

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

there is any hope of getting this bill done.

I will be clear: We do not expect every Democrat or every Republican to come out in favor of the bill, but as I have said before over and over again, the only way to pass this bill is with broad bipartisan support. I expect to see that on the Democratic side, and I hope we will see it on the Republican side as well.

This bill was written explicitly with the goal of getting support from both parties, unlike messaging bills like H.R. 2, which did not have bipartisan support to get through both Chambers.

The bill we are voting on this Thursday is practically the same bill that Senators Murphy and Sinema and Lankford and others negotiated 3 months ago. Republicans agreed to the substance of this bill. It is not at all some new measure or something that comes only from the Democratic side. The bill we will vote on this Thursday reforms asylum, boosts staffing at the border, cracks down on drugs like fentanyl, and gives emergency powers to shut the border when crossings meet a certain threshold—all issues Republicans have said we must address.

If our bipartisan border bill was good enough to win the support of the union that represents Border Patrol officers, it should be good enough to win the support of Senate Republicans.

If you judge this bill by its substance and take out the partisanship injected by Donald Trump, it is an objectively tough, serious-minded, and critically bipartisan—bipartisan—solution to the border. In fact, when we released this bill earlier this year, many of our Republican colleagues were surprised at how strong it was, at least in private.

For a short while, it seemed like we finally had a bill both parties could link arms on and pass together. Of course, we all know what happened. Donald Trump happened. He barged into the border debate and publicly came out against the bill, and the rest of his Republican supporters fell into place like dominoes.

Let me be clear: The border bill did not fail 3 months ago because it was too weak. On the contrary, the border bill failed because it was too strong for Donald Trump's liking, and it risked taking away an issue he wanted to exploit on the campaign trail. He said that himself.

Again, the border bill did not fail 3 months ago because it was too weak. It failed because it was too strong—too strong for Donald Trump's liking—and it risked taking away an issue he wanted to exploit on the campaign trail.

As we all know, he was explicit about his intentions. He said, "Blame it on me," as if this were all one giant game to Donald Trump. He really doesn't care about the border. He just cares about the politics and the gamesmanship.

Well, we the American people do not have the luxury of playing games with border security. The issue is too impor-

tant to ignore, and the bill we negotiated earlier this year is too good to pass up. So we are going to give Republicans another chance this week.

In the words of one of my Senate Republican colleagues, when we worked on the border bill earlier this year, "this moment will pass. Do not let it pass."

I couldn't agree more.

#### JUDICIAL CONFERENCE

Madam President, now on judge shopping, today was supposed to be a significant day for gun safety in America. Today was supposed to be the day new rules closing loopholes on background checks went into effect—rules that Democrats and Republicans worked on together when we passed the bipartisan gun safety bill 2 years ago.

But surprise, surprise, MAGA radicals have put background check reforms on ice by going to their favorite judge in the entire country, in the Northern District of Texas, and getting him to rubberstamp a nationwide injunction.

Today's ridiculous injunction is, yet again, another consequence of judge shopping, that deeply unfair practice where radicals virtually guarantee favorable outcomes in court by going to a sympathetic judge of their choice. I say "judge" in this case because there is only one judge sitting in that district. They know when they go to court, they are getting him to hear the case.

Judge shopping jaundices our legal system like few other abuses do. There is no conceivable definition of "justice" where hard-right litigants can pull a fast one on the will of the American people by getting extremist judges they align with to rubberstamp their agenda.

Congress should fix this abuse soon with appropriate legislation. The Constitution clearly allows Congress to exercise oversight of the courts when appropriate. Even the Chief Justice of the Supreme Court—hardly a liberal—has acknowledged that judge shopping is a problem that ought to be addressed.

A few weeks ago, I led a group of 40 Senators in introducing a bill that would curtail judge shopping and restore fairness to the judicial system. I hope both sides can work together on this bill to ensure that nobody gets an unfair advantage in a court of law, simply based on a judge's personal ideological preferences.

We will continue weighing legislative options to ensure that the Federal judiciary remains committed to equal justice under law. Judge shopping moves us away from that noble ideal in a very big way.

#### JUDICIAL NOMINATIONS

Madam President, on nominations, this week, the Senate will confirm more of President Biden's outstanding judicial nominees for lifetime appointments to the Federal bench and will hit a major milestone along the way.

Later this afternoon, the Senate will vote on the confirmation of Seth

Aframe of New Hampshire to be a circuit court judge on the First Circuit.

Mr. Aframe would make an exceptional addition to the First Circuit and was given a unanimous rating of "well qualified" by the American Bar Association. A longtime member of the U.S. Attorney's Office in New Hampshire, he has argued approximately 100 cases before the First Circuit on a broad range of criminal and civil cases.

When confirmed, Mr. Aframe will be the 198th judge confirmed since President Biden took office. As soon as tomorrow, I expect the Senate will reach a significant milestone of 200—200 judges under Senate Democrats and under President Biden.

I salute Senator DURBIN and the Judiciary Committee for the good work they have done in this regard. It is a figure—200—that we can all be proud of and shows how intensely focused we are on filling the bench with jurists who will make our democracy stronger and uphold the rule of law.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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.

#### ECONOMY

Mr. BARRASSO. Madam President, I come to the floor today to speak about the economy.

Joe Biden is clearly the President of high prices. People all across the country, all 50 States, are well aware that this is going to be Joe Biden's enduring legacy.

Prices spiked again in April. The statistics are out. Prices have been rising again and again and again. Price increases have been now above 3 percent for the last 37 months. This is the longest period in history of high prices since the late 1980s.

President Biden continues to repeat a falsehood—you could call it a lie—because he has said time and again that inflation was 9 percent when he came into office. This is pure confusion on his part. Even the liberal fact checkers—people at CNN, people at the Washington Post—have said what President Biden is saying about inflation is flatout false; it is wrong.

In January of 2021, the day that the President—current President Biden—took the oath of office, the inflation rate in America was 1.4 percent. Today, prices are almost 20 percent higher than they were the day he took the oath of office. The burden of Bidenomics on the American public is crushing; it is compounding; and, of course, it is cumulative. It continues to add on every single day.

But Democrats in this Chamber and around the country deny this economic reality. Certainly, the Democrat in the