

election 3 years ago: We should remember the President of Iran is just a figurehead. The real power rests with the aptly named Supreme Leader and the State institutions he controls.

Supposed “reformers” and “moderates,” along with hard-liners, have come and gone from Iran’s Presidency without fundamentally changing how Tehran operates at home or abroad. Meanwhile, the regime’s revolutionary orthodoxy has endured for decades, preserved by the clerical establishment and the IRGC.

Iran’s leaders, its diplomats, and its enablers abroad can say anything they want about the regime’s character and outlook, but actions speak far louder than words. And, for years, Tehran has moved steadily in just one direction: toward more terrorist violence abroad and more repression at home.

And no matter who Iran’s President has been, the regime in Tehran has continued to engage in rampant proliferation of ballistic missiles, cruise missiles, and UAVs while making steady progress toward nuclear weapons capabilities.

So I would also like to extend my condolences to Iran’s neighbors who still live under the constant threat of a regime that practices what it preaches: Death to Israel, death to America, war on international commerce, and chaos across the Middle East.

The untimely death of the President of Iran does not change the underlying threats this regime poses to its own citizens, to its region, and to the free world. These threats continue to demand our collective attention.

#### ISRAEL

Madam President, on a related matter, since the immediate aftermath of October 7, Israel, her allies, and Jewish people around the world have faced pernicious efforts to equate a sovereign nation’s self-defense with barbaric acts of terrorism.

We have seen it in the specious media tropes about “cycles of violence,” in university statements bemoaning Israel’s self-defense actions, and in our own elected leaders’ attempts to browbeat Israel’s coalition government for seeking to restore its people’s security.

But today—today—the most noxious attempt at moral equivalence comes from unelected international bureaucrats brandishing a contrived and perverted authority. In the same breath, the self-aggrandizing prosecutor of the International Criminal Court applied for arrest warrants—arrest warrants—for both Hamas’s chief terrorist and Israel’s duly elected Prime Minister.

It is a damning development but not for the supposed subjects of the application. The ICC has succeeded only in discrediting itself even further as a rogue kangaroo court, utterly untethered to morality or justice.

For those who have long rejected this international farce of a Court and its efforts to gobble up jurisdiction, this fact was hardly news. I have refused to acknowledge any ICC authority to con-

duct politicized investigations of American servicemembers, as it has tried illegitimately to do—literally for years.

And weeks ago, several of our colleagues and I warned the institution specifically against lighting any last shred of credibility on fire in an attempt to equate—equate—Hamas’s calculated cruelty with Israel’s right to self-defense.

Putting its ignorance on full display, the judicial junta in The Hague responded by claiming that holding it accountable for this power grab would somehow violate international law.

Unfortunately, there are still plenty here in the Senate and in the administration who need reality to be spelled out more clearly. This isn’t about Prime Minister Netanyahu. It isn’t about so-called international law. In fact, the leader of Israel’s opposition condemned the ICC decision as “a complete moral failure.”

But too many Senate Democrats require frequent reminders of how Israel’s National Unity Government works and what the Israeli people expect of it.

Even as glaring evidence exposed the moral rot and terrorist complicity of another international organization, UNRWA, the Biden administration was reluctant to ignore its loud base of campus radicals and end U.S. funding.

Well, today’s news lays down another gauntlet. It is time for the President and other Western leaders to finally pick it up. Support Israel’s right to defend itself against terrorist savages like Sinwar, reject the fiction that unaccountable bureaucrats in The Hague have any power over a sovereign nation that isn’t a signatory to its authority, commit to imposing significant costs on the Court and its agents if it pursues shameful and baseless charges against Israel, and choose—choose—once and for all between actual justice and the rule of the loud campus mob.

The ACTING PRESIDENT pro tempore. The senior Senator from Illinois.

#### PRESCRIPTION DRUG COSTS

Mr. DURBIN. Madam President, tomorrow the Senate Judiciary Committee—which I chair—will hold a hearing on competition in the prescription drug market and its impact on the prices that Americans pay for medication.

Patients in the United States pay the highest prescription drug prices in the world. Nearly three times what people in other developed countries pay for common medications and sometimes for exactly the same drug as prescribed in America. Take a well-known name, Jardiance, a diabetes treatment—you can almost hear the young lady singing the song, can’t you? It retails for \$700 a month in the United States. Do you know what the exact same drug made by the same company in the same place goes for in Canada? It is \$150. Madam President, \$700 for American citizens; \$150 for Canadians for exactly the same drug.

What is the difference? The difference is the Canadian Government cares, and the Canadian Government started acting years ago to protect the consumers in their country.

The average new cancer drug entering the market last year had an annual list price of more than \$200,000, and the prices keep going up. In 2022, drug manufacturers raised prices on more than 1,200 medications by an average—an average—of 32 percent, four times the rate of inflation.

For patients already facing a gut-wrenching diagnosis, the last thing they should have to worry about is whether they can afford lifesaving treatment. Yet 20 percent of seniors report that the sky-high cost of their medication forces them to skip doses or cut pills.

No drug is more representative of this problem than insulin, the life-or-death drug for those with diabetes. Do you know when it was discovered? One hundred years ago. By Americans? Not this time. Canadian inventors not only found this new, lifesaving drug, they surrendered their patent rights—the rights to control it, and their rights to receive profit from it—for \$1.

Why? They said a life-and-death drug should not be a matter of bargaining, and they believe no one should profit off this lifesaving medicine.

When Eli Lilly launched its insulin product—Humalog—in 1999, a vial cost a modest \$21, but over the next 20 years, the company raised its price more than two dozen times to more than \$330 for a vial.

Thankfully, President Biden and Democrats in Congress capped the price of insulin at \$35 a month under Medicare in the Inflation Reduction Act. It is unfortunate and impossible to explain—not a single Republican joined us in voting for this historic legislation to cap the price of insulin at \$35 a month for Medicare.

Eight pharmaceutical companies raced to the Federal courthouses in the hopes of stopping another component of that bill, which enables Medicare to negotiate for lower drug costs.

Big Pharma participates in the Veterans Health Administration, which has the authority to bargain for lower costs for our veterans, thank goodness. They have had that authority for decades. Yet we heard cries of price controls and socialism from Big Pharma as they opposed letting Medicare simply negotiate a better deal on behalf of senior citizens and taxpayers.

Last fall, President Biden announced the first 10 drugs that would see price reductions from these negotiations. These drugs cost the Medicare Program more than \$50 billion last year alone. When the President announced his list, I am sure many Americans already recognized the names of all 10 popular drugs. Why would we recognize them? Because they are the most heavily advertised drugs on television.

Here is a trivia question you want to take to the next party you attend: How

many countries on Earth make it legal to advertise prescription drugs? Two. We know one; it is the United States. Anybody know the other one? New Zealand. The United States and New Zealand are the only countries in the world where you can legally advertise prescription drugs.

Americans see an average of nine drug ads on television every single day. By filling the airwaves with these ads, Big Pharma is inflating demand for the most expensive drugs on the market. Some manufacturers are willing to spend more than \$100 million a year to make sure that all of us can spell “Xarelto” and ask the doctor for it, but they never tell you the price, do they? You see all those ads and all the information and all the gibberish they put at the end of it. Don’t you think it is worth knowing that Xarelto costs more than \$500 a month in the United States, when a generic or other lower priced alternative may be just as effective? That is why Senator GRASSLEY, Republican Senator of Iowa, joined me in introducing a commonsense, bipartisan bill to end the secrecy surrounding drug prices in advertising. Our bill would require Big Pharma to disclose the price on the ad.

Incidentally, in 2020, Xarelto’s manufacturer, Johnson & Johnson, spent \$22 billion that year on advertising—nearly double the \$12 billion it spent that year on research for new drugs.

Big Pharma will tell you that the high prices paid by Americans are just the cost of innovation. They point to the money they spend on research and development to create the next generation of lifesaving drugs. I want them to come up with new drugs. I want them to make a profit in doing that. But I want them to be reasonable in the process.

They always fail to mention one fundamental fact that we as taxpayers should not forget: Taxpayers fund the bulk of basic biomedical research through the National Institutes of Health. In fact, studies have shown that 99 percent of drugs introduced by the drug companies and approved by the FDA between 2010 and 2019 benefited from NIH research to get their start.

Too often, the prices charged by Big Pharma do not reflect scientific advancement; rather, they are the result of manipulation, not by researchers or doctors but by lawyers in the patent system.

Take the blockbuster drug Humira—at one time, the most heavily advertised drug on television. Its manufacturer, AbbVie, introduced the drug in 2002. For more than 20 years, the company exploited intellectual property laws to build a thicket of 165 patents.

The way it works is this: If you discover a new drug, you have a legal right to be the exclusive salesman of that drug during a certain period of time. If there is a variation on that formula on that drug, the patent time can be extended. So patent lawyers are al-

ways at work to make sure they extend the patent period of price monopoly for these drug companies. It is supposed to reach a point where there is competition over a generic form of a drug. The lawyers do their darndest to make sure they don’t reach that point. The result: more than \$200 billion in revenue over Humira’s 20 years of exclusivity.

That drug is not unique. A recent study found that the top 10 bestselling drugs in 2021 had a combined 1,429 patent applications filed, 72 percent of which were filed after the FDA approved the drug for sale. These blockbusters were covered by an average of 42 active patents, blocking generic competition and generating windfall profits for the drug companies.

The Judiciary Committee has taken a leadership role in addressing Big Pharma’s abuse. Last year, the committee unanimously reported five bipartisan drug-pricing bills to address anticompetitive pay-for-delay agreements, sham citizen petitions, patent thickets, and product hops, among other issues. This includes my bill with Senators TILLIS, COONS, and GRASSLEY to improve information sharing between the FDA and the Patent Office to ensure accuracy in the representations made by pharmaceutical companies to prevent gamesmanship.

Tomorrow’s hearing is going to be co-chaired by my colleague and friend from Vermont, Senator PETER WELCH. He told me when he recently came to the Senate, replacing Senator Pat Leahy, that this was an issue near and dear to him. I assured him there would be a hearing on this subject because it is so important to the country and so many people have an interest in it.

I have been watching all those drug ads day in and day out like everybody else. It is time that we have the facts put in front of the American people instead of just the advertising and the jingles.

Our committee work is far from done. Tomorrow’s hearing will shed light on additional obstacles to reducing drug prices and how our committee can help solve this problem for the American people.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

ISRAEL

Mr. SCHUMER. Madam President, I would like to begin with a statement about the ICC prosecutor’s announcement from earlier this morning.

The ICC prosecutor’s decision seeking arrest warrants for Israeli leaders alongside Hamas terrorists is not only

profoundly unfair, but it is reprehensible. As disappointing as the ICC’s decision is, it comes as no surprise because, for decades and decades, the ICC has shown it harbors deep biases against Israel. This decision suggesting an equivalency between Israel and Hamas is another glaring example of that bias against Israel.

As I have said many times, there has never been and there can never be any equivalence between Israel’s right to defend itself against terror and Hamas’s barbarity. The ICC’s decision seeking warrants against Israeli leaders is not only shameful, but it also fails to follow protocol and process in a country where it has zero jurisdiction. I fiercely oppose the ICC’s decision, and I will work with President Biden and Members on all sides to keep support for Israel strong and unwavering.

BORDER ACT

Now, Madam President, on the border, 3 months ago—3 months ago—Senate Republicans blocked the strongest, most comprehensive border security bill we have seen in a generation. This week, Republicans will get another chance to do the right thing.

Border security, we all know, is one of the most contentious issues that we have to wrestle with in Congress, but most people agree the status quo cannot continue. Our southern border is in desperate need of more resources, and our immigration system is in serious need of repair.

President Biden, in recent weeks, has taken many actions to increase sanctions against human rights abusers, reform asylum, and enhance drug enforcement to the maximum extent his office allows. But, as our Republican colleagues have said for years, the only long-term solution to the border is bipartisan—bipartisan—legislation from Congress.

Well, there is good news. Such bipartisan legislation does exist and is ready to go. I am talking, of course, about the bipartisan border act negotiated earlier this year by Senators MURPHY and SINEMA and LANKFORD and endorsed by the National Border Patrol Council, the Chamber of Commerce, and the very conservative Wall Street Journal editorial page. This week, the Senate will have an opportunity to move again on this bill.

For the information of my colleagues, tomorrow I plan to file cloture on the motion to proceed to the bipartisan Border Act. The Senate will then vote on our bipartisan border bill on Thursday. All those who say we need to act on the border will get a chance this week to show they are serious about fixing the problem.

Let me repeat: The Senate will vote on our bipartisan border bill on Thursday. All those who say we need to act on the border will get a chance this week to show they are serious—serious—about fixing the border.

I implore my Republican colleagues to join us in advancing this bill. We are going to need bipartisan support if