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September 8, 2004

Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

*Re: American Society of Association Executives/ CAN-SPAM Act Rulemaking, Project No. R411008 addressing the definition and implementation of the Act as set forth in sections 3(2)c and 3(17)(B).*

Our firm is a non-profit association of 1200 physician members. Communication between our association members would be negatively affected by the proposed CAN-SPAM rule, issued on August 13.

As a tax-exempt nonprofit organization, we exist to serve our members and constituencies who seek out membership and/or involvement in our organization. To assist individuals and others in achieving their goals, tax-exempt nonprofit organizations continuously strive to offer a variety of messages. E-mail has become our preferred vehicle to deliver these messages.

For this reason we believe the proposed rule would create an unfair regulatory burden on communication with our association members. We reiterate our request that the Commission's rule-making expressly provide that e-mail transmitted by a tax-exempt nonprofit organization, primarily related to one or more of the organization's duly authorized tax exempt nonprofit purposes, not be considered commercial electronic mail messages under the Act and, therefore, be specifically exempt from regulation under the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerrie Lynn Kind", is positioned below the word "Sincerely,".

Jerrie Lynn Kind  
Association Manager