STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO:

S. 2507. A bill to require short-term limited duration insurance issuers to renew or continue in force such coverage at the option of the enrollees; to the Committee on Health, Education, Labor, and Pensions.

Mr. BARRASSO. Mr. President, over the next couple of weeks, Congress is going to need to finalize government appropriations for the remainder of this year. Among the things that some people are talking about is including money for a couple of ObamaCare programs. One of them is money for the so-called cost-sharing reduction payments. Funding for these payments was never appropriated by Congress. The Obama administration paid the insurance companies anyway. President Trump stopped these illegal payments last October. Now, some people in Congress are talking about funding them again.

We all know that ObamaCare has been a disaster for millions and millions of families all across the country. We know that for the people who live in States that use the Federal healthcare.gov exchange, average premiums have doubled since the law took effect. Certainly Wyoming is one of those States that experienced it; I heard about it in Clark County just last week. We know it. We hear about it in letters from the people who write to us. No matter where they are from in the State of Wyoming, we continue to hear about the costs going up. I am sure there is a similar situation in the State of Arkansas, the Presiding Officer's State, as well.

According to Gallup, the number of uninsured people actually increased last year by 3 million. Many people are finding that they just can't afford to have ObamaCare insurance. It is especially hard for hard-working families who don't qualify for subsidies under the healthcare law. So we know there is a problem, and we know we have to do something to help people who are struggling in ObamaCare markets.

If people are going to discuss using this government spending law to spend more money on the collapsing ObamaCare markets, there are other things we should be discussing as well. We should discuss finding a real solution to rising healthcare costs—one that doesn't just continue the unworkable, unaffordable, and, frankly, unfair system that ObamaCare created. We should discuss actually giving people more freedom and more flexibility to choose a healthcare plan that is right for them.

I am introducing a bill today to do just that. My legislation will build on a step that President Trump and the Trump administration took last month. The administration reversed a last-minute Obama-era policy that had all but killed short-term health plans. These are less expensive health plans that are free from the expensive and intrusive and burdensome regulations that ObamaCare placed on other insurers, so they are a much more affordable option for many Americans who have been priced out of ObamaCare.

President Trump is on the right path with this new rule. It is absolutely the right decision. He is giving people back an option so they can decide for themselves if it is a right choice for them. I think we should go a step further, and that is why I am introducing this legislation. We should go a step further in the omnibus spending bill. We should make this more affordable choice permanent. Making it permanent protects people. It protects people so a future administration doesn't do what President Obama did and try to wipe out choices for Americans.

This legislation I am introducing today gives people a choice to have these plans for not just 90 days—which was allowed at the end of the Obama administration—but for a full 364 days. So it is up to a year.

It also makes sure people can then renew these plans, if they want to, so it can become their permanent insurance, free from the mandates of the Obama healthcare law. It protects them from being dropped if they are sick. Remember, that was one of the biggest promises of ObamaCare that was broken. President Obama said: If you like your plan, you can keep your plan. Almost immediately, people found out it wasn't true at all. In fact, it was called by some of the press the ''Lie of the Year.''

In 2013 alone, there were 4.7 million Americans who got letters from their insurance companies telling them that their insurance plan had been canceled. Under my proposal, people with these short-term plans wouldn't have to worry about getting a cancellation letter. They would be protected from their insurance company, and they would be protected from Washington, DC.

States are much better suited than Washington to regulate their insurance markets in ways that work best for the citizens of their State. These simple changes in my legislation will help give people back—help give to them—the freedom ObamaCare took away. That is what we are looking at, the need for freedom for the American people. We can essentially give people an escape hatch to get out of the ObamaCare plan entirely. We can give them the freedom to choose the coverage that works for them and works best for their families.

That is the right way to bring down healthcare costs for Americans: Give them options, give them choices, give them freedom, not make them buy a one-size-fits-all government plan.

People living in more than half of America's counties have only one choice of insurance in the ObamaCare exchange—only one—half of the counties in the country. It is not a choice. They don't have options. It is a monopoly.

The left-leaning Urban Institute estimates that 4.2 million Americans would enroll in short-term plans next year if we just let them keep their plan as long as a year. That is the kind of pent-up demand that is out there for these more affordable, more flexible plans with much more freedom.

Just the one change could make a difference in the lives of 4 million Americans. My legislation does just that, and it has other benefits as well.

I think it would be an attractive option for many more Americans, but a lot of Democrats in Washington don't want to talk about options. No. They know ObamaCare markets are collapsing; they don't seem to care. They know costs are soaring out of control; it doesn't seem to concern as many as it should. They know middle-class families are being squeezed the hardest by these rising ObamaCare premiums. Their answer? We have heard it. We have heard it on the floor of the Senate: Try to push everyone—everyone in America, want it or not, everyone in America—into a single, government-run insurance plan that looks a lot like Medicaid. That is exactly the opposite of what we should be doing and what I am proposing today.

What the Democrats are proposing is more of the same failed idea that caused Americans so many problems under ObamaCare: government control.

If there is going to be talk of propping up the ObamaCare markets during the omnibus spending bill, then we should also be talking about helping people get out of the ObamaCare markets. Give them the freedom, give them the escape hatch.

We should protect people who want health insurance but who don't want ObamaCare health insurance. They know what works best for them and their families, and we should trust the American people to know what is best for them and their families. We should give people the freedom and the flexibility to make those decisions for themselves, and we should give them more opportunities to escape from the disastrous, destructive, and extremely expensive ObamaCare markets.

By Mr. ALEXANDER (for himself, Mrs. CAPITO, Mr. DAINES, Mr. GARDNER, Mr. HEINRICH, Mr. KING, Mr. MANCHIN, and Mr. TILLIS):

S. 2509. A bill to establish the National Park Restoration Fund, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, probably every single one of us in the Senate would agree that it is hard to get here, it is hard to stay here, and it is wonderful to be able to accomplish something worthwhile while you are here. That is why I am here today—because I want to call attention to an announcement that was made this morning by a bipartisan group of U.S. Senators and the Secretary of the Interior, Ryan Zinke, which could take away

the $11.6 billion of national park maintenance backlog in the 417 national parks that we have. The proposal we made this morning could eliminate that backlog over the next 10 years.

I want to give Secretary Zinke and the President a lot of credit for this because they have agreed to do something that no other President and no other Secretary of the Interior have ever agreed to do, as far as I know, and that is to allow us to use revenues from energy development on Federal lands as mandatory spending to pay for the maintenance backlog in our National Park System.

Ken Burns called our national parks ''America's Best Idea.'' I would say that the best idea to support America's best idea is the proposal that Secretary Zinke has made to take care of the maintenance backlog in our national parks.

Half of that maintenance backlog is our roads. Of course, when we pay for the roads this way, that means all the money that is now being taken away from all the other purposes at our national parks—I am talking about the National Mall, where I get up in the morning and walk every day, or the Great Smoky Mountains National Park, where I walk when I go home on the weekends—could be used for other purposes there, in all 417 of those parks.

If we don't do this, we will never catch up because this backlog—this $11.6 billion backlog—is four times the annual appropriations for the National Park Service. Everyone who cares about our national parks—and that should be almost every American—should welcome this proposal.

As I said, our use of Federal dollars in this way is unprecedented, but the principle is not unprecedented. The principle is a very simple principle, and that is this: If we create an environmental burden, which energy exploration does, whether it is wind turbines or whether it is spreading solar panels all over hundreds and hundreds of acres or whether it is oil and gas exploration. If we create an environmental burden, we should create a corresponding environmental benefit. That principle is well established in our laws and has been supported by almost every major environmental and conservation group I know of.

Let's start with the 1962 Outdoor Recreation Resources Review Commission that Laurance Rockefeller chaired. That Commission, which took a look at America for the next generation to see what we should do to protect the outdoors so we could all enjoy it, recommended, and the Congress adopted, the idea of the Land and Water Conservation Fund. There was a Federal side and a State side. Over all of the years since 1964, $18 billion has been spent in the Land and Water Conservation Fund. That is the environmental benefit. Where did the money come from? It came from drilling on Federal offshore properties.

In 1986, I chaired President Reagan's Commission on Americans Outdoors. We reaffirmed our support for the idea that an environmental burden means we should have an environmental benefit. We urged Congress to make permanent the funding for the Land and Water Conservation Fund. So we reaffirmed that again for the next generation.

Then, in 2006, with the leadership of Senator Domenici, Senator Bingaman, and others—many of us worked on it—Congress decided we would take some of the revenues from new drilling in the Gulf of Mexico and apply those to the State side of the Land and Water Conservation Fund—again, an environmental burden and a corresponding environmental benefit.

That is why this proposal is so exciting to me. That is why this proposal has such strong bipartisan support.

In the Senate, the supporters include Senator KING of Maine, Senator DAINES of Montana, and Senator HEINRICH of New Mexico. It is a bipartisan group. Supporters also include Senator CAPITO and Senator MANCHIN, Senator GARDNER and Senator TILLIS; all of us support and are cosponsoring this legislation we are introducing today.

In the House of Representatives, we also have two cosponsors. Congressman MIKE SIMPSON of Idaho, who is chairman of the House Energy and Water Development Subcommittee, and Congressman KURT SCHRADER from Oregon is also a cosponsor in the House of Representatives.

So I believe this is an unprecedented day; for all of those who care about and love our national parks and who have struggled to imagine how we can deal with this $11.6 billion maintenance backlog—a backlog that is four times the annual appropriation—we can pay this all off with this proposal, which is supported by the President and his Office of Management and Budget, a bipartisan group of Senators, and a bipartisan group in the House.

I look forward to working with Senator MURKOWSKI and Senator CANTWELL in the Energy and Natural Resources Committee. Hopefully, it can be moved promptly through that committee. There are other important things we would like to do, but I can't think of anything much more important than our National Park System.

I mentioned a little earlier that we have 417 national parks in the country. I grew up camping and hiking in one of those, and I live within 2 miles of that park. It is the Great Smoky Mountains National Park. It has more visitors than any other national park—nearly twice as many as the closest one. Eleven million people a year come to the park.

Many of my best memories are from that park. I remember, when I was 15 years old, my dad dropped me and a couple of other boys at the highest point of the park, Clingmans Dome, one day around Christmastime. There was 3 feet of snow. He said: I will pick you up in Gatlinburg. Well, he did, and that was about 8 or 9 hours later.

Later that same year in the summertime we were camping on Spence Field. That is at about 5,000 or 6,000 feet as well. We had taken blueberry pancake mix up there. We picked the blueberries. We had all of the materials for a good breakfast, but we made one mistake. We left the breakfast in our packs in the tent, and during the night a bear crawled in there with us, took it out, and we ended up on top of the trail shelter banging the pans together trying to run the bear off. That was the last time we left our breakfast materials nearby the sleeping area when we were camping in the park.

The park is a good place for lessons and learning and appreciating beauty. It is a good place for the rich. It is a good place for the poor. Parents bring their children out of a digital diet to feast on a world of natural splendor. We learn our history in a place where history comes alive; not just the history of the world but the history of East Tennessee, the history of Wyoming, the history of Maine, the history of Montana.

Let me give my colleagues a sense of just what this $11 billion backlog means. I have already said it is nearly four times what the National Park Service receives in annual appropriations. We can talk about the Smokies alone. Between Tennessee and North Carolina, there is about a $215 million backlog of projects; 75 percent of that is roads. We get nearly twice as many visitors as any other park. These visitors come to see our majestic views. They spend 400,000 nights camping in 9 frontcountry campgrounds and 100 backcountry camp sites.

In 2013, the park had to close Look Rock Campground and the picnic area due to funding shortfalls in replacing the water treatment facilities. In order to open this recreation area for visitors, the park needs $3 million to replace the water treatment facility, repair the road infrastructure, and replace aging picnic tables and campground pads. This proposal could do that.

The funding provided in the National Park Restoration Act, which is what we call our legislation, could help reopen this campground for the enjoyment of the over 11 million visitors to the Smokies.

The Smokies also supports a vast trail system, with almost 850 miles of maintained trails for hikers, backpackers, and visitors. The current deferred maintenance backlog for trails in the Smokies is $18.5 million. This proposal would take care of that.

In August 2017, I visited the Smokies with Interior Secretary Ryan Zinke, and I saw firsthand with him the work that is needed on the trails. We hiked the Rainbow Falls Trail, where a 2-year project is underway to rehabilitate the trail.

Crews from Trails Forever, a partnership between the Great Smoky Mountains National Park and the Friends of

the Smokies, and the American Conservation Experience are working to build a rock staircase along the trail to reduce erosion and improve visitor safety and enjoyment.

Crews use rigging systems to move large rocks, split them using drills and chisels, and then set them into place to provide long-lasting trail structures for those hoping to see the rainbow formed by mist from the 80-foot waterfall along the Rainbow Falls Trail.

Secretary Zinke and I worked to split and place one of those rock steps. It is not very easy to do. Volunteer crews will work to rehabilitate over 6 miles of that trail.

In addition to the crews, every Wednesday volunteers head up the trail to help restore it for future visitors. In 2017, volunteers donated 900 hours of work on that trail.

The Smokies is full of wonderful volunteers like those working on the Rainbow Falls Trail. Over 2,800 volunteers donated over 115,000 hours last year alone, but we must do more to get the funding to our parks to help address the maintenance needs and support the countless volunteers.

In the Smokies, 75 percent of that maintenance work is roads, which isn't surprising, since millions of visitors to the park each year experience it behind the wheel. The park maintains and operates nearly 400 miles of roads, including 6 tunnels and 146 bridges, which allow visitors to traverse the park's mountainous landscape.

The Smokies is working hard to address these maintenance needs, and later this year they will open 16 miles of the Foothills Parkway. We are all looking forward to that in East Tennessee. Driving the Foothills Parkway will give you a spectacular view of the highest mountains in the Eastern United States. Tennesseans are excited that these new 16 miles of the parkway will soon be open to the public. It is scheduled for this fall.

Due to funding shortfalls, building and repairing the 16-mile stretch of the Foothills Parkway took over 50 years and will be completed nearly 75 years after Congress first authorized the Foothills Parkway. Completing just 1.6 miles of the parkway took nearly 30 years.

In 1944, Congress authorized the Foothills Parkway but prohibited Federal funds from being used to purchase and acquire the land, so the State of Tennessee purchased the land and gave it to the Federal Government to create a scenic parkway to provide views of the Great Smoky Mountains National Park.

For 75 years, Tennesseans and visitors have been waiting to enjoy the majestic views of the Foothills Parkway because there hasn't been sufficient Federal funding to address the maintenance needs of our national parks. Other roadways in the Smokies, including Newfound Gap Road and Clingmans Dome Road, remain on this backlog list.

Clingmans Dome Road takes visitors to Clingmans Dome—the highest point in Tennessee and the third highest mountain east of the Mississippi. At 6,643 feet, Clingmans Dome offers panoramic views of the Smoky Mountains.

Additional funding is desperately needed for the Smokies and all of our National Parks to help repair and rebuild campgrounds, trails, and roads. Doing that will bring more visitors, more tourists, and more jobs to Tennessee and to national park communities throughout our country.

According to the Outdoor Industry Association, the outdoor recreation economy generates 7.6 million direct jobs and $887 billion in consumer spending. In Tennessee, the outdoor recreation economy generates 188,000 direct jobs and over $21 billion in consumer spending.

In 2016, the visitors to the Great Smoky Mountains National Park alone spent nearly $950 million in communities surrounding the park. The over 11 million visitors to the park supported nearly 15,000 jobs and $1.3 billion in economic output in these communities.

Restoring our parks not only helps to preserve our land for generations but helps to grow our economy.

Now, here is what our bill does. I see the Senator from North Carolina is coming to preside, and he is one of the principal cosponsors of the bill. The National Park Restoration Act will use revenues from energy production on Federal lands to help pay for the $11 billion maintenance backlog at our national parks. It will provide mandatory funding on top of annual appropriations for the National Park Service—for the priority-deferred maintenance needs that support critical infrastructure and visitor services at our parks.

The National Park Restoration Fund created by the legislation will receive 50 percent of revenues from energy production on Federal lands over the 2018 projections that are not already allocated to other purposes.

This legislation includes revenues from all sources of energy production on Federal land: oil, gas, coal, renewables, and alternative energy.

The legislation protects all existing obligations for revenues from energy production on Federal land, including payments to States, payments to the Land and Water Conservation Fund, and payments to the Reclamation Fund.

Finally, I want to acknowledge the work that Senators Portman and Warner have done. They have introduced similar legislation. They have many of the same objectives. I know there are many other Senators who care deeply about this issue, other than the bipartisan group of us who introduced the legislation today. We can all work together in the Energy and Natural Resources Committee where this bill will be referred. We will put our heads together with Senator MURKOWSKI and Senator CANTWELL. We will come out with the best possible bill—something that President Trump can continue to support and that the full Senate and then the House of Representatives can pass. Then, we can get on with it and begin to deal with the deferred maintenance backlog in our national parks.

Theodore Roosevelt once said that nothing short of defending this country in wartime ''compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.'' We must all work together to restore our national treasures so future generations have the same opportunity to enjoy them, as we have.

In conclusion, let me reiterate something personal about this. In 1985, the Secretary of the Interior called and asked me, when I was Governor of Tennessee, to chair the President's Commission on Americans Outdoors. I did that, along with Gil Grosvenor, the chairman of the National Geographic Society, and a variety of people. One of our major recommendations was to pick up the recommendation of the Rockefeller Commission from 1964, which said, if there is an environmental burden, there should be an environmental benefit. They are the ones who recommended, to begin with, that we take land from energy exploration and use it to pay for the Land and Water Conservation Fund.

We reaffirmed that in 1986. We reaffirmed that principle in 2006 when we used revenues from drilling for the State side of the Land and Water Conservation Fund.

So while this proposal is unprecedented in the sense that it is the first time that I know of that a President and his Office of Management and Budget have approved mandatory funding using revenues from energy production on Federal lands to deal with national park maintenance needs, the principle of matching an environmental burden with an environmental benefit is well established.

I am grateful to the President, and I am especially grateful to Secretary Zinke for his initiative. I look forward to working with a bipartisan group of Senators in the Energy Committee to develop a bill, pass it, and get started on the work of America's best idea for restoring America's best idea—our National Park System.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 2518. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2518

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Employees and Retirees in Business Bankruptcies Act of 2018''.

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

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Business bankruptcies have increased sharply in recent years and remain at high levels. These bankruptcies include several of the largest business bankruptcy filings in history. As the use of bankruptcy has expanded, job preservation and retirement security are placed at greater risk.

(2) Laws enacted to improve recoveries for employees and retirees and limit their losses in bankruptcy cases have not kept pace with the increasing and broader use of bankruptcy by businesses in all sectors of the economy. However, while protections for employees and retirees in bankruptcy cases have eroded, management compensation plans devised for those in charge of troubled businesses have become more prevalent and are escaping adequate scrutiny.

(3) Changes in the law regarding these matters are urgently needed as bankruptcy is used to address increasingly more complex and diverse conditions affecting troubled businesses and industries.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

SEC. 101. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''$10,000'' and inserting ''$20,000'';

(B) by striking ''within 180 days''; and

(C) by striking ''or the date of the cessation of the debtor's business, whichever occurs first,'';

(2) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking ''within 180 days''; and

(ii) by striking ''or the date of the cessation of the debtor's business, whichever occurs first''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by $20,000.''.

SEC. 102. CLAIM FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, if—

''(i) the equity securities are held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))) for the benefit of an individual who is not an insider, a senior executive officer, or any of the 20 next most highly compensated employees of the debtor (if 1 or more are not insiders);

''(ii) the equity securities were attributable to either employer contributions by the debtor or an affiliate of the debtor, or elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon; and

''(iii) an employer or plan sponsor who has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.''.

SEC. 103. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8)(B), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor (but not under an individual contract of employment), or owed pursuant to a collective bargaining agreement, for layoff or termination on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment; and''.

SEC. 104. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code is amended—

(1) by striking paragraph (13) and inserting the following:

''(13) With respect to retiree benefits, as that term is defined in section 1114(a), the plan—

''(A) provides for the continuation after the effective date of the plan of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time before the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or if no modifications are made before confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor before the date of the filing of the petition; and

''(B) provides for recovery of claims arising from the modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).''; and

(2) by adding at the end the following:

''(17) The plan provides for recovery of damages payable for the rejection of a collective bargaining agreement, or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 (to the extent that such returns are paid under, rather than outside of, a plan).''.

SEC. 105. PRIORITY FOR WARN ACT DAMAGES.

Section 503(b)(1)(A)(ii) of title 11, United States Code is amended to read as follows:

''(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay or damages attributable to any period of time occurring after the date of commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which the award is based or to whether any services were rendered on or after the commencement of the case, including an award by a court under section 5 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104) of up to 60 days' pay and benefits following a layoff that occurred or commenced at a time when such award period includes a period on or after the commencement of the case, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case under this title;''.

TITLE II—REDUCING EMPLOYEES' AND RETIREES' LOSSES

SEC. 201. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

''(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act (45 U.S.C. 151 et seq.), may reject a collective bargaining agreement only in accordance with this section. In this section, a reference to the trustee includes the debtor in possession.

''(b) No provision of this title shall be construed to permit the trustee to unilaterally terminate or alter any provision of a collective bargaining agreement before complying with this section. The trustee shall timely pay all monetary obligations arising under the terms of the collective bargaining agreement. Any such payment required to be made before a plan confirmed under section 1129 is effective has the status of an allowed administrative expense under section 503.

''(c)(1) If the trustee seeks modification of a collective bargaining agreement, the trustee shall provide notice to the labor organization representing the employees covered by the collective bargaining agreement that modifications are being proposed under this section, and shall promptly provide an initial proposal for modifications to the collective bargaining agreement. Thereafter, the trustee shall confer in good faith with the labor organization, at reasonable times and for a reasonable period in light of the complexity of the case, in attempting to reach mutually acceptable modifications of the collective bargaining agreement.

''(2) The initial proposal and subsequent proposals by the trustee for modification of a collective bargaining agreement shall be based upon a business plan for the reorganization of the debtor, and shall reflect the most complete and reliable information available. The trustee shall provide to the

labor organization all information that is relevant for negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the position of the debtor with respect to the competitors in the industry of the debtor, subject to the needs of the labor organization to evaluate the proposals of the trustee and any application for rejection of the collective bargaining agreement or for interim relief pursuant to this section.

''(3) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the collective bargaining agreement, modifications proposed by the trustee—

''(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

''(B) shall be limited to modifications designed to achieve a specified aggregate financial contribution for the employees covered by the collective bargaining agreement (taking into consideration any labor cost savings negotiated within the 12-month period before the filing of the petition), and shall be not more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

''(C) shall not be disproportionate or overly burden the employees covered by the collective bargaining agreement, either in the amount of the cost savings sought from such employees or the nature of the modifications.

''(d)(1) If, after a period of negotiations, the trustee and the labor organization have not reached an agreement over mutually satisfactory modifications, and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the labor organization representing the employees covered by the collective bargaining agreement. Only the debtor and the labor organization may appear and be heard at such hearing. An application for rejection shall seek rejection effective upon the entry of an order granting the relief.

''(2) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the collective bargaining agreement, the court may grant a motion seeking rejection of a collective bargaining agreement only if, based on clear and convincing evidence—

''(A) the court finds that the trustee has complied with the requirements of subsection (c);

''(B) the court has considered alternative proposals by the labor organization and has concluded that such proposals do not meet the requirements of subsection (c)(3)(B);

''(C) the court finds that further negotiations regarding the proposal of the trustee or an alternative proposal by the labor organization are not likely to produce an agreement;

''(D) the court finds that implementation of the proposal of the trustee shall not—

''(i) cause a material diminution in the purchasing power of the employees covered by the collective bargaining agreement;

''(ii) adversely affect the ability of the debtor to retain an experienced and qualified workforce; or

''(iii) impair the labor relations of the debtor such that the ability to achieve a feasible reorganization would be compromised; and

''(E) the court concludes that rejection of the collective bargaining agreement and immediate implementation of the proposal of the trustee is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term.

''(3) If the trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subsection (c)(3)(C).

''(4) In no case shall the court enter an order rejecting a collective bargaining agreement that would result in modifications to a level lower than the level proposed by the trustee in the proposal found by the court to have complied with the requirements of this section.

''(5) At any time after the date on which an order rejecting a collective bargaining agreement is entered, or in the case of a collective bargaining agreement entered into between the trustee and the labor organization providing mutually satisfactory modifications, at any time after that collective bargaining agreement has been entered into, the labor organization may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request only if the increase or other relief is not inconsistent with the standard set forth in paragraph (2)(E).

''(e) During a period during which a collective bargaining agreement at issue under this section continues in effect, and if essential to the continuation of the business of the debtor or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by the collective bargaining agreement. Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee. The implementation of such interim changes shall not render the application for rejection moot.

''(f)(1) Rejection of a collective bargaining agreement constitutes a breach of the collective bargaining agreement, and shall be effective no earlier than the entry of an order granting such relief.

''(2) Notwithstanding paragraph (1), solely for purposes of determining and allowing a claim arising from the rejection of a collective bargaining agreement, rejection shall be treated as rejection of an executory contract under section 365(g) and shall be allowed or disallowed in accordance with section 502(g)(1). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by a labor organization shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (d) or pursuant to subsection (e), and no provision of this title or of any other provision of Federal or State law may be construed to the contrary.

''(g) The trustee shall provide for the reasonable fees and costs incurred by a labor organization under this section, upon request and after notice and a hearing.

''(h) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.''.

SEC. 202. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting '', without regard to whether the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program'' before the period at the end;

(2) in subsection (b)(2), by inserting '', and a labor organization serving as the authorized representative under subsection (c)(1),'' after ''section'';

(3) by striking subsection (f) and inserting the following:

''(f)(1) If a trustee seeks modification of retiree benefits, the trustee shall provide a notice to the authorized representative that modifications are being proposed pursuant to this section, and shall promptly provide an initial proposal. Thereafter, the trustee shall confer in good faith with the authorized representative at reasonable times and for a reasonable period in light of the complexity of the case in attempting to reach mutually satisfactory modifications.

''(2) The initial proposal and subsequent proposals by the trustee shall be based upon a business plan for the reorganization of the debtor and shall reflect the most complete and reliable information available. The trustee shall provide to the authorized representative all information that is relevant for the negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the position of the debtor with respect to the competitors in the industry of the debtor, subject to the needs of the authorized representative to evaluate the proposals of the trustee and an application pursuant to subsection (g) or (h).

''(3) Modifications proposed by the trustee—

''(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

''(B) shall be limited to modifications that are designed to achieve a specified aggregate financial contribution for the retiree group represented by the authorized representative (taking into consideration any cost savings implemented within the 12-month period before the date of filing of the petition with respect to the retiree group), and shall be no more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

''(C) shall not be disproportionate or overly burden the retiree group, either in the amount of the cost savings sought from such group or the nature of the modifications.'';

(4) in subsection (g)—

(A) by striking the subsection designation and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

''(g)(1) If, after a period of negotiations, the trustee and the authorized representative have not reached agreement over mutually satisfactory modifications and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking modifications in the payment of retiree benefits after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the

expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the authorized representative. Only the debtor and the authorized representative may appear and be heard at such hearing.

''(2) The court may grant a motion to modify the payment of retiree benefits only if, based on clear and convincing evidence—

''(A) the court finds that the trustee has complied with the requirements of subsection (f);

''(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subsection (f)(3)(B);

''(C) the court finds that further negotiations regarding the proposal of the trustee or an alternative proposal by the authorized representative are not likely to produce a mutually satisfactory agreement;

''(D) the court finds that implementation of the proposal shall not cause irreparable harm to the affected retirees; and

''(E) the court concludes that an order granting the motion and immediate implementation of the proposal of the trustee is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or a successor to the debtor) in the short term.

''(3) If a trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subparagraph (f)(3)(C).''; and

(B) in the matter following paragraph (3)—

(i) by striking ''except that in no case'' and inserting the following:

''(4) In no case''; and

(ii) by striking ''is consistent with the standard set forth in paragraph (3)'' and inserting ''assures that all creditors, the debtor, and all of the affected parties are treated fairly and equitably, and is clearly favored by the balance of the equities''; and

(5) by striking subsection (k) and redesignating subsections (l) and (m) as subsections (k) and (l), respectively.

SEC. 203. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.''.

SEC. 204. CLAIM FOR PENSION LOSSES.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(l) The court shall allow a claim asserted by an active or retired participant, or by a labor organization representing such participants, in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341, 1342), for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of that Act (29 U.S.C. 1342), notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.

''(m) The court shall allow a claim of a kind described in section 101(5)(C) by an active or retired participant in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))), or by a labor organization representing such participants. The amount of such claim shall be measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case.''.

SEC. 205. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: ''If employees have not received wages, accrued vacation, severance, or other benefits owed under the policies and practices of the debtor, or pursuant to the terms of a collective bargaining agreement, for services rendered on and after the date of the commencement of the case, such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or a successor or predecessor in interest.''.

SEC. 206. PRESERVATION OF JOBS AND BENEFITS.

Chapter 11 of title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

''§ 1100. Statement of purpose

''A debtor commencing a case under this chapter shall have as its principal purpose the reorganization of its business to preserve going concern value to the maximum extent possible through the productive use of its assets and the preservation of jobs that will sustain productive economic activity.'';

(2) in section 1129—

(A) in subsection (a), as amended by section 104, by adding at the end the following:

''(18) The debtor has demonstrated that the reorganization preserves going concern value to the maximum extent possible through the productive use of the assets of the debtor and preserves jobs that sustain productive economic activity.''; and

(B) in subsection (c)—

(i) by inserting ''(1)'' after ''(c)''; and

(ii) by striking the last sentence and inserting the following:

''(2) If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm—

''(A) consider the extent to which each plan would preserve going concern value through the productive use of the assets of the debtor and the preservation of jobs that sustain productive economic activity; and

''(B) confirm the plan that better serves such interests.

''(3) A plan that incorporates the terms of a settlement with a labor organization representing employees of the debtor shall presumptively constitute the plan that satisfies this subsection.''; and

(3) in the table of sections, by inserting before the item relating to section 1101 the following:

''1100. Statement of purpose.''.

SEC. 207. TERMINATION OF EXCLUSIVITY.

Section 1121(d) of title 11, United States Code, is amended by adding at the end the following:

''(3) For purposes of this subsection, cause for reducing the 120-day period or the 180-day period includes—

''(A) the filing of a motion pursuant to section 1113 seeking rejection of a collective bargaining agreement if a plan based upon an alternative proposal by the labor organization is reasonably likely to be confirmed within a reasonable time; and

''(B) the proposed filing of a plan by a proponent other than the debtor, which incorporates the terms of a settlement with a labor organization if such plan is reasonably likely to be confirmed within a reasonable time.''.

SEC. 208. CLAIM FOR WITHDRAWAL LIABILITY.

Section 503(b) of title 11, United States Code, as amended by section 103 of this Act, is amended by adding at the end the following:

''(11) with respect to withdrawal liability owed to a multiemployer pension plan for a complete or partial withdrawal pursuant to section 4201 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381) where such withdrawal occurs on or after the commencement of the case, an amount equal to the amount of vested benefits payable from such pension plan that accrued as a result of employees' services rendered to the debtor during the period beginning on the date of commencement of the case and ending on the date of the withdrawal from the plan.''.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

SEC. 301. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following: ''Except for compensation subject to review under paragraph (5), payments or other distributions under the plan to or for the benefit of insiders, senior executive officers, and any of the 20 next most highly compensated employees or consultants providing services to the debtor, shall not be approved except as part of a program of payments or distributions generally applicable to employees of the debtor, and only to the extent that the court determines that such payments are not excessive or disproportionate compared to distributions to the nonmanagement workforce of the debtor.''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court as—

''(i) reasonable when compared to individuals holding comparable positions at comparable companies in the same industry; and

''(ii) not disproportionate in light of economic concessions by the nonmanagement workforce of the debtor during the case.''.

SEC. 302. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by inserting '', a senior executive officer, or any of the 20 next most highly compensated employees or consultants'' after ''an insider'';

(B) by inserting ''or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,'' after ''remain with the debtor's business,''; and

(C) by inserting ''clear and convincing'' before ''evidence in the record''; and

(2) by amending paragraph (3) to read as follows:

''(3) other transfers or obligations to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the request of the debtor for such payments, that such transfers or obligations are essential to the survival of the business of the debtor or (in the case of a liquidation of some or all of the assets of the debtor) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the nonmanagement workforce of the debtor during the case.''.

SEC. 303. ASSUMPTION OF EXECUTIVE BENEFIT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''and (d)'' and inserting ''(d), (q), and (r)''; and

(2) by adding at the end the following:

''(q) No deferred compensation arrangement for the benefit of insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341, 1342), on or after the date of the commencement of the case or within 180 days before the date of the commencement of the case.

''(r) No plan, fund, program, or contract to provide retiree benefits for insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if the debtor has obtained relief under subsection (g) or (h) of section 1114 to impose reductions in retiree benefits or under subsection (d) or (e) of section 1113 to impose reductions in the health benefits of active employees of the debtor, or reduced or eliminated health benefits for active or retired employees within 180 days before the date of the commencement of the case.''.

SEC. 304. RECOVERY OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Subchapter III of chapter 5 of title 11, United States Code, is amended by inserting after section 562 the following:

''§ 563. Recovery of executive compensation

''(a) If a debtor has obtained relief under section 1113(d) or section 1114(g), by which the debtor reduces the cost of its obligations under a collective bargaining agreement or a plan, fund, or program for retiree benefits (as defined in section 1114(a)), the court, in granting relief, shall determine the percentage diminution in the value of the obligations when compared to the obligations of the debtor under the collective bargaining agreement, or with respect to retiree benefits, as of the date of the commencement of the case under this title before granting such relief. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341, 1342), of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under that Act as a result of any such termination.

''(b) If a defined benefit pension plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341, 1342), effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under section 1113(d), or section 1114(g), the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities before such termination. The court shall not take into account pension benefits paid or payable under title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) as a result of any such termination.

''(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a nonqualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman or lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 or, if no such relief has been granted, the termination of the defined benefit plan.

''(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

''(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to subsection (c) of this section if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 562 the following:

''563. Recovery of executive compensation.''.

SEC. 305. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(j)(1) The trustee may avoid a transfer—

''(A) made—

''(i) to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy; or

''(ii) in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor); and

''(B) made or incurred on or within 1 year before the filing of the petition.

''(2) No provision of subsection (c) shall constitute a defense against the recovery of a transfer described in paragraph (1).

''(3) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover a transfer described in paragraph (1), except that, if neither the trustee nor such committee commences an action to recover the transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate.''.

TITLE IV—OTHER PROVISIONS

SEC. 401. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting '', including a labor organization,'' after ''A creditor''.

SEC. 402. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (28) the following:

''(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 425—SUPPORTING THE DESIGNATION OF MARCH 2018 AS ''NATIONAL COLORECTAL CANCER AWARENESS MONTH''

Mr. ENZI (for himself and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 425

Whereas colorectal cancer is the second leading cause of cancer death among men and women combined in the United States;

Whereas, in 2018, it is estimated that more than 140,250 individuals in the United States will be diagnosed with colorectal cancer and approximately 50,630 more will die from it;

Whereas colorectal cancer is one of the most preventable forms of cancer because screening tests can find polyps that can be removed before becoming cancerous;

Whereas screening tests can detect colorectal cancer early, which is when the disease is most treatable;

Whereas the Centers for Disease Control and Prevention estimates that if every individual who is 50 years of age or older had regular screening tests, as many as 60 percent of deaths from colorectal cancer could be prevented;

Whereas the 5-year survival rate for patients with localized colorectal cancer is 90 percent, but only 39 percent of all diagnoses occur at that stage;

Whereas colorectal cancer screenings can effectively reduce the incidence of colorectal cancer and mortality, but 1 in 3 adults between 50 and 75 years of age are not up to date with recommended colorectal cancer screening;

Whereas public awareness and education campaigns on colorectal cancer prevention, screening, and symptoms are held during the month of March each year; and

Whereas educational efforts can help provide to the public information on methods of prevention and screening as well as symptoms for early detection: Now, therefore, be it