May 15, 2020

The Honorable Michael Bennet
United States Senate
Russell Senate Office Building 261
Washington, DC 20510

Dear Senator Bennet,

On behalf of the Colorado BioScience Association (CBSA), thank you for the opportunity to provide feedback on the Pioneering Antimicrobial Subscriptions to End Up Surging Resistance (PASTEUR) Act discussion draft. We applaud your leadership in drafting a proposal to strengthen the development pipeline for antimicrobial products, particularly at a time when action is urgently needed to prevent more companies from failing or exiting the antibiotic space.

CBSA represents over 720 life sciences organizations across Colorado that drive innovations, products, and services to improve and save lives. Our state is the center of life sciences for the Rocky Mountain Region, directly employing 30,000 people and spinning out an average of 20 new life sciences companies each year. Our members play a crucial role in the development of breakthrough technologies and therapies that are leading to reduced health care costs and improved patient outcomes.

CBSA recognizes the need for aggressive measures to drive innovation and address the growing unmet needs related to drug-resistant infections. We are encouraged that the PASTEUR Act could play a critical role in tackling some of the underlying challenges and appreciate your efforts to create new incentives for investment in this space. We have included several recommendations below that we believe could improve the legislation.

First, CBSA appreciates the framework that the Committee will use when developing guidance on critical need antimicrobials, but we would also encourage adding language to ensure qualification criteria will be broad enough to capture truly novel approaches to fight resistant germs. One of our members is using cell therapy to fight infections and is focused on improving the function of current antibiotics when given in combination. We would strongly support language in the bill that directly calls out technologies that improve the efficacy of current standard of care treatments (with clinical trial data), as they will have the most rapid opportunity for success.

CBSA is pleased to see the inclusion of transition measures in the bill to help stabilize the market in the short term, but we encourage you to consider a shorter implementation time frame for those contracts. We would support a timeline where the Secretary of Health and Human Services initiates transition contracts within 90 days of the bill's enactment. We also think it's important for companies that receive a transition contract to be eligible for a subscription contract once the program is fully operating. Additionally, CBSA believes it is critical that this program incentivizes ongoing research and development of antimicrobial resistance products, even after they have entered the market. To meet this goal, we encourage you to allow for increases in contract award size if a company's product is approved for another indication that meets the criteria for a higher subscription contract award size.

Lastly, CBSA supports the goals of the PASTEUR Act, but we also recognize that it will only address one of the barriers to new antibiotic development. We hope Congress will also consider

reimbursement reform for antibiotics, to eliminate disincentives for the use of the most appropriate antimicrobial treatment for patients. Current legislation like the DISARM Act would address some of these issues by allowing Medicare to offer an add-on payment to inpatient hospitals that use a qualifying antibiotic to treat a serious or life-threatening infection. We believe these proposals could work together to provide a more comprehensive policy solution to address the challenges in this space.

Thank you again for the opportunity to provide comments. We look forward to working with you as this legislation moves forward.

Sincerely,

Jennifer Jones Paton
President & CEO
Colorado BioScience Association

Emily Roberts
Vice President
Colorado BioScience Association