

NAACP Legal Defense Fund, or the LDF, decided to volunteer its time, considerable resources, and its donor funds to join in this fray, to join in this travesty, initially as an amicus to the trial and then as co-counsel.

The President's nominee to run the Civil Rights Division, Mr. Debo Adegbile, was the person responsible for the LDF's decision and its behavior in this outrageous set of circumstances. At the time, he was the LDF's director of litigation, and, as Mr. Adegbile told our own Senate Judiciary Committee during his testimony, he "supervised the entire legal staff" at LDF. That was 18 lawyers. He was also, if one looks at the LDF's site, responsible for "providing leadership and coordination regarding both litigation and non-litigation legal advocacy" and was also, according to the LDF's own description, "responsible for LDF's advocacy both in the courts of law and in the court of political opinion." So all of the legal, public, and political actions LDF was taking, it was taking under the direction, the supervision, and the authority of Mr. Adegbile.

It is important to understand this. There is a very clear legal principle that a supervising lawyer has the responsibility for the actions undertaken by the lawyers who report to him. That is the case in these circumstances, as well as the fact that the LDF openly acknowledges this.

What is it that the LDF lawyers then did in the circumstances of this case? When they should have been pursuing their historic role of providing the truth and justice for American people, they were advancing neither cause.

It is also important to point out that this was never a case of a criminal deserving a legal defense. Criminals do deserve appropriate legal counsel in their defense. The fact is that the trial had occurred decades ago. Abu-Jamal had multiple high-cost lawyers volunteering their time. He had plenty of lawyers. He didn't need more lawyers. What Mr. Adegbile did was he decided to join a political cause. That is what he decided to do. That is what this was all about. In my view, by doing so he demonstrated his own contempt for and, frankly, a willingness to undermine the criminal justice system of the United States.

Under Mr. Adegbile's oversight, the LDF spread misinformation about the trial, about the circumstances, and about the jury. He promoted division and strife among the American people and blocked justice for Danny Faulkner and Danny Faulkner's family. These LDF lawyers promoted the myth that Mumia Abu-Jamal was somehow a heroic political prisoner and that he was framed. In fact, he was a coward and an unrepentant murderer.

Under Mr. Adegbile's oversight, in January 2011 the LDF issued a press release decrying what I quote as the "grave injustices embodied" in Abu-Jamal's case.

In May 2011 two of the lawyers reporting to Mr. Adegbile traveled to

France for a rally on behalf of this murderer Mumia Abu-Jamal. One of these LDF lawyers said she was "overjoyed" that Mumia Abu-Jamal's death sentence was suspended but bemoaned the fact that he would not have a new trial so he could be set free.

Another LDF lawyer described Abu-Jamal as "people who are innocent" but "will continue to be put to death in America." Later, the same lawyer would falsely state that there was an absence of forensic evidence tying Abu-Jamal to Officer Faulkner's death. The fact is that there was forensic evidence. There were four eyewitnesses to the murder, and there were three witnesses to the subsequent bragging by Abu-Jamal about the murder.

At another rally again celebrating this murderer, one of the LDF lawyers supervised by Mr. Adegbile gushed: "It is absolutely my honor to represent Mumia Abu-Jamal." This attorney went on to say: "And there is no question in my mind, there is no question in the mind of anyone at the Legal Defense Fund, that the justice system has completely and utterly failed Mumia Abu-Jamal."

I have to say I agree the justice system failed, but the justice system failed Danny Faulkner, not Mumia Abu-Jamal.

Now we are faced with a situation where an individual who was directly responsible for some of these terrible injustices that have been done in the wake of Danny Faulkner's murder has been nominated to a high-ranking position in the Justice Department. The Civil Rights Division is an extremely important division in the Justice Department. The head of this division plays a very important role. And what is his responsibility? According to the division's Web site, the Civil Rights Division "fulfills a critical mission in upholding the civil and constitutional rights of all individuals." Of course, this requires that the head of the Civil Rights Division have an absolute commitment to truth and to justice.

I do not believe Mr. Adegbile's nomination is consistent with the goal of promoting truth and justice in America. I do not believe Mr. Adegbile's nomination is consistent with respect for America's legal system and rule of law. I do not believe Mr. Adegbile's nomination is consistent with justice for the family of Officer Danny Faulkner or for anyone else who cares about the law enforcement community across this country. For these reasons, I will oppose Mr. Adegbile's nomination to head the Civil Rights Division, and I urge my colleagues to do the same.

#### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I ask unanimous consent to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

The Senator is recognized.

#### HEALTH CARE

Mr. MCCONNELL. Yesterday President Obama was asked about the administration's latest ObamaCare delay. Instead of finally explaining to the American people why he believes certain employers would get ObamaCare exemptions while the middle class should not, he just doubled down again on the same old talking points. It is truly disappointing.

I wish he would finally agree to work with Republicans on a way to replace ObamaCare with bipartisan reforms that could help the middle class and those who are hurting the most because this much is now perfectly clear: ObamaCare is not working the way the administration promised. It is hurting the middle class, it is eliminating incentives to work in the middle of a jobs crisis, and it will lower overall compensation—things such as salaries, wages, and benefits for the American people—with those who earn the least potentially the most negatively impacted of all.

ObamaCare is a law that is not fair, and this is essentially true for many of those it purports to help. For all the disruption and pain, it is a law that will still leave 31 million Americans uninsured at the end of the day. That is why it is not surprising when we hear that nearly 90 percent—9 out of 10—of the new enrollees in ObamaCare exchange plans are actually folks who were already insured, many of them simply shifting from plans they liked to more expensive plans the government thinks they should have. This leads so many Americans to ask: What was the point? What was the point of ObamaCare?

For months the folks in my State have watched the administration hand out exemption after exemption to its friends and waiver after waiver to the politically connected. They are left to think, how is that fair? More than one-quarter of a million Kentuckians received notice last year that their health insurance plans would be canceled because of ObamaCare. Kentuckians lost plans they liked and wanted to keep. Many realized that they wouldn't be able to afford new coverage or that new plans wouldn't cover the doctors and hospitals they have come to know and trust or that massively increased premiums and deductibles would radically alter the ways they lived and worked.

So while I am sure the folks who conceived the law meant well, this much seems perfectly clear by now: Trying to run folks' lives from hundreds of miles away is not the way to help. It is often the way to make things worse.

Kentuckians are capable of making the decisions that worked best for them, for their own medical needs and financial situations. I am sure there is some think-tank report that might disagree. I know there is no end to well-

paid Washington bureaucrats with “better ideas,” but people do not want Washington’s enlightened judgment ruling over their lies.

ObamaCare is what you get when you put decisions that belong in the hands of the middle class in the hands of the government class. You get 2,700 pages of law that lead to 20,000 pages of rules and regulations. You get a Web site that doesn’t work as a symbol of a law that won’t work. You get a maze of bureaucracies and government contractors with indecipherable acronyms—CMS, CCHIO, CGI, QSSI—that seem to exist to obscure accountability when things go wrong. You get decisions that are based upon the needs of a political calendar rather than what it will take to get the job done.

Worst of all, we hear stories from Kentuckians such as this one from a woman who was about to lose her plan and was shopping on the exchange. She said:

I can’t afford the options that have been made available to me. I make too much money to qualify for any “help” from the ACA but I don’t make enough to afford paying double what my premium is now. To get a plan that is “comparable” to what I have now, I will have to pay about \$12,000 a year in premiums alone.

You hear stories like the one Rebecca Stuart recently shared with President Obama himself. She told the President that she had to change health insurance plans even though she liked her old plan—and that she was having “a panicked experience” trying to get consistent answers about whether her 10-year-old son would continue being able to see his specialist under ObamaCare.

This isn’t right. I know the President can’t be unmoved by these stories, so I am calling on President Obama to move to the center. I am saying it is time to start over on health care—to replace ObamaCare with real bipartisan reforms that can actually help the people who need it, because a plan such as ObamaCare that costs this much, that hurts this many Americans, and that still fails to achieve its principal goal at the end of the day just won’t work.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

#### PROTECTING SCHOOLCHILDREN

Mr. TOOMEY. Mr. President, I rise to speak briefly about a bill I have introduced. This is a bill that is about protecting our kids in schools. As the father of three young kids, I share the feeling I suspect every parent has: There is no higher priority than making sure our children are safe. We can’t personally provide that security all day everywhere at all times, and so we want to make sure the places our kids go are as safe as they can be. Our kids obviously spend a great deal of time at school, and so we want our schools to be the safest environment they can be.

And it turns out there is more we can do.

I have a bill—it is a bill I have introduced with Senator JOE MANCHIN of West Virginia—a bipartisan bill that is going to help provide greater security for kids in our schools. My immediate inspiration for introducing this bill came from a tragic story that originated in Pennsylvania. It is a story that begins at a school in Delaware County. One of the schoolteachers, it turns out, had molested several boys and had raped one. The prosecutors never felt they had enough evidence to actually mount a case against him, but the school knew what had happened so they dismissed the teacher. But unbelievably, to me, although they dismissed him, they also gave him a letter of recommendation he could take with him as he applied—where do you think—to other schools. Because that is what these predators do—they look to be in an environment where they can find more victims. That is exactly what this guy did, and he managed to get another teaching job in West Virginia.

This episode ends in 1997, when that teacher—who by then was a school principal—raped and murdered a 12-year-old boy named Jeremy Bell. So justice has caught up with that teacher. He has since been apprehended, charged, tried, and convicted, and he is now serving a jail sentence for murder. But that was all too late for Jeremy Bell.

Unfortunately, Jeremy Bell’s story is not unique. I was at a YMCA in Chester County, PA, a few weeks ago. Our district attorney there, Tom Hogan—the district attorney for Chester County—told me a very disturbing story. They are doing an investigation of the Coatesville School District for alleged financial mismanagement. That is what the investigation was about. But in the course of the investigation, they discovered there are numerous school employees who are felons.

He couldn’t reveal many details because it is an ongoing investigation even now, but he was able to share one story. It is a story of a Victor Ford, who was an employee. He had been convicted three times for felony drug dealing. In 2009 he was hired as a special education classroom aide and a seventh grade boys basketball coach. In 2010 he raped a young girl—not at this school. Later, he resigned from the school and has since pled guilty to corruption of minors.

This is appalling, and it is so completely unacceptable anywhere in America. So I have introduced a bill that has broad bipartisan support. In fact, it is a bill that has passed the House unanimously. This should not be controversial.

This bill would insist that schools conduct proper criminal background checks for both existing and prospective employees and that these background checks be repeated periodically. There are five States that don’t require

any check at all, according to a GAO report, and my State of Pennsylvania requires it only for new hires but never relooks at people who may have been working for the school for many years.

This bill also requires the background check for a criminal history be done for any employee who is going to come into contact with kids, so not just teachers. It could be a coach, a contractor, or anybody who is going to interact with children. There are 12 States that have no such provisions.

The bill would also require a more thorough background check. Some States check their own State’s database for criminal activity but they do not look at the FBI’s database or a national record of criminality. Our bill would require that.

The bill would forbid knowingly passing on a letter of recommendation to a predator. It is shocking that even has to be contemplated, but it has occurred. Sometimes there is this feeling of, well, let’s just make the problem someone else’s problem. So it does happen, but it is outrageous and appalling, and it needs to be forbidden. Our bill would do that.

The bill would preclude the possibility of hiring people ever convicted of a violent sexual crime against a child, whether that is a misdemeanor or a felony and a number of other violent felonies, including homicide, child abuse, neglect, crimes against children, including pornography and other serious crimes, and other felonies if they have been committed within the previous 5 years.

The enforcement mechanism basically is to withhold Federal funding for schools in States that refuse to do an appropriate check to make sure our kids are safe. This is just common sense and it has broad bipartisan support.

Again, I thank Senator JOE MANCHIN for being my cosponsor on this legislation. It is called the Protecting Students from Sexual and Violent Predators Act. It is S. 1596. Again, it passed the House unanimously. But this is more than just a piece of legislation. This is a moral imperative. This is something we know we can do to make our schools safer for our kids, and I think we should do just that.

I am engaged in discussions with some of my colleagues. I hope this will not be controversial and that we will soon get to the point where we can pass this by unanimous consent or hotline this so we get this done. As I said, it has already passed the House. As soon as we pass this bill, it will go to the President and it will be signed into law. I hope my colleagues will join me in this effort and we will be able to get it done soon.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Nebraska.

#### HEALTH CARE

Mr. JOHANNES. Madam President, I rise today to speak again about the