

condemned the EPA's waters of the United States rule. And here in the Senate, West Virginia's own Senator CAPITO has consistently led our efforts to cut the overreaching regulatory state back down to size. She sponsored the legislation that would have codified the last administration's common-sense fixes. She spearheaded Congress's brief to the Supreme Court as it considers this issue.

And today, she will introduce her Congressional Review Act resolution to give every one of our colleagues the opportunity to protect the future of transformative infrastructure, energy, and agriculture projects in their States.

West Virginia should be proud that one of their two Senators is committed to reforms that get more of Washington's messes out of their way. I am proud to support Senator CAPITO's resolution. I would urge each of my colleagues to do the same.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Joseph Lee Falk, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

The PRESIDING OFFICER (Mr. LUJÁN). The Republican whip.

CONGRATULATING THE SOUTH DAKOTA STATE UNIVERSITY JACKRABBITS

Mr. THUNE. Mr. President, yesterday the Senate unanimously approved my resolution with Senator ROUNDS formally congratulating the South Dakota State University football team on their championship season. And what a great season it was for the Jackrabbits. They ended the season 14 and 1 and never lost a game in their conference. They earned the No. 1 seed in the Football Championship Subdivision playoffs. And they brought home the FCS National Championship for the first time in program history with a 45-to-21 win against the North Dakota State Bison last month in Frisco, TX.

I happened to be on hand for that game. It was an extraordinary game and capped off an extraordinary season. I happened to be there for the semifinal game against Montana State, which the Jackrabbits won decisively. In each of those games, and their games

throughout the season, they demonstrated on the field not only great skill but just an incredible determination, resilience, and a willingness to play together as a team, which, really, I think, is what distinguished and differentiated their team from many others around the country this year. It really was an extraordinary team to watch on both sides of the ball. And as someone who has been a fan of sports for a long time, it was really exciting to see the success that they had not only throughout the course of the season but ultimately capping it off with the national championship.

That championship win was a fitting capstone to coach John Stiegelmeier's 26-season career leading the Jacks. Coach Stig, as he is affectionately known, is the heart and soul of Jack-rabbit football.

Like many South Dakotans, he learned his values from his dad. He worked on a family farm in Selby, SD. His dad told him: If you work hard and be a good person, you will have success. Work hard, be a good person, and you will have success.

I would say Coach Stig has done all three. His determination transformed SDSU's football team into what it is today. SDSU became a Division 1 program under his leadership, and former Jacks players have gone on to careers in the NFL. His calm, patience, and caring set the standard for the players and made the team a family.

He leaves as the winningest coach in SDSU history, the 2022 FCS Coach of the Year, and, of course, with a national title for the team that he has dedicated his career to making great.

Huge congratulations to the Jackrabbits on their season and to Coach Stig, and we wish you all the best in your retirement. You have earned it.

COMMITTEES

Mr. President, yesterday Republicans confirmed their committee assignments for the new Congress. And for the 118th Congress, I am excited to once again be serving South Dakotans on the Senate Agriculture, Finance, and Commerce Committees.

If any committee is a good fit for a South Dakota Senator, it is the Senate Agriculture Committee. Agriculture is the lifeblood of South Dakota, and day in and day out, one of my top priorities is addressing the needs of farmers and ranchers.

And my seat on the Senate Agriculture Committee gives me a particularly valuable platform from which to advocate for South Dakota producers. Over the years, thanks in part to my position on the committee, I have been able to help secure resources for farmers and ranchers whose herds and crops have been hit hard by adverse weather.

I have been able to strengthen the farm safety net through commodity programs like the Agriculture Risk Coverage Program. And I have been able to establish a safety net for livestock producers through programs like the Livestock Indemnity Program and the Livestock Forage Program. I have been able to make the Conservation

Reserve Program a more effective tool for producers. And more.

And 2023 is a particularly exciting time to be on the Ag Committee because 2023 is a farm bill year. During my time in Congress, I have been involved in drafting four farm bills, and I am eager to get to work on my fifth.

I have been gearing up for the 2023 farm bill since last year, when I began convening roundtables with farmers and ranchers and ag stakeholders to hear about their top priorities for this year's bill.

I have also introduced several pieces of legislation that I will work to get included in this farm bill, including legislation to strengthen and improve the Conservation Reserve Program, increase the information available on the impacts of conservation practices, and address the needs of South Dakota livestock producers.

In addition to focusing on the farm bill, I will be monitoring the evolving situation on the Obama-era Waters of the United States rule that President Biden's Environmental Protection Agency just resurrected, which would give the Federal Government sweeping jurisdiction over most water features in our State, from ephemeral streams to prairie potholes.

This would be a nightmare for South Dakota landowners and particularly farmers and ranchers, and I will be doing everything I can to keep the heavy hand of the Federal Government out of the business of regulating landowners' puddles.

I am also proud to continue serving on the Commerce Committee of which I am a long-term member, including 4 years as chairman. The Commerce Committee's jurisdiction is broad. It is the Senate's "planes, trains, and automobiles" committee and its oceans and space; it is the technology committee.

Our work is inherently forward-looking, and it is often some of the most interesting, relevant, and exciting work going on in the Congress. So it is no surprise that the Commerce Committee offers plenty of opportunity to deliver for South Dakotans.

With a reliable internet connection being increasingly essential for everyday life, closing the digital divide is more important than ever. And as a member of the Commerce Committee, expanding broadband access into unserved areas has long been a priority of mine.

I have worked to support broadband expansion, reduce unnecessary obstacles to building reliable networks, and, most recently, to hold Federal agencies accountable to ensure that Federal funding for rural broadband goes to its intended purpose, which is expanding broadband access to areas that currently lack it.

I also believe we need to hold Big Tech platforms accountable. South Dakotans and many other Americans are

frustrated by the lack of transparency in these companies' content moderation practices.

In this Congress, I will be working to advance my bipartisan legislation to increase transparency and due process for users on internet platforms.

I will continue working to ensure that rural States like South Dakota have a seat at the table when it comes to infrastructure investment.

I have spent my time on the Commerce Committee working to support rural States' unique transportation needs, especially maintaining reliable transportation for livestock and agricultural products.

Last year, I worked on a bipartisan fix to shipping bottlenecks that were interrupting exports of South Dakota agriculture products and other goods.

This year, we will need to reauthorize the Federal Aviation Administration and improvements to South Dakota's airport infrastructure and rural air service will be among my priorities.

My third committee assignment is on the Senate Finance Committee. Over at Finance, we focus on tax, trade, and health issues. Making sure that our tax system is serving our economy and American workers is something I take very seriously. And I am deeply committed to making sure that we keep a lid on the amount of money the Federal Government is taking out of Americans' paychecks.

I was proud to be involved in the Republican-led tax reform legislation that passed in 2017, which allowed Americans to keep more of their hard-earned money and helped ensure that American businesses can be competitive in the 21st century economy so that they can offer the best opportunities to American workers.

And one of my priorities right now is making sure that we extend, or make permanent, expiring provisions of the 2017 legislation so that American families and businesses aren't facing tax hikes in the near future.

Another priority of mine at the Finance Committee is making sure that we are opening new markets for American products and services abroad. And, of course, agriculture producers, in particular, are at the top of my mind. They have had a tough couple of years between inflation, shipping issues, meat-processing bottlenecks, and all the usual challenges that come with an industry where a single storm can wipe out a year's work. And opening up new market access opportunities for our ag producers to sell their products is one of my biggest Finance Committee priorities.

Unfortunately, the Biden administration has done very little to advance U.S. trade leadership and create new markets for American products and services. So this year, I will be doing everything I can to ensure that we are advancing trade opportunities that benefit American producers and American workers.

It is the honor of my life to represent South Dakotans in the U.S. Senate.

And I am excited about the opportunities that I will have this year at the Agriculture, Finance, and Commerce Committees to serve the people of South Dakota and to help make life better for Americans around the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

30TH ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

Mr. DURBIN. Mr. President, by all accounts, America has made a remarkable recovery in the last 2 years. When President Biden entered office, we faced the worst public health crisis in the history of our country, the most daunting economic challenge since the Great Depression, and a global upheaval that disrupted every aspect of our lives.

Two years later, America is coming back. Thanks to the work of our Democratic majority, the cost of living is finally coming down. But we are not out of the woods yet.

If you travel in my State of Illinois, which I have been doing over the last several weeks—especially in Central and Southern Illinois—you will notice the same sign hanging in one business after another: "Help Wanted." You can't help but notice in my hometown of Springfield, there is a franchise of Chicken Fingers that is going to be opening soon. There is a sign outside the soon-to-be completed building that says \$15 an hour, please call us to work in fast food.

While businesses are reopening their doors and demand for goods and services is rebounding, America is still struggling with a shortage of workers. I hear it everywhere, particularly in the healthcare sector, where the shortage of nurses and medical professionals really creates a hardship in the center city, as well as in urban areas, small towns, and large cities alike. This shortage of medical professionals is a national emergency, which I will address at another time.

In addition to that, we have to ask ourselves, what is the reason for the shortage? Make no mistake, the decision of the Trump administration to cut down legal immigration to the United States is one of the reasons. We usually have about 1 million immigrants a year, legal immigrants, come to work. During the Trump years, a total of 4 years, it was 1 million. So they cut the number by three-fourths. We wonder why we are still looking for workers.

Let's be very honest about it. Whether in the city of Chicago, Springfield, or downstate Illinois, these immigrant workers are willing to take jobs many

Americans will not take. They work harder at them and really do their best to help their families get started in this country. That is the story of America, and it is a story that needs to be repeated because immigration labor at this point is critical not just in the cities but in the agricultural areas, as the Presiding Officer from New Mexico knows well. We need workers, and we need good ones, and immigrants can be part of that workforce.

At the same time, there is a fundamental problem in our economy that we need to be addressing honestly. The work-life balance is out of whack. Today, fewer and fewer Americans are willing to work long hours for survival wages, especially when they have urgent, personal family responsibilities at home, like caring for an infirm parent or a newborn.

Last month, I received a letter from one of my constituents in Illinois. It speaks to the problems facing parents and caregivers, as well as many others.

She wrote:

My husband and I both have good jobs. . . . We have three children. [The cost of childcare accounts for] over a quarter of our monthly take home [pay]. All of our other bills combined don't even equal that. I can only imagine the burden on other families. . . . No wonder unemployment is so high. How are people able to afford or even find childcare[?]

This constituent asks if Congress has any plans to revive the enhanced child tax credit that we included in the American Rescue Plan. I wish I could tell her yes, but sadly the new Republican majority in the House of Representatives does not even mention this as a priority in the future. Daycare and childcare and caregivers are a critical part of family life for so many Americans. Yet, the Republicans, at least in the House of Representatives, are ignoring the reality.

Beyond the child tax credit, her letter makes one thing clear: Our safety net has too many holes in America, and if a parent working a full-time job can still fall through that, then clearly we have work to do.

I think about that constituent's story as we approach the 30th anniversary of the Family and Medical Leave Act this Sunday. Back in 1993, this law passed Congress with broad bipartisan support. In the decade since, more than 315 million workers have relied on that to take care of themselves and their family members. It is hard to imagine, but in the days before the Family and Medical Leave Act, America had zero Federal job protections for workers with a new baby or a sick family member at home.

This law was a massive victory for working families, but today, it is just not enough. The Family and Medical Leave Act guarantees 12 weeks of unpaid leave for workers. How does that help pay for the diapers, the formula, medications? Well, it just doesn't. Worse yet, many full-time workers are excluded from the law's basic job protections. In Illinois alone, nearly 60

percent of working adults don't qualify for unpaid leave under the Family and Medical Leave Act—6 out of 10 workers.

Here is the bottom line: If you want to get America back to work, you need to back them up. The Family and Medical Leave Act is a promising foundation, but it just isn't enough. We need to modernize the American safety net for a new generation of workers.

Think about this: Over the next decade, adults over the age of 65 are projected to outnumber children in America for the first time in our history. That is going to make life even more challenging for the 53 million Americans who are today already serving as caregivers for a family member or partner. This is particularly challenging for young Americans. One in four family caregivers is a millennial who, on average, spends 21 hours a week caring for a loved one at home. That is more than half of a full workweek, and they don't see a dollar for it.

These Americans, many of whom are also balancing a full-time job with full-time responsibilities as a caregiver, really need our help. They deserve it—at least a living wage to start with. Our Federal minimum wage is a starvation wage. There is not a single part of the country where \$7.25 an hour is enough—not even close. Let's raise it.

While we are at it, let's also revive that enhanced child tax credit that reduced child poverty in America by one-third. Think about that. Kids living in poverty—the total was reduced by one-third just from the child tax credit. That is breathing room for a lot of parents to make ends meet.

If we really want to help Americans get back to work, we should start by building on the success of the Family and Medical Leave Act.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 242 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Texas.

PRESCRIPTION DRUG COSTS

Mr. CORNYN. Mr. President, last weekend, the New York Times ran a story entitled "How a Drug Company Made \$114 Billion by Gaming the U.S. Patent System." This is an infuriating account of how a pharmaceutical company maintained a monopoly on a popular drug and the impact it has had on patients and taxpayers.

The company is AbbVie, and the drug is Humira, one of the most widely prescribed drugs in the world. It is an anti-inflammatory medication that is

commonly used to treat arthritis and other conditions.

Despite the fact that Humira has been available for two decades, its first competitor didn't hit the market until earlier this week. That wasn't due to a lack of interest by other companies or an inability to produce the biosimilar that could earn Food and Drug Administration approval. It was because AbbVie used a maze of overlapping patents and an aggressive litigation strategy to stave off any competition.

Unsurprisingly, this led to big earnings for the company—\$114 billion in revenue since 2016—and it has come at a high cost to patients who rely on this drug to maintain their health. The list price for Humira is more than \$80,000 per year, per patient. That is higher than the median household income in Texas.

So depending on the patient's insurance, that price could be lowered significantly for the consumer or the patient themselves. A woman in Kentucky said her employer's health insurance plan kept her payments at around \$60 a year. But, of course, we know that, if the insurance company is paying retail or some negotiated price, ultimately that price is going to be passed along in terms of higher insurance premiums for the consumer.

So there is a lot of bait and switch going on here. Once she retired and switched to Medicare, the cost skyrocketed to \$8,000 a year. So her private insurance kept her payments to \$60 a year, but when she changed to Medicare, it went to \$8,000 a year. This is, again, part of the shell game in healthcare and in pharmaceuticals.

I can't imagine anyone living on a fixed income who could afford such an expensive drug. The good news, at least for this specific drug, is that, at long last, Humira's monopoly has come to an end. Earlier this week, the first biosimilar came to market, and more are expected later this year.

Humira is one of the most egregious examples of patent abuse, but it is far from the only one. Other pharmaceutical companies are engaging in this practice every day, and there is nothing to prevent others from using this same playbook. I hope that will change soon.

Earlier this week, Senator BLUMENTHAL, the Senator from Connecticut, and I reintroduced a bill called the Affordable Prescriptions for Patients Act to put an end to this anticompetitive practice that keeps drug prices artificially high.

There are two practices in particular that this bill will address. One is called patent thicketing—patent thicketing—which involves building layers upon layers of patents to prevent competitors from ever hitting the market. That is what AbbVie did with Humira. The company has—or has had, until just now, with its monopoly ending—as many as 134 active patents for a single drug—134 patents.

Now, I am a firm believer in the patent system. I believe we ought to pro-

tect investments made in cutting-edge and lifesaving drugs, and we ought to reward those who invent these lifesaving drugs with an exclusive right to sell it for a period of time. That is what the patent law does, and it incentivizes more and more people—more and more scientists and medical researchers—to come up with new lifesaving drugs.

But getting 134 patents on the same drug should outrage all of us. Like I said, this drug has been available for 20 years. AbbVie has spent years and exorbitant amounts of money, but, apparently, they still profited. They spent a lot of money fighting competition off in court, all to maintain control of the market on this drug.

Like I said, patents and exclusivity periods are not inherently bad. Discovering new cures is a time-, labor-, and money-intensive process, and we don't want to discourage that. Before a company spends years and hundreds of millions—or even billions—of dollars researching a new cure, conducting clinical trials, and undergoing the regulatory review, it needs to know that it can recoup its investment and maybe—just maybe—make a profit.

And many of the new drugs that are invented and tried do not succeed. So success is certainly not guaranteed. That is why the United States offers robust protections for intellectual property through the patent system.

The patent system gives innovators the confidence they need to invest their time and resources into research and development. Once that new innovative drug hits the market, the manufacturer can enjoy a limited time period as the sole supplier before generic versions become available or other competitors.

Patents are the key behind the incredible medical innovation that occurs here in the United States, and we need to find the right balance between stopping the bad actors who will game the system and, at the same time, encouraging the development of future cures.

I believe the bipartisan bill that Senator BLUMENTHAL and I are reintroducing strikes that balance. It places a reasonable limit on the number of patents that a manufacturer can contest. That will deter gamesmanship while preserving the incentives necessary for the patent system and for innovation.

The other anticompetitive behavior this bill will address is something called product hopping, which occurs when a company develops a reformulation of a product that is about to lose exclusivity and then pulls the original product off the market.

This is done not because the new formula is more effective but because it prevents generic competitors. One example is the drug Namenda, which is used by patients with Alzheimer's, a terrible disease. Near the end of the exclusivity period, the manufacturer switched from a twice-daily drug to a once-daily drug. It didn't change the