



January 30, 2024

The Honorable Laurie E. Locascio
NIST Director and Under Secretary of Commerce for Standards and Technology
101 Bureau Drive
Gaithersburg, Maryland 20899

Submitted via www.regulations.gov

RE: Request for Comments on the Draft Interagency Guidance Framework for Considering the Exercise of March-in Rights (NIST-2023-0008)

Dear Director Locascio,

The Alliance of Community Health Plans (ACHP) appreciates the opportunity to respond to your Request for Information (RFI) seeking comment on the *Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights*. ACHP and its member companies are committed to providing high-quality, affordable access to health care, including affordable, appropriate medicines. We strongly encourage the National Institutes of Health (NIH) to use the draft framework and exercise taxpayers' rights to the many pharmaceutical inventions that are not widely accessible to patients due to price.

ACHP is the only national organization promoting relationships between innovative health plans and providers that deliver affordable, high-quality coverage and care. ACHP member companies are non-profit community-based, provider-aligned health plans that provide coverage in all lines of business for tens of millions of Americans in nearly 40 states and the District of Columbia. Its member health plans are leading the industry in practical, proven reforms around primary care delivery, value-based payment and data driven systems improvement.

The government has a responsibility to ensure public access to inventions benefiting from federal funding of research and development. For far too long, pharmaceutical companies have overwhelmingly benefitted from taxpayer funded research and development while continuing to charge astronomical prices for many prescription drugs. We applaud the government-wide effort to ensure federal agencies are equipped with the necessary guidance and information to exercise march-in rights and secure the federal benefit owed to taxpayers.

The draft march-in rights framework is a strong step in supporting government agencies navigating the complex balance between encouraging development and protecting public interest. As the framework is finalized, ACHP urges that price be a major factor for consideration,



particularly given the historical reluctance to incorporate this important measurement in determining availability and access. The strength of the Bayh-Dole Act and the draft march-in rights framework should serve as a deterrent and encourage responsible behavior and pricing by entities receiving future federal funding.

ACHP strongly encourages NIH to use this framework and take action to utilize march-in rights to lower the cost of prescription drugs, specifically the medicines developed in large part using taxpayer dollars. We look forward to a thoughtful dialogue with you and your staff. Please contact Julie Balter, ACHP Senior Manager of Clinical Policy, at jbalter@achp.org with any questions.

Sincerely,

Ceci Connolly
President and CEO
ACHP