

needs and that their Medicare coverage can be greatly improved. I was an original cosponsor of the Medicare Mental Health Copayment Equity Act, which was signed into law in 2008, that eliminated higher outpatient copayments for mental health services I have also recently re-introduced legislation with Senator BROWN that would update the Medicare program by recognizing clinical psychologists as independent care providers, thus expanding mental health care options and access for Medicare beneficiaries.

The legislation I am introducing today breaks down another barrier in Medicare, the 190-day lifetime cap on inpatient services in psychiatric hospitals. No other Medicare inpatient service has these types of arbitrary caps, which is why elimination of Medicare's lifetime cap was a recommendation of the 2016 White House Mental Health and Substance Use Disorder Parity Task Force.

I recognize that this cap was originally intended to limit the federal government's role in paying for long-term custodial support of the mentally ill. And no one wants to go back to the abusive days of long term institutionalization, which is why I have championed so many measures to help bolster community mental health resources. At the same time, keeping a cap on inpatient days at psychiatric hospitals—particularly for patients who have been living with serious mental illness from a young age—undermines patient treatment options and can lead to disruptive transitions of care. Many general hospitals lack psychiatric capacity and there are countless examples across the country of psychiatric boarding in emergency departments. Skilled nursing facilities may not be best suited to provide the complex and specialized psychiatric care these beneficiaries need. Finally, too many patients find themselves receiving care in prisons.

According to a 2019 Mathematica report commissioned by the Department of Health and Human Services, most fee-for-service Medicare beneficiaries who use inpatient psychiatric facilities have primary diagnoses of schizophrenia, major depressive disorder, and bipolar disorder, but Alzheimer's and related diagnoses are also common. We need to help patients with serious mental illness recover regardless of the setting where they are receiving care. The Medicare Mental Health Inpatient Equity Act is supported by a wide range of mental health groups, including the National Association of Behavioral Healthcare, the American Psychiatric Association, the American Psychological Association, and Mental Health America.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—EXPRESSING THE SENSE OF THE SENATE THAT ORDER MUST BE IMMEDIATELY RESTORED TO THE CITIES OF THE UNITED STATES SO THAT CITIZENS MAY HAVE PEACE AND THE LEGITIMATE GRIEVANCES OF PEACEFUL PROTESTORS MAY BE HEARD AND CONSIDERED

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 601

Whereas the killing of George Floyd (referred to in this preamble as "Mr. Floyd") by a police officer in Minneapolis, Minnesota, was a deeply immoral and reprehensible act for which justice must be done under the law;

Whereas other apparent instances of unjust police violence, such as the recent killing of Breonna Taylor in Louisville, Kentucky, must be met with immediate, thorough investigations and full justice;

Whereas the United States cannot fully realize the constitutional promise of equal protection and equal justice under the law until unjust police violence against Black Americans has been further addressed;

Whereas the peaceful demonstrations for justice and change following the death of Mr. Floyd are noble and patriotic;

Whereas it is the sacrosanct constitutional right of all people of the United States to demonstrate peacefully in favor of social and political change;

Whereas the constitutional rights of citizens unequivocally do not include any right to—

- (1) loot, pillage, burn, or destroy property;
- (2) attack police officers; or
- (3) disobey lawful orders of the police;

Whereas the violent rioting and mayhem that has descended on cities of the United States in the week preceding the date of introduction of this resolution is unjustifiable and immoral;

Whereas it is the fundamental responsibility of all governments to secure domestic tranquility and protect the lives and property of their citizens so that those citizens may exercise their rights and liberties in peace;

Whereas State and local governments bear primary responsibility for restoring order and suppressing these violent riots;

Whereas the Federal Government should stand ready to provide whatever aid is requested or necessary to restore order and tranquility in the streets of the United States; and

Whereas the men and women of local and Federal law enforcement agencies and the National Guard have acted with tremendous bravery and honor across the United States in the face of rioting, mayhem, and brutal attacks: Now, therefore, be it

Resolved, That it is the sense of the Senate that order must be immediately restored to the cities of the United States so that—

- (1) citizens may have peace; and
- (2) the legitimate grievances of peaceful protestors may be heard and considered.

SENATE RESOLUTION 602—RECOGNIZING THAT THE MURDER OF GEORGE FLOYD BY OFFICERS OF THE MINNEAPOLIS POLICE DEPARTMENT IS THE RESULT OF PERVASIVE AND SYSTEMIC RACISM THAT CANNOT BE DISMANTLED WITHOUT, AMONG OTHER THINGS, PROPER REDRESS IN THE COURTS

Mr. BOOKER (for Mr. MARKEY (for himself, Mr. BOOKER, Ms. WARREN, Mr. VAN HOLLEN, and Mr. SANDERS)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 602

Whereas Black people in the United States are disproportionately the victims of shootings, chokeholds, and other uses of excessive force by law enforcement officers;

Whereas the use of excessive force during an arrest or investigatory stop constitutes an unreasonable seizure under the Fourth Amendment to the Constitution of the United States, which guarantees the right of every person in the United States to be free from unreasonable searches and seizures at the hands of law enforcement officers;

Whereas the use of excessive force during a period of pretrial detention constitutes the deprivation of due process under the Fifth and 14th Amendments to the Constitution of the United States, which guarantee the right of every person in the United States to be free from arbitrary interference with the liberty of that person at the hands of law enforcement officers;

Whereas the use of excessive force during a term of imprisonment constitutes the use of cruel and unusual punishment under the Eighth Amendment to the Constitution of the United States, which guarantees the right of every person in the United States to be free from cruel and unusual punishment at the hands of law enforcement officers;

Whereas section 1979 of the Revised Statutes (42 U.S.C. 1983), which is derived from the first section of the Act of April 20, 1871 (commonly known as and referred to in this preamble as the "Civil Rights Act of 1871") (17 Stat. 13, chapter 22), makes liable "every person", including police officers, correctional officers, and other law enforcement officers, who, under color of law, deprives another person of civil rights;

Whereas the judicial doctrine of qualified immunity wrongly and unjustly precludes the victims of police violence from vindicating the rights of those victims under section 1979 of the Revised Statutes (42 U.S.C. 1983)—

(1) by effectively immunizing law enforcement officers from civil suit unless a prior court case has "clearly established" that the challenged use of excessive force is illegal; and

(2) by narrowly construing the "clearly established" standard so that any factual or contextual distinctions between the challenged use of excessive force and the use of excessive force in a prior case, even small or insignificant distinctions, are cause for qualified immunity with respect to the challenged use of excessive force;

Whereas the defense of qualified immunity has no historical common law basis;

Whereas the intent of Congress in enacting the Civil Rights Act of 1871 was to hold State and local law enforcement officers accountable for intimidating, harming, and murdering Black people in the United States after the Civil War;

Whereas, in 2017, Supreme Court Justice Clarence Thomas recognized that the defense