies providing free cancer screening for some as early as age 40.

Unfortunately, free screening for lung cancer is made available only to people 55 years of age who have smoked a package of cigarettes every day for 30 years or more, even though lung cancer accounted for more deaths than all the combined deaths from the aforementioned cancers.

Those limitations are, quite frankly, so unfair to victims of lung cancer, and nonsmokers in particular.

The 5-year survival rate for lung cancer is 21%, whereas the 5-year survival rates for breast, prostate and colorectal cancers are 90%, 98% and 65% respectively. Lung cancer's dramatically lower survival rates are due to long held stigma, absence of nerves in lungs and insufficient early detection opportunities. Clearly, early detection and research plays a critical role in the survival rates of cancer victims- it should be no different for the lung cancer community.

After learning these statistics, Katherine asked me, "Dad why can't the law be written to provide for free screening for lung cancer like it is for other cancers. That screening would save so many thousands of lives every year".

And Katherine continued: "If a bill could be drafted, considered and passed into law securing screening and early detection for lung cancer, I would gladly go through all that I, and so many others, have had to endure, including my fatal outcome, knowing it had helped pave the way for so many thousands of more people not having to endure what we have".

Thankfully, Representative Brendan Boyle, Chairman of the Congressional Lung Cancer Caucus –which I was honored to help co-found – has introduced the bill Katherine proposed,

and given it her name. And this Committee has chosen to give it consideration. Thank you.

Shortly before Katherine died, I told her that wherever she was headed, I wanted to be there with her soon.

With a clear but weak voice and body she gently raised her hand, looked at me and said, “No, Dad, not until my bill gets passed”.

In closing, and using the words of our immortal western hero, John Wayne, who passed from lung cancer, he would have said, “God Willing – the Creek Don’t Rise”, and Congress enacts this important legislation, Katherine’s Law will become the Law of the Land – and thousands of lives will be saved.

Thank you again for your time today.