



January 18, 2008

Nancy M. Morris
Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

Re: **File No. S7-27-07**
Comments Regarding Access to Company Disclosures Relating to Business
Activities in or with Countries Designated as State Sponsors of Terrorism

Dear Secretary Morris:

This letter is submitted on behalf of the members of AdvaMed, the Advanced Medical Technology Association, in response to the Security and Exchange Commission's ("SEC") Concept Release, dated November 23, 2007, seeking comments regarding access to company disclosures concerning business activities in or with countries designated as state sponsors of terrorism (the "Concept Release"). 72 Fed. Reg. 65862.

AdvaMed is a trade association representing U.S. innovators, manufacturers and exporters of medical devices and diagnostics. AdvaMed member companies produce the medical devices, diagnostic products and health information systems that are transforming health care through earlier disease detection, less invasive procedures and more effective treatments. Our members produce nearly 90 percent of the health care technology purchased annually in the United States and more than 50 percent purchased annually around the world. AdvaMed members range from the largest to the smallest medical technology innovators and companies.

Our member companies are concerned that enhanced access to company disclosures of transactions with or in designated countries would discourage and impede the lawful export of humanitarian medical products, thereby depriving persons in the affected countries from receiving access to much needed life-saving medical devices. We recommend the SEC eliminate the web tool that highlights connections to designated countries, and in the alternative, exempt from its proposed web tool those disclosures regarding company medical device, diagnostics and medical technology transactions with or in the listed countries.



1. AdvaMed's General Comments Regarding Enhanced Access

In its Concept Release, the SEC requested comment on whether it should provide enhanced access to disclosures concerning this subject matter. See SEC request for comment #1, 72 Fed. Reg. 65863. AdvaMed's position is that the SEC should not provide such access. A company's disclosure of legitimate business activity in a designated country, some of which may not even be considered "material," should not be highlighted or emphasized. Providing this type of information may mislead investors to assume that the business activities are material to the company by virtue of the company being included on the list. (In other words, investors may attach unwarranted significance to the list simply because it has been provided by the SEC. See SEC request for comment #2.) In fact, given the potentially inflammatory views sometimes associated with these countries, there is a risk that investors could erroneously assume that the activity is illegal. This would be an unintended consequence of the SEC's publication of the list. See SEC request for comment #3.

AdvaMed also questions the added value of the web tool as providing accurate, non-misleading information to investors, given that it only provided access to a company's SEC filings, which are already publicly available. Investors already have the ability to search the SEC's EDGAR database for such information. Because the web tool provides no additional information, there was no clarification or qualification of the nature of the business activities in designated countries. This creates the risk that investors will make investment decisions based only on the content of the list and nothing else.

2. Medical Device Companies Merit an Exemption From the List

Alternatively, AdvaMed requests that the SEC exempt medical device companies from the list. Medical device companies are in a significantly different position from other publicly traded companies in that they supply products that fulfill a critically important humanitarian need. The federal government recognizes that humanitarian aid is important and has established licensing programs that authorize medical device exports to each of the listed countries.¹ Additionally, the majority of states that have enacted, or are considering enacting, divestment measures with regard to the listed countries have explicitly exempted the provision of humanitarian goods and services (including medical devices) as well as activities licensed by the federal government.

Enhanced public access to SEC disclosures regarding transactions involving humanitarian products, however, would serve only to discourage and in effect penalize U.S. companies supplying humanitarian products lawfully to the listed countries. In the current international relations climate, the medical device industry is concerned that permissible

¹ For example, pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000, 22 U.S.C. §§ 7201-7211, medical device companies may receive special approval to sell and distribute cleared medical technology in the five listed countries on humanitarian grounds, and through a review and authorization process administered by the Department of Commerce's Bureau of Industry and Security and the Treasury Department's Office of Foreign Assets Control, medical device companies operate legally in these countries.



humanitarian activities would be perceived erroneously by the investment community as illegal, in opposition to national interests, or as otherwise harmful and detrimental. The vitality of ongoing U.S. based medical innovation and investment in new and emerging technologies beneficial here and abroad should not be harmed by incorrect perceptions drawn from the proposed SEC web tool.

Therefore, based on the unique position of medical device companies, AdvaMed respectfully recommends that, at a minimum, the SEC exempt from disclosure medical device transactions with or relating to the designated countries.

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AdvaMed appreciates the opportunity to submit these comments, and thanks you for your time and consideration.

Very truly yours,



Christopher L. White

Executive Vice President, General Counsel and Assistant Secretary
AdvaMed

Cc: Ralph Ives, Executive Vice President, Global Strategy and Analysis
AdvaMed