well-taken. The motion to discharge falls.

The point of order is sustained and the motion falls.

The PRESIDING OFFICER. The Senator from Louisiana.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KENNEDY. Madam President, I ask unanimous consent that the Senate proceed to executive session and that at 1:45 p.m. today the Chair execute the order of July 9, 2024, with respect to the Meriweather nomination.

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

The clerk will report the Meriweather nomination.

The senior assistant legislative clerk read the nomination of Robin Michelle Meriweather, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

The PRESIDING OFFICER. The Senator from Kansas.

WAR POWERS

Mr. MORAN. Madam President, the Senator from Arizona, I want to speak just briefly about the vote that we just cast but, more than the vote, the topic that it represents.

The pier constructed to deliver aid to Gaza is a failure, was a failure, and it was a very expensive failure, and it has cost taxpayers hundreds of millions of dollars. It was an idea poorly conceived and poorly executed. It is unsustainable to maintain, and it is not fulfilling its purpose. It should be dismantled, and there are already plans underway to eliminate the pier after remaining aid has been distributed or removed.

Our U.S. forces, as they were in this instance, were called upon to deliver aid to areas of the world that are plagued by violence or areas that are hostile to the United States. And my complaint about the planning is nothing to distract from my admiration and respect for those who serve our country, and that continues in those individuals in the military who have served in the effort to try to provide aid to the people of Gaza.

But this is not an isolated instance in which the United States and its military are asked to serve. The United States has previously assisted Iran after a devastating earthquake. This year U.S. forces delivered aid to Haiti, which is racked with gang violence. The capabilities of the U.S. military and the generosity of the American people to help innocent victims, no matter who they are or what government rules over them, is a testament to America's goodness and to American power.

The point I want to make is the War Powers Resolution allows Congress to remove forces ''engaged in hostilities without specific authorization.'' I want to caution my colleagues against utilizing these authorities and setting a precedent that Congress can or should intervene any time we simply don't like the entity, the people, who are receiving the aid.

I wholeheartedly respect Congress's ability to utilize war powers when appropriate. There is no greater responsibility we have than deciding when to send our sons and daughters to take part in a war. This decision should not and must not be allowed to reside with the President, with the executive branch alone. Yet, too often, it is exactly what we do, ignoring our obligations as Members of Congress.

The Framers of our Nation determined that war is to be declared by Congress. And in too many instances and way too often, we fail to live up to our constitutional responsibilities.

I believe there are many more opportunities more pressing and more damaging to our troops than just this failure of the pier, where Congress could and should intervene. At this moment, for example, the U.S. sailors are engaged in kinetic activities against the Houthis without any such authorization. Just like the Gaza pier, the Biden administration has placed servicemembers in harm's way without any strategy for success, at significant cost to taxpayers and finite defense munitions. This pier demonstrated President Biden's ham-fisted approach to the Middle East.

Why should we allow him—but the point is broader than that. Why should we allow him—or any President—to continue missions that are adrift and have no prospect of a solution? It is a failure on Congress's part to assert our constitutional obligations in matters of war.

Today's vote was a step—a step, I think, in the right direction—but we have much more to do to carry out the responsibilities we were elected to. I have said this on the Senate floor many times: When Congress looks the other way, when a President of either party issues executive orders or rules and regulations that make no sense under the law that was enacted that they are operating under, it is important, I think—again, I have said this on the floor before too many times—people just want the result they want, and they don't care about the process by which they get it. And the process is what protects our freedoms and liberties. The process is what the Constitution is about, and we ought to be fulfilling our constitutional responsibilities, certainly when it comes to the ability to have members of our military in harm's way.

Our freedoms and liberties are determined by that. The Framers understood that this country should not have a king and that the powers are vested in the legislative branch, not the executive.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

REMEMBERING JAMES M. INHOFE

Mr. SCOTT of South Carolina. Madam President, I rise today to take a moment to reflect on the remarkable life of Senator Jim Inhofe, who passed away and is now spending time with his Lord and Savior in heaven.

I rise for a number of reasons: One, because he was such a fantastic public servant who served our Nation in the U.S. Senate for nearly 30 years. I rise because, as a member of the U.S. Army, he served his Nation valiantly and selflessly. I rise because here is a man of great faith who dedicated his life to public service.

But I also rise because of the slanderous headlines that marked his death. People wonder time and time again why the American people continue to lose faith in our media, when the headlines from Associated Press or Politico, New York Times and ABC News reflects a partisan difference on policy and leads them to label his death in such a negative way. It does, indeed, cripple their credibility in the eyes of the American people when the Washington Post speaks of the death of an ISIS terrorist by saying he was an austere, religious scholar at the helm of the Islamic State. But Senator James Inhofe, the Oklahoma Senator and climate change denier, dies at 89. It saddens me, as an American, that our press pays so little attention to the sacrifice of public servants and so much respect for those who kill because they can.

Jim Inhofe will be remembered in Oklahoma and around the country as a man of deep faith, as a man who sacrificed on behalf of a country that he dearly and deeply loved, and as a man who brought people together in Bible studies and faith communities and, frankly, around the world.

I remember traveling with Senator Inhofe a number of years ago on what we call a congressional delegation. It was a 7-day trip with 10 country stops. If you wanted to sleep on Senator Inhofe's codels, you slept on the plane because there was too much to do when the plane landed.

I recall him bringing together African leaders who had been warring against each other, and having a moment of prayer before he found a way, courageously, to bring two warring factions to the same table to solve deeply rooted problems that seemed impossible to solve.

I remember with great affection seeing some of his reelection acts, where he was flying a plane upside down at the age of 84 or 85.

Jim Inhofe was a great man, and his family does not deserve to read the headlines of media outlets that denigrate his public service, denigrate his character, and lessen his reputation. Thankfully, no one can touch his character. They can only darken the shadow around it, because he indeed was a man of great character.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AFFORDABLE PRESCRIPTIONS FOR PATIENTS ACT OF 2023

Mr. CORNYN. Madam President, I am glad the Presiding Officer is in the Chair because, committed as I know she is to solving real problems, the legislation that we are going to pass here momentarily by unanimous consent has been 7 years in the making but will actually address the problem of high drug prices.

In the last few years, I have heard, certainly, from my constituents in Texas about the struggle to obtain their medication at affordable costs. It is not because no treatment exists or because they don't have insurance or because it is a brandnew drug that just hit the market. Many patients can't afford prescriptions they have been taking for years because the prices continue to go up, and there is little evidence of anything to justify those price increases.

I have heard heartbreaking stories about patients leaving their prescriptions unfilled simply because they can't afford them, rationing doses of blood pressure medication, and traveling across the international border to Mexico to get certain medications at lower prices. The problem is, when you go to Mexico to get your medication, it may look like the same medication you take in the United States, but chances are it may well be counterfeit, so that is a real problem in and of itself.

These challenges have been compounded by high inflation under President Biden's policies. We know everything has gone up in cost—an average of 20 percent over the last 3 years for groceries, gas, rent. Just about everything is more expensive today than it was when President Biden took office.

Senators from both sides of the aisle, on a bipartisan basis, have offered a number of bills to try to get at this problem of high drug prices. One of these is a bipartisan bill that I introduced with Senator RICHARD BLUMENTHAL from Connecticut called the Affordable Prescriptions for Patients Act. This legislation addresses one of the most egregious practices contributing to high drug prices, which is patent abuse.

Our country offers robust protection for intellectual property. In other words, if you are going to do the research and development and go to the expense and take the risk associated with creating something new and innovative, like a new drug to treat a deadly disease, our laws allow the right to sell that drug on an exclusive basis for a period of time. I think it is very important to incentivize that sort of innovation and research, and it produces lifesaving drugs. We know that many companies are unlikely to pour expensive resources into discovering new cures if, at the end of it, they can't even recoup their own costs, much less make a profit.

That is where our patent system comes in. It is as old as our country is old. The patent system provides a limited time period for the manufacturer to be the sole seller in the marketplace before generic versions can become available, but some companies are abusing the system. They are taking extreme steps to maintain their exclusivity for a drug and keep the money rolling in. One way they do this is through a practice known as patent thickening. This involves creating intricate webs of patents to keep the competition at bay for as long as possible because as long as you can continue to sell these drugs on an exclusive basis, the money is going to keep coming in, and it will not go generic and result in competition from others.

The Affordable Prescriptions for Patients Act aims to stop this anticompetitive behavior and allow new drugs to come to market sooner. That is how we improve competition and ultimately lower prices for patients without standing in the way of innovation.

The added benefit to this bill is the Federal savings that it would provide for taxpayers. The Congressional Budget Office has estimated that this bill would lead to lower Federal spending by $1.8 billion over 10 years.

At a time when our national debt is at an alltime high—approaching $35 trillion—anything we can do to help deal with that rising debt I think should be regarded as positive. And this is just a savings to the Federal Government for Medicare and Medicaid. There will, undoubtedly, be significant savings for consumers who have private health insurance on top of that.

This bipartisan legislation checks every box. It protects innovation; it increases competition; and it saves money for taxpayers and consumers. Most importantly, it lowers prices at a time when many patients are seeing their drug prices go up and up and up—apparently, without end.

I can't imagine why anybody would oppose such a piece of legislation. Election day is 4 months away, and the Senate is only scheduled to be in session for 20 days between now and then, including today. Patients in Texas and across the country are asking their elected representatives to do something to address these high drug prices, and it is time for the Senate to deliver.

Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 22, S. 150.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 150) to amend the Federal Trade Commission Act to prohibit product hopping, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary.

Mr. CORNYN. Madam President, I further ask that the Cornyn substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 2399) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Affordable Prescriptions for Patients Act of 2023''.

SEC. 2. TITLE 35 AMENDMENTS.

(a) IN GENERAL.—Section 271(e) of title 35, United States Code, is amended—

(1) in paragraph (2)(C), in the flush text following clause (ii), by adding at the end the following: ''With respect to a submission described in clause (ii), the act of infringement shall extend to any patent that claims the biological product, a method of using the biological product, or a method or product used to manufacture the biological product.''; and

(2) by adding at the end the following:

''(7)(A) Subject to subparagraphs (C), (D), and (E), if the sponsor of an approved application for a reference product, as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) (referred to in this paragraph as the 'reference product sponsor'), brings an action for infringement under this section against an applicant for approval of a biological product under section 351(k) of such Act that references that reference product (referred to in this paragraph as the 'subsection (k) applicant'), the reference product sponsor may assert in the action a total of not more than 20 patents of the type described in subparagraph (B), not more than 10 of which shall have issued after the date specified in section 351(l)(7)(A) of such Act.

''(B) The patents described in this subparagraph are patents that satisfy each of the following requirements:

''(i) Patents that claim the biological product that is the subject of an application under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) (or a use of that product) or a method or product used in the manufacture of such biological product.

''(ii) Patents that are included on the list of patents described in paragraph (3)(A) of section 351(l) of the Public Health Service Act (42 U.S.C. 262(l)), including as provided under paragraph (7) of such section 351(l).

''(iii) Patents that—

''(I) have an actual filing date of more than 4 years after the date on which the reference product is approved; or

''(II) include a claim to a method in a manufacturing process that is not used by the reference product sponsor.

''(C) The court in which an action described in subparagraph (A) is brought may increase the number of patents limited under that subparagraph—

''(i) if the request to increase that number is made without undue delay; and

''(ii)(I) if the interest of justice so requires; or

''(II) for good cause shown, which—

''(aa) shall be established if the subsection (k) applicant fails to provide information required section 351(k)(2)(A) of the Public Health Service Act (42 U.S.C. 262(k)(2)(A)) that would enable the reference product sponsor to form a reasonable belief with respect to whether a claim of infringement under this section could reasonably be asserted; and