

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

of qualified immunity has no textual basis in section 1979 of the Revised Statutes (42 U.S.C. 1983) and thereby represents “precisely the sort of freewheeling policy choice” that courts “have previously disclaimed the power to make”;

Whereas the courts of appeals of the United States are more likely than not to grant qualified immunity to law enforcement officers;

Whereas, in 2018, Supreme Court Justice Sonia Sotomayor acknowledged that the Supreme Court of the United States “routinely displays an unflinching willingness” to reverse decisions of the courts of appeals of the United States denying qualified immunity to law enforcement officers;

Whereas the lack of accountability that results from qualified immunity arouses frustration, disappointment, and anger throughout the United States, which discredits and endangers the vast majority of law enforcement officers, who do not engage in the use of excessive force;

Whereas a civil action under section 1979 of the Revised Statutes (42 U.S.C. 1983) is often the only viable solution for victims of police violence and the families of those victims to hold law enforcement officers accountable for the use of excessive force because criminal prosecutors are reluctant to charge, and juries are hesitant to convict, law enforcement officers; and

Whereas the Government of the United States has established itself as a government of laws, and not of men, but will cease to be so if it does not furnish a viable remedy for all civil rights violations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and acknowledges the legal and racial inequities inherent in the judicial doctrine of qualified immunity as that doctrine is applied to law enforcement officers;

(2) recognizes and acknowledges that the doctrine of qualified immunity rests on a mistaken judicial interpretation of a statute enacted by Congress; and

(3) recognizes and acknowledges that, to correct that mistaken judicial interpretation, Congress should amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to eliminate the qualified immunity defense for law enforcement officers as that defense exists as of June 1, 2020.

SENATE RESOLUTION 603—EXPRESSING THE SENSE OF THE SENATE THAT STATE AGENCIES AND OTHER PROVIDERS OF FOSTER CARE SERVICES SHOULD MAKE EVERY EFFORT TO ENSURE THAT SIBLINGS REMAIN TOGETHER IN THE FOSTER CARE SYSTEM

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. KAINE, Mrs. CAPITO, Ms. ROSEN, Mr. LANKFORD, Mr. MORAN, Mrs. LOEFFLER, Mr. INHOFE, and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 603

Whereas sibling relationships are important and should be recognized and respected;

Whereas sibling relationships provide needed continuity and stability during the placement of a child in foster care;

Whereas the sibling bond is unique and separate from the parent-child bond, and may include relations with people not linked by blood;

Whereas siblings share similar history, heritage, culture, and often biology;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) requires that States make reasonable efforts—

(1) to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and

(2) in a case where siblings are removed from their home and not placed jointly, to provide for frequent visitation or interaction between the siblings, unless the State documents that frequent visitation or interaction would be contrary to the safety or well-being of any of the siblings;

Whereas sibling separation is a significant and distinct loss that must be ameliorated by frequent and regular contact; and

Whereas all foster children deserve the right to know and be actively involved in the lives of their siblings absent extraordinary circumstances: Now, therefore, be it

Resolved, That it is the sense of the Senate that State agencies and other providers of foster care services should—

(1) make every effort to ensure that children are placed in homes with their siblings;

(2) ensure that siblings who are not placed together are provided with ample opportunities to communicate with each other and remain connected; and

(3) in a case where siblings are not placed jointly, document the reasons why.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 10:30 a.m., to conduct a hearing on the following nominations: Russell Vought to be Director, Office of Management and Budget and Craig E. Leen to be Inspector General, Office of Personnel Management.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 10 a.m., to conduct a hearing on the nomination of Justin R. Walker, to be

U.S. Circuit Judge for District of Columbia Circuit.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

The Subcommittee on Intellectual Property of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 2:30 p.m., to conduct a hearing.

ORDERS FOR WEDNESDAY, JUNE 3, 2020

Mr. MCCONNELL. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, June 3; further that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Anderson nomination under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. So if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators BOOKER and VAN HOLLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

RACISM

Mr. BOOKER. Mr. President, I rise today with difficulty. I admit I am like so many other Americans who are hurting right now and feeling a torrent of emotions that I wish I could say it was the first time I felt like this.

I want to begin my remarks in a different way because the names that we are hearing shouted on streets—George Floyd, Ahmaud Arbery, Breonna Taylor—are like so many other names of people that we did not know as a Nation. They were not household names. Their names now are mixed into names that we have heard throughout my entire lifetime. But their names—and the way we say them mixed with horror and sadness and tragedy—it does not speak to their beauty, their humanity, the fullness, the texturedness of their lives. I just want to say that Ahmaud Arbery was a man, and he was 25 years old when he was murdered. He went out jogging where he was hunted by two White men who walked free for weeks after killing him.

This man, this child of God, his loved ones talked to his humanity. They said he was a loving son, a brother, an uncle, a nephew, a cousin, and a friend. He was humble. He was kind. He was