



Brett Kay <BKay@nhcouncil.org> on 04/08/2004 01:19:21 PM

To: politicalcommitteestatus@fec.gov  
cc:

Subject: Comments on Proposed Rule Notice 2004-6

Attached in both MSWORD and PDF files are our comments. I have also included our membership list.  
Thank you.

Brett Kay  
Director of Government Affairs  
National Health Council  
1730 M Street, NW, Suite 500  
Washington, DC 20036  
202-785-3910  
202-785-5923 (f)  
[bkay@nhcouncil.org](mailto:bkay@nhcouncil.org)



- FEC Comments.pdf



- FEC Comments on 527 ruling--NHC comments.doc



- NHC Membership List.pdf



NATIONAL HEALTH COUNCIL

---

**Comments of The National Health Council  
on the Proposed Rules  
Regarding Political Committee Status  
(Notice 2004-6)**

Submitted to:  
Ms. Mai T. Dinh  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Contact:  
Brett Kay  
Director of Government Affairs  
1730 M Street, NW, Suite 500  
Washington, DC 20036  
(202) 973-0551  
[bkay@nhcouncil.org](mailto:bkay@nhcouncil.org)  
[www.nationalhealthcouncil.org](http://www.nationalhealthcouncil.org)

The National Health Council is pleased to submit these comments in response to the Notice of Proposed Rulemaking on Political Committee Status issued by the Federal Elections Commission, Notice 2004-6, on March 11, 2004.

The National Health Council, a private, nonprofit umbrella organization of more than 110 national health-related organizations, works to bring quality health care to all people. Its core membership includes nearly 50 of the nation's leading voluntary health agencies (patient-based organizations), including the American Cancer Society, American Heart Association, Arthritis Foundation, American Autoimmune Related Diseases Association, National Multiple Sclerosis Society, and the Epilepsy Foundation—all groups representing approximately 100 million people with chronic diseases and/or disabilities. Other Council membership categories include professional and membership associations such as the American Academy of Family Physicians, nonprofits organizations with an interest in health such as AARP, and business and industry including Pfizer Inc., and Amgen Inc.

The National Health Council strongly encourages the Commission to exempt 501(c)(3) and 501(c)(4) organizations from the definition of political committees. The Council is extremely concerned that the proposed changes the Federal Election Commission is considering related to the definition of “political committee” and “expenditure” would have a chilling effect on the ability of our patient-based organizations to inform, educate, and advocate on behalf of their constituencies.

Current law limits the lobbying and partisan political activities of 501(c)(3) organizations. These organizations, which comprise the majority of our membership, are prohibited from supporting or opposing candidates for elected public office and are limited in their permitted amount of lobbying. The FEC should maintain its current, clear distinction between “express advocacy” communications (those that clearly call for a vote for or against a particular candidate or political party) and other nonpartisan communications.

By expanding the definition of “political committee” to include many IRC 501(c)(3) organizations, simply because they engage in currently permitted types of advocacy and voter participation activities would be devastating to patient-based organizations and the populations they serve. Many would be forced to either abandon legitimate advocacy activities or be subject to the highly restrictive political hard money limits on contributions and sources. Many organizations would be forced to shut down—the proposed rules would apply retroactively to January 1 of the calendar year before the organization became a political committee under the new definition. If patient-based organizations were forced to shut down, it would deal a serious blow to many patients and their families who rely on these organizations for direct care, important disease-related information and education, and referral services. This would be an extreme loss of community services on a national level.

Moreover, the curtailment of such important activities as advocating on behalf of disenfranchised and medically underserved populations, educating the public about crucial policy and legislative actions that may have significant effects on our members' constituents, and increasing voter

participation in local, state, and federal elections would do a disservice to the American electorate and weaken our democracy.

In conclusion, the National Health Council strongly urges the FEC to exempt 501(c)(3) organizations from the definition of political committees and expenditures. The Council is extremely concerned that the proposed changes the Federal Election Commission is considering related to changing the definition of “political committee” and “expenditure” would have a profound effect on the ability of patient-based organizations to inform, educate, and advocate on behalf of their constituencies.

We thank you for this opportunity to comment. We look forward to working with you on this important matter to ensure that the voice of patient-based organizations is appropriately heard in public policy, public education, and electoral issues.





NATIONAL HEALTH COUNCIL

---

**Comments of The National Health Council  
on the Proposed Rules  
Regarding Political Committee Status  
(Notice 2004-6)**

Submitted to:  
Ms. Mai T. Dinh  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Contact:  
Brett Kay  
Director of Government Affairs  
1730 M Street, NW, Suite 500  
Washington, DC 20036  
(202) 973-0551  
[bkay@nhcouncil.org](mailto:bkay@nhcouncil.org)  
[www.nationalhealthcouncil.org](http://www.nationalhealthcouncil.org)

The National Health Council is pleased to submit these comments in response to the Notice of Proposed Rulemaking on Political Committee Status issued by the Federal Elections Commission, Notice 2004-6, on March 11, 2004.

The National Health Council, a private, nonprofit umbrella organization of more than 110 national health-related organizations, works to bring quality health care to all people. Its core membership includes nearly 50 of the nation's leading voluntary health agencies (patient-based organizations), including the American Cancer Society, American Heart Association, Arthritis Foundation, American Autoimmune Related Diseases Association, National Multiple Sclerosis Society, and the Epilepsy Foundation—all groups representing approximately 100 million people with chronic diseases and/or disabilities. Other Council membership categories include professional and membership associations such as the American Academy of Family Physicians, nonprofits organizations with an interest in health such as AARP, and business and industry including Pfizer Inc., and Amgen Inc.

The National Health Council strongly encourages the Commission to exempt 501(c)(3) and 501(c)(4) organizations from the definition of political committees. The Council is extremely concerned that the proposed changes the Federal Election Commission is considering related to the definition of “political committee” and “expenditure” would have a chilling effect on the ability of our patient-based organizations to inform, educate, and advocate on behalf of their constituencies.

Current law limits the lobbying and partisan political activities of 501(c)(3) organizations. These organizations, which comprise the majority of our membership, are prohibited from supporting or opposing candidates for elected public office and are limited in their permitted amount of lobbying. The FEC should maintain its current, clear distinction between “express advocacy” communications (those that clearly call for a vote for or against a particular candidate or political party) and other nonpartisan communications.

By expanding the definition of “political committee” to include many IRC 501(c)(3) organizations, simply because they engage in currently permitted types of advocacy and voter participation activities would be devastating to patient-based organizations and the populations they serve. Many would be forced to either abandon legitimate advocacy activities or be subject to the highly restrictive political hard money limits on contributions and sources. Many organizations would be forced to shut down—the proposed rules would apply retroactively to January 1 of the calendar year before the organization became a political committee under the new definition. If patient-based organizations were forced to shut down, it would deal a serious blow to many patients and their families who rely on these organizations for direct care, important disease-related information and education, and referral services. This would be an extreme loss of community services on a national level.

Moreover, the curtailment of such important activities as advocating on behalf of disenfranchised and medically underserved populations, educating the public about crucial policy and legislative actions that may have significant effects on our members' constituents, and increasing voter participation in local, state, and federal elections would do a disservice to the American electorate and weaken our democracy.

In conclusion, the National Health Council strongly urges the FEC to exempt 501(c)(3) organizations from the definition of political committees and expenditures. The Council is extremely concerned that the proposed changes the Federal Election Commission is considering related to changing the definition of "political committee" and "expenditure" would have a profound effect on the ability of patient-based organizations to inform, educate, and advocate on behalf of their constituencies.

We thank you for this opportunity to comment. We look forward to working with you on this important matter to ensure that the voice of patient-based organizations is appropriately heard in public policy, public education, and electoral issues.





## NATIONAL HEALTH COUNCIL

# Membership 2004

### Voluntary Health Agencies

Alpha-1 Foundation  
Alzheimer's Association, Inc.  
American Autoimmune Related Diseases Association  
American Cancer Society  
American Diabetes Association  
American Foundation for Urologic Disease  
American Heart Association  
American Kidney Fund  
American Liver Foundation  
American Lung Association  
American Tinnitus Association  
The ALS Association  
Arthritis Foundation  
Asthma & Allergy Foundation of America  
CHADD  
Easter Seals  
Epilepsy Foundation  
Huntington's Disease Society of America  
International Pemphigus Foundation  
Interstitial Cystitis Association  
Kidney Cancer Association  
LAM Foundation, The  
Lance Armstrong Foundation, Inc.  
The Leukemia and Lymphoma Society  
Lupus Foundation of America  
Myasthenia Gravis Foundation  
The Myositis Association  
National Alopecia Areata Foundation  
National Down Syndrome Society  
National Eczema Association for Science and Education  
National Hemophilia Foundation  
National Kidney Foundation  
National Marfan Foundation  
National Mental Health Association  
National Multiple Sclerosis Society  
National Osteoporosis Foundation  
National Psoriasis Foundation  
National Sleep Foundation  
Osteogenesis Imperfecta Foundation, Inc.  
Parent Project Muscular Dystrophy  
Prevent Blindness America  
RESOLVE, The National Infertility Association  
Restless Legs Syndrome Foundation  
Scleroderma Foundation  
Sjogren's Syndrome Foundation  
Spina Bifida Association of America  
Tourette Syndrome Association, Inc.  
Y-ME National Breast Cancer Organization

### Professional and Membership Associations

AcademyHealth  
Advanced Medical Technology Association  
Alpha 1 Association  
American Academy of Family Physicians  
American Academy of Hospice and Palliative Medicine  
American Association for Homecare  
American Association of Diabetes Educators  
American Clinical Laboratory Association

American College of Chest Physicians  
American Dietetic Association  
American Mental Health Counselors Association  
American Osteopathic Association  
Americans for Medical Progress  
Amputee Coalition of America  
Association for Addiction Professionals, NAADAC  
Association of American Medical Colleges  
Association of Schools of Allied Health Professions  
Biotechnology Industry Organization  
Digestive Disease National Coalition  
Eye Bank Association of America  
Federation of American Societies for Experimental Biology  
Friends of the NIDCR  
MedicAlert Foundation International  
National Committee for Quality Health Care  
National Family Caregivers Association  
National Hospice and Palliative Care Organization  
National Medical Association  
National Pharmaceutical Council, Inc.  
Partnership for Prevention  
Pharmaceutical Research and Manufacturers of America  
Research!America  
Society for Women's Health Research

### Nonprofit Organizations

AARP  
Center For the Advancement of Health  
Community Health Charities  
Kanter Family Foundation  
Miracle Flights for Kids  
National Certification Commission for Acupuncture & Oriental  
Medicine  
National Health Museum  
Rosalynn Carter Institute for Human Development

### Business and Industry

Amgen Inc.  
AstraZeneca Pharmaceuticals  
Aventis  
Bayer Corporation  
Bristol-Myers Squibb Company  
Consumer2Patient\*  
Edelman Public Relations \*  
Eli Lilly and Company  
GlaxoSmithKline  
Johnson & Johnson  
Kimberly-Clark Foundation  
Merck & Co., Inc.  
Millennium Pharmaceuticals, Inc.  
Novartis  
Novo Nordisk Pharmaceuticals, Inc.  
Ortho Biotech Inc  
Pfizer Inc  
Procter & Gamble Company, The  
Roche, Inc.  
Sonnenschein Nath & Rosenthal LLP\*

\*Associate Member