

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

Capitol for a ceremony to honor the late Senator Lindsey O. Graham.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CASSIDY. I ask unanimous consent the resolution be agreed to 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 concurrent resolution (S. Con. Res. 37) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

WORLD ELDER ABUSE AWARENESS DAY

ELDER ABUSE AWARENESS MONTH

Mr. CASSIDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 809, which is at the desk.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 809) designating June 15, 2026, as "World Elder Abuse Awareness Day" and the month of June 2026 as "Elder Abuse Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASSIDY. Mr. President, I ask unanimous consent that the resolution be agree to, the preamble be agreed to, and that the motions 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 resolution (S. Res. 809) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CER- TAIN COMMITTEES FOR THE ONE HUNDRED NINETEENTH CON- GRESS, OR UNTIL THEIR SUC- CESSORS ARE CHOSEN

Mr. CASSIDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 810, which is at the desk.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 810) constituting the majority party's membership on certain committees for the One Hundred Nineteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASSIDY. Mr. President, I ask unanimous consent that the resolution be agreed to and 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 resolution (S. Res. 810) was agreed to.

(The resolution is printed in the RECORD of July 15, 2026, under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, JULY 22, 2026

Mr. CASSIDY. I ask unanimous consent that when the Senate complete its business today, it stand adjourned until 10 a.m. on Wednesday, July 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER FOR ADJOURNMENT

Mr. CASSIDY. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order, following the remarks of Senator BOOKER.

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

The PRESIDING OFFICER. The Senator from New Jersey.

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Mr. BOOKER. Mr. President, I know I share this with 99 colleagues; that there is grief yet again hanging over the U.S. Senate and hanging over America because soldiers who have sworn an oath to our Constitution—who have sworn to serve and defend this Nation—have fallen.

Several weeks ago, I had a conversation with someone who had been my colleague who is now the Secretary of State. I asked about this war, and Secretary Rubio looked me in the eyes, under oath, and told me that the war was over. Several weeks before that, the President and his administration stood before the American people and told them we had won the war.

I want to tell you right now that the soldiers who died this past week died in the war, and we are mourning the loss.

This is not a left or a right thing. This is a time when we come together beyond anything partisan and understand that soldiers have fallen—three soldiers and possibly a fourth. They were killed in action in a war that we have been told is over and a war that I believe firmly should end. Their names deserve to be spoken on this floor and

in the Congress of the United States. I want to speak their names: 1LT Tyler James Feehan of Hawaii; he was 25 years old. Private Isabella Gonzales of Texas; she was 19 years old. SGT Michael Emmanuel Swinton of North Carolina, killed at Erbil Airbase in northern Iraq—30 years old—19, 25, and 30. My prayers are with their families. I can't even begin to imagine the grief.

As it stands today, 17 American servicemembers have paid the ultimate price for this war. There are 17 Americans and 17 families who won't sit for a meal with their loved ones—17 lives that a nation cannot get back. No matter how many times we say it, the pain still lasts. These are 17 reasons I believe the American people and the men and women who wear this country's uniform are owed more from us.

We know, in this body, that every single day we are privy to information; that every single day we go into classified settings and hear about the fact that every single day there are Americans standing up for our country in dangerous places who are doing dangerous things. It is one of the more sobering parts of this job to know that I bear a responsibility, along with my 99 colleagues, for those men and women who step forward, swear their oath, put on their uniforms, and go all over the globe for us under the Commander in Chief, the President of the United States.

Now, the idea behind our democracy is that they don't go at the orders of their commanders, but they go to represent a country that has a form of government, a Republic, that is a nation of laws. They swear an oath to the Constitution, and we, too, swear that same oath. We stand right there in the well of the Senate. We raise our hands, and we swear an oath. There is no measure of courage to do this job. Rarely, have I seen Senators face real imminent danger. The truth of the matter is that the courage evidenced by men and women in uniform should serve as an inspiration to us in that maybe we are not putting ourselves to the physical tests that they are but that we, too, have to make a decision to honor their courage with our moral courage.

This week, we learned—to my surprise and, frankly, inciting my anger—that the Pentagon severely undercounted the number of servicemembers who have been injured. We were told that over 400 servicemembers have been injured since February 28. Now we are learning that, in the last 2 weeks alone, more than 100 more American servicemembers have been injured in spiraling strikes between the United States and Iran. Some have been seriously injured, and some have already been back at work—many of them back in harm's way.

I fear that we are seeing a pattern. The administration has not told Congress or the American people the truth about the cost of this war, nor the cost to our men and women who put on the