debt, and throw us back into the tort system—all within one decade. Such a result truly would make the black lung fiasco seem insignificant. It would be an utter disaster. We cannot let it happen.

I wish that the Judiciary Committee had learned more from the black lung experience—that we could at least recognize that a no-fault trust fund must be run as a tight ship, with rigorous compensation criteria and no leakage of claims. Unfortunately, that does not describe the bill that has been produced by the Judiciary Committee.

In his recent testimony before this committee, Dr. James Crapo described how we are repeating the same mistake made in the black lung fund: we are compensating diseases that are not caused by occupational exposure to asbestos. Dr. Crapo criticized the fund's compensation of persons with pleural reactions, which are not regarded as a disease and are not even a predictor of future disease. He also criticized the fund's claim level for persons with colorectal, stomach, and other cancers, noting that it would ''result in large compensation to large numbers of individuals who develop a cancer for which there is no established causal relationship to asbestos exposure.''

And just as was the case with black lung, despite the asbestos fund's use of criteria that are far more liberal than what can be justified by medical science, we already are hearing arguments that the fund should go further, that its compensation criteria should be even more liberal. For example, the medical literature strongly demonstrates that the only marker for asbestos-related lung cancer is clinically significant asbestosis. The cohort studies overwhelmingly show that unless a person has at least some asbestosis, asbestos exposure played no role in his lung cancer. But in this bill, we go further than compensating lung cancer in the presence of asbestosis. We also compensate lung cancer with pleural plaques. Pleural plaques are evidence of asbestos exposure but are not a valid marker for asbestos-related lung cancer.

And yet, even this has not satisfied some fund critics. This committee was even forced to vote several times on an amendment that would have obligated the fund to pay compensation for lung cancer when the claimant did not even have pleural plaques. The committee did defeat that amendment by a vote of more than 2 to 1, showing some respect for medical science. Nevertheless, the amendment is a harbinger of the political pressures that this Fund ultimately will face over its life.

Several other aspects of this bill also cause me concern. Let me summarize some of those.

For example, the sunset: The bill still contains a provision that would prematurely terminate the fund and return all claims to State and Federal court, with no mechanism for fixing problems even if the reason that the fund is running out of money is because it is paying non-meritorious claims. Once the fund is started, it must work. Going back to court is not a realistic option. As the bill now stands, the fund would borrow $30 billion prior to any sunset. Once companies are back in court defending against asbestos claims, they would also be paying down this debt. This would require full trust fund assessments for at least a decade. These payments, combined with renewed litigation and no, or heavily eroded, insurance policies, would be unaffordable for many companies. The effects of such a sunset likely would be so devastating that companies would demand that the Federal Government begin directly subsidizing the fund. This is a prospect that we should do all that we can to avoid. The fund should have a self-correction mechanism that makes sure that a sunset will never happen.

Another problem is allocation. This is an emerging problem, the scope of which we are only gradually becoming aware of, and, frankly, one to which I will devote my primary attention. The bill requires companies to pay into the fund based on their past asbestos expenditures, judgments, settlements, and litigation costs, even if those payments in the past were all absorbed by insurance. Companies' insurance will not cover their trust fund payments; insurers pay into the fund separately. The fact that the bill effectively invalidates the company's insurance contracts creates colorable takings claims against the fund. It also creates some serious inequities. Companies that found their asbestos liabilities to be manageable will find themselves facing unaffordable fund assessments. I am going to insist we have language in this bill that will address these inequities.

Another problem is startup. Much progress was made during the last days of markup toward fixing the so-called startup provisions. Nevertheless, the fund still ultimately allows claims to return to court if there are delays in startup, with no limits on award and no offsets in future fund payments for participants. Other, much simpler trust funds, such as those for radiation workers, have taken 18 months to start functioning. We cannot dismiss the possibility that this fund will require more than 2 years to begin paying all claims. Without an offset in limits, such a startup reversion would be disastrous for many companies.

Another issue relates to pending claims. The fund allows claims that already have advanced to trial to remain in the tort system with no offsets and no limits on damages. Already, some trial lawyers have begun seeking acceleration of their trial dates in order to take advantage of this provision. For the same reasons as applied to the startup provisions, such continued litigation could be very damaging.

A final problem is the problem of medical criteria which I alluded to earlier. Although improved over the 2003 committee bill, especially with regard to removal of level VII smokers, the fund still pays people with very common diseases that were not caused by exposure to asbestos. Credible medical experts had expressed the view to the committee that these problems will bankrupt the fund. These flaws in the bill would be less severe if the fund contains some self-correction mechanism that allowed tightening the million-dollar criteria in the event of insolvency caused by nonmeritorious claims, but it currently contains no such mechanism.

In summary, the bottom line is this is a bill which remains very much a work in progress. I am committed to addressing its problems as the bill advances through the Congress. I want to see it advance through the Congress. The bill is so important to so many people: the asbestos victims seeking compensation—at least it might help take care of their families, the businesses with only marginal connections to asbestos that nevertheless face bankruptcy through litigation, and workers and pensioners who see their jobs and retirement accounts destroyed by the litigation juggernaut. This bill is important. I look forward to working on the legislation with the chairman of the committee, the ranking member, and others who are supporting it. I will support the cloture motion and motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

REMEMBERING CORETTA SCOTT KING

Mr. MCCONNELL. Mr. President, with the passing of Coretta Scott King, we have lost the First Lady of America's civil rights movement. She and her husband, the Rev. Dr. Martin Luther King Jr., helped awaken the Nation to a dream of an America where each person, to use Dr. King's beautifully profound formulation, is judged by the content of his character, not the color of his skin. Ms. King continued to sustain the dream after her husband's death. We can take comfort in the hope that, 38 years after his tragic death, this couple has been reunited at last.

Because of Coretta Scott King, Dr. King's legacy is still alive. Her tireless efforts led to the establishment of Martin Luther King Day on the third Monday of January every year beginning in 1986 to mark Dr. King birthday.

Because of Ms. King, Americans everywhere can explore Dr. King life and vision through the King Center in Atlanta. Established in 1968, the King Center attracts over 650,000 visitors annually.

Born in poverty in Heiberger, AL, in 1927, Coretta Scott grew up in the midst of segregation, walking to a one-room schoolhouse every day as a school bus full of white children passed her by. But these harsh surroundings did not extinguish her spirit.

As a girl, she enjoyed singing and had the talent to attend Boston's New England Conservatory of Music to train as a classical singer. She would later lend her gift to the civil rights cause, singing at over 30 Freedom Concerts to raise money for the movement.

It was while in Boston, in February, 1952, that Coretta first met a 23-year-old Martin Luther King, who was pursuing his doctorate in theology at Boston University. As a lonely southerner in a northern town, he asked a mutual friend if she knew any nice young ladies he could meet. She mentioned the name Coretta Scott, and described her as ''pretty and intelligent.''

The young King persuaded the friend to give him Ms. Scott's number and asked if she'd put in a good word for him. Soon, he called for a date. Displaying a bit of verbal flair, he said, ''You know, every Napoleon has his Waterloo. I'm like Napoleon at Waterloo before your charms.''

''Why, that's absurd. You haven't seen me yet,'' Coretta replied.

Undeterred, he finally convinced her to let me take her out for lunch between classes. ''I have a green Chevy that usually takes 10 minutes to make the trip from Boston University,'' he told her. ''But tomorrow, I'll do it in 7.''

That was 1952. They were married in 1953.

Ms. King once said, ''I was married to the man whom I loved, but I was also married to the movement.'' Her entire life was intertwined with the fight to stamp out the injustices of racism and inequality.

After her husband's life was tragically cut short, Ms. King persevered, raising four young children on her own. It must have been a lonely struggle . . . but her dignity and grace inspired a nation.

A few days ago, Ms. King became the first African-American to lie in honor in the Georgia State Capitol rotunda. Today she will be laid to rest alongside her husband, at the King Center in Atlanta, and for all time they will be reunited.

Martin Luther King once said of his wife, ''I think on many points, she educated me.'' Now, at the end of her celebrated life, many of us feel the same way. Dr. and Mrs. King helped educate America by forcing it to look itself in the mirror, face up to its failings, and recommit itself to its founding ideals.

So today, Coretta Scott King will be laid to rest in her beloved Georgia, next to the husband she lost 38 years ago. As the whole Nation reflects today on her incalculable contributions to human progress, I am reminded of Dr. King's own simple wish:

> I don't know how long I'll live, and I'm not concerned about that—but I hope I can live so well that the preacher can get up and say, ''He was faithful.'' That's all, that's enough. That's the sermon I'd like to hear: ''Well done my good and faithful servant.''

Ms. MIKULSKI. Mr. President, I rise to salute the life and legacy of Coretta Scott King. She earned a place not just in our history but in our hearts. She was a true trailblazer for women, for the African-American community. She was an inspiration for all Americans. I feel privileged to have known Mrs. King throughout much of my political career. Her family is in my thoughts and prayers.

Mrs. King's courage and faith were remarkable. She insisted that she had her own voice in the civil rights movement at a time when women were often not recognized for their own talents and merit. Not only was she resolute, but she was feisty—someone after my own heart.

Mrs. King's life story was remarkable—even before she met Dr. King. She was born into rural poverty in Alabama and grew up in a two-room house that her father built. She came from a hard-working family. Her father hauled timber, owned a country store, and worked as a barber. Her mother drove a schoolbus. Growing up in the segregated South, Coretta Scott King saw the injustices of racial discrimination. Yet she saw the value in working hard and fighting for her dreams. She attended college and the New England Conservatory, where she trained as a classical musician.

It was while studying music in Boston that she met Martin Luther King, Jr. From the beginning of their marriage, Coretta Scott King maintained her own identity and voice. She was Dr. King's true partner marching by his side and speaking out on her own. At the same time, she was a mother, raising four children. The entire family lived with threats and intimidation.

We all remember those tragic days after the assassination of Martin Luther King. She comforted a nation that was torn apart. She is the reason we have a national holiday that honors Dr. King.

She fought for equality before the law, for economic justice, and for lifting people out of poverty. Her vision was put to action when she founded the King Center for Nonviolent Social Change and saw to it that the center became deeply involved with the issues that she believed breed violence—hunger, unemployment, voting right, and racism.

Coretta Scott King took her message of nonviolence to every corner of this country and to almost every corner of the world. She led missions to Africa, Latin America, Europe, and Asia. She was the first woman to give a class-day address at Harvard and the first woman to preach at the statutory service at St. Paul's Cathedral in London, England.

Coretta Scott King will be remembered throughout American history for her grace, strength, and belief that all people should be treated with dignity and equality. We must honor her legacy not just with words but with actions. We must recommit ourselves to the principles she stood for—opportunity, equality, and empowerment.

Mr. ALEXANDER. Mr. President, I rise today to speak about the life and contributions of an American civil rights icon, Mrs. Coretta Scott King.

Many people know Mrs. King as the wife of one of America's greatest citizens, Dr. Martin Luther King, Jr. Dr. King's enduring legacy of nonviolence and his quest for racial equality permanently altered the social fabric of America. Mrs. King will always be remembered as a part of Dr. King's life and legacy that are rightfully celebrated across our great land and throughout the world. However, Dr. King's towering accomplishments should not obscure the fact that Mrs. King held her own historic place in our Nation's struggle for equal opportunity.

I am reminded of the time some 20 years ago when Mrs. King came to see me when I was Governor of Tennessee. We were working to establish a holiday in honor of her late husband. It was harder work than it should have been, and I am reminded of how far we have come even since that time.

Mrs. King was the founding president of the Martin Luther King, Jr. Center for Nonviolent Social Change which continued to promote the noble philosophies of Dr. King. In addition to promoting the memory of her husband and his great work, Mrs. King created her own legacy as she traveled throughout America and across the globe to champion racial equality, women's rights, religious freedom, health care, and education.

We all know that Mrs. King was born in a time when America was very different than it is today. Little Black boys and girls could not go to school with little White boys and girls. Plessy v. Ferguson had not yet been overruled, so ''separate but equal'' was the law of the land. Lynchings were common and in many places the Ku Klux Klan terrorized Black communities, often operating with near impunity. As we look back on the amazing progress we have made since then, we remember those who were responsible for helping America turn away from the sins of injustice and inequality.

As a wife, a mother, and a leader of the civil rights movement, Mrs. King showed strength and dignity. With quiet determination, she preserved her husband's legacy and created her own place in the history of our Nation's struggle for equal opportunity.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2005—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 852, which the clerk will report.