(2) acquisition strategies should preserve multiple domestic sources capable of designing, manufacturing, integrating, and sustaining proliferated satellite constellations;

(3) competition should be sustained throughout production and follow-on capability development whenever practicable; and

(4) long-term acquisition strategies should strengthen the United States industrial base rather than create unnecessary single-source dependencies.

(c) REQUIREMENT FOR COMPETITIVE PROCUREMENT STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, acting through the Assistant Secretary for Space Acquisition and Integration, in coordination with the Director of the National Reconnaissance Office, shall submit to the congressional defense committees a strategy to maintain competition for the development, procurement, and maintenance of proliferated national security space architectures, including—

(A) the proliferated architecture of the National Reconnaissance Office;

(B) space-based tactical data transport capabilities;

(C) space-based advanced moving-target indication capabilities;

(D) Space Data Network capabilities; and

(E) any successor proliferated low-Earth orbit operational architecture that supports a mission of the Department of Defense.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) an assessment of the risks associated with single-source procurement of any such architecture;

(B) an evaluation of industrial base capacity, workforce, supply chain resilience, and surge production capability with respect to such architectures;

(C) recommendations to sustain not fewer than two viable domestic providers for each major capability area relating to such architectures; and

(D) a plan for preserving meaningful competition in future production of, and capability upgrades to, such architectures.

(d) MINIMUM COMPETITIVE INVESTMENT.—Beginning in fiscal year 2028, the Secretary of the Air Force and the Director of the National Reconnaissance Office shall, to the maximum extent practicable and consistent with mission requirements—

(1) maintain not fewer than two qualified domestic providers for each major proliferated space acquisition program relating to the architectures described in subsection (c)(1); and

(2) ensure that not less than 25 percent of annual production quantities, contract value, or program funding for each such program is competitively awarded to a qualified provider other than the incumbent provider, unless the Secretary of the Air Force submits to the congressional defense committees—

(A) a certification that—

(i) only one responsible source exists for such program;

(ii) mission assurance requirements cannot reasonably be met through competitive procurement; or

(iii) such allocation would substantially increase program risk or cost without corresponding operational benefit; and

(B) a detailed justification and an assessment of the impact on competition and the defense industrial base of awarding a greater such percentage to the incumbent provider.

(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of the Air Force and the Director of the National Reconnaissance Office shall jointly submit to the congressional defense committees a report describing—

(1) the number of qualified providers supporting each major proliferated space acquisition program relating to the architectures described in subsection (c)(1);

(2) annual funding allocated among such providers; and

(3) with respect to such proliferated space architectures—

(A) industrial base health indicators;

(B) supply chain vulnerabilities;

(C) actions taken to promote sustained competition among providers; and

(D) recommendations for any additional legislative authorities required to strengthen competition and resilience.

## AUTHORITY FOR COMMITTEES TO MEET

Ms. LUMMIS. Mr. President, I have three 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, July 21, 2026, at 10:30 a.m., to conduct a subcommittee hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, July 21, 2026, at 3 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON NATIONAL PARKS

The Subcommittee on National Parks of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, July 21, 2026, at 4:30 p.m., to conduct a hearing.

Mr. HUSTED. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, July 21, 2026, at 2 p.m., to conduct a closed business meeting.

## PRIVILEGES OF THE FLOOR

Ms. LUMMIS. Mr. President, I ask unanimous consent for the following interns in my office to be granted floor privileges until July 22, 2026: Petra Cernicek, Spencer Killpack, Elise Newton, Megan Terrell, Aaron Bujan, and Isabel Young.

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

Mr. CASSIDY. Mr. President, I ask unanimous consent for the following interns in my office to be granted floor privileges until July 22, 2026: Mark Schoeppel and Maggie Ralston.

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

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 118–144, announces the appointment of the following individuals to be members of the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution: Tevi Troy of Maryland, Dara Horn of New Jersey.

## AFFORDABLE PRESCRIPTIONS FOR PATIENTS ACT

Mr. CASSIDY. Mr. President, as regards Calendar No. 44, S. 1041, the Affordable Prescriptions for Patients Act, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 44, S. 1041.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1041) to amend title 35, United States Code, to address the infringement of patents that claim biological products, 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 with amendments as follows:

(The parts of the bill intended to be stricken are in boldfaced brackets and the parts of the bill intended to be inserted are in italic.)

S. 1041

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. PATENT INFRINGEMENT; [MEDICARE IMPROVEMENT FUND].**

(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]** *subparagraph (C)*(ii), by adding at the end the following: ''With respect to a submission described in **[clause]** *subparagraph (C)*(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 by 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

''(bb) may be established—

''(AA) if there is a material change to the biological product (or process with respect to the biological product) of the subsection (k) applicant that is the subject of the application;

''(BB) if, with respect to a patent on the supplemental list described in section 351(l)(7) [(A)] of *the* Public Health Service Act (42 U.S.C. 262(l)(7) [(A)]), the patent would have issued before the date specified in [such] section 351(l)(7)(A) *of such Act* but for the failure of the Office to issue the patent or a delay in the issuance of the patent, as described in paragraph (1) of section 154(b) and subject to the limitations under paragraph (2) of such section 154(b); or

''(CC) for another reason that shows good cause, as determined appropriate by the court.

''(D) In determining whether good cause has been shown for the purposes of subparagraph (C)(ii)(II), a court may consider whether the reference product sponsor has provided a reasonable description of the identity and relevance of any information beyond the subsection (k) application that the court believes is necessary to enable the court to form a belief with respect to whether a claim of infringement under this section could reasonably be asserted.

''(E) The limitation imposed under subparagraph (A)—

''(i) shall apply only if the subsection (k) applicant completes all actions required under paragraphs (2)(A), (3)(B)(ii), (5), (6)(C)(i), (7), and (8)(A) of section 351(l) of the Public Health Service Act (42 U.S.C. 262(l)); and

''(ii) shall not apply with respect to any patent that claims, with respect to a biological product, a method for using that product in therapy, diagnosis, or prophylaxis, such as an indication or method of treatment or other condition of use.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to an application submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) on or after the date of enactment of this Act.

Mr. CASSIDY. I ask unanimous consent that the committee-reported amendments 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.

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

The committee-reported amendments were agreed to.

The bill (S. 1041), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1041

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. PATENT INFRINGEMENT.**

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

(1) in paragraph (2), in the flush text following subparagraph (C)(ii), by adding at the end the following: ''With respect to a submission described in subparagraph (C)(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 by 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

''(bb) may be established—

''(AA) if there is a material change to the biological product (or process with respect to the biological product) of the subsection (k) applicant that is the subject of the application;

''(BB) if, with respect to a patent on the supplemental list described in section 351(l)(7) of the Public Health Service Act (42 U.S.C. 262(l)(7)), the patent would have issued before the date specified in section 351(l)(7)(A) of such Act but for the failure of the Office to issue the patent or a delay in the issuance of the patent, as described in paragraph (1) of section 154(b) and subject to the limitations under paragraph (2) of such section 154(b); or

''(CC) for another reason that shows good cause, as determined appropriate by the court.

''(D) In determining whether good cause has been shown for the purposes of subparagraph (C)(ii)(II), a court may consider whether the reference product sponsor has provided a reasonable description of the identity and relevance of any information beyond the subsection (k) application that the court believes is necessary to enable the court to form a belief with respect to whether a claim of infringement under this section could reasonably be asserted.

''(E) The limitation imposed under subparagraph (A)—

''(i) shall apply only if the subsection (k) applicant completes all actions required under paragraphs (2)(A), (3)(B)(ii), (5), (6)(C)(i), (7), and (8)(A) of section 351(l) of the Public Health Service Act (42 U.S.C. 262(l)); and

''(ii) shall not apply with respect to any patent that claims, with respect to a biological product, a method for using that product in therapy, diagnosis, or prophylaxis, such as an indication or method of treatment or other condition of use.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to an application submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) on or after the date of enactment of this Act.

## AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO HONOR THE LATE SENATOR LINDSEY O. GRAHAM

Mr. CASSIDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con Res. 37, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 37) authorizing the use of the Rotunda of the