1976–2026
50 Years
ERIC THE ERISA INDUSTRY COMMITTEE
Shaping benefit policies before they shape you.

JAMES GELFAND
President and CEO

July 13, 2026

Dear Members of the Senate Judiciary Committee,

The ERISA Industry Committee (ERIC) urges members to **oppose** the Patent Eligibility Restoration Act of 2025 (S. 1546) and PREVAIL Act (S. 1553). These two bills would make it more difficult for generic and biosimilar manufacturers to challenge questionable patents, delaying competition and increasing health care costs for employers, workers, and their families.

ERIC is a national nonprofit organization exclusively representing the largest employers in the United States in their capacity as sponsors of employee benefit plans for their nationwide workforces. With member companies that are leaders in every economic sector, ERIC is the voice of large employer plan sponsors on federal, state, and local public policies impacting their ability to sponsor benefit plans and to lawfully operate under ERISA's protection from a patchwork of different and conflicting state and local laws, in addition to federal law.

Employers rely on robust competition from generic drugs and biosimilars to help keep prescription drug costs affordable for their employees and their families. Biosimilars are typically launched at prices 15 percent to 35 percent below their reference biologics, and increased competition often drives prices down even further.[1] Since 2015, biosimilars and generics have generated more than $3.4 trillion in savings for the U.S. health care system, with projected savings to continue as more biosimilars enter the market.[2] Any policy that delays biosimilar market entry prolongs higher brand-name drug costs, and places additional financial pressure on employers, employees, and public health care programs.

S. 1546 unfairly tilts the scales toward brand-name innovators by broadening the types of biotech, diagnostic, and isolated biological inventions that can be patented. This would increase patent thickets and lead to higher litigation costs for companies working to bring lower-cost medicines to market. For employers, those barriers mean continued dependence on higher-priced brand-name therapies, which will mean higher health care costs, and reduced access to affordable treatment options for working families.

S. 1553 would make it harder for generic and biosimilar manufacturers to challenge weak or overly broad patents through the Patent Trial and Appeal Board (PTAB). By adding procedural barriers and narrowing access to PTAB review, the bill could increase litigation costs, extend patent disputes, and postpone the availability of lower-cost medicines.

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[1] U.S. Food and Drug Administration. (2021, July 28). FDA Approves First Interchangeable Biosimilar Insulin Product for Treatment of Diabetes [Press release].
[2] Association for Accessible Medicines. (2025). 2025 U.S. Generic & Biosimilar Medicines Savings Report.

Employers and employees would bear the consequences through higher prescription drug spending.

Taken together, these proposals risk upsetting the careful balance between rewarding innovation and ensuring timely competition. Employers support strong intellectual property protections, but the patent system must also preserve meaningful pathways for generic and biosimilar manufacturers to challenge invalid patents and bring affordable medicines to market as Congress intended.

We urge the members of the Committee to **oppose** S. 1546 and S. 1553, and look forward to our continued work together to advance balanced patent reform that promotes competition.

Sincerely,

James P. Gelfand
President and CEO