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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 an association management company, part of an industry that collectively manages over 3,000 nonprofit associations and societies with annual budgets of over \$3.4 billion. Communication between our association clients and their members would be negatively affected by the proposed CAN-SPAM rule, issued on August 13.

The tax-exempt nonprofit organizations we manage exist to serve their members and constituencies who seek out membership and/or involvement in the 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 the preferred vehicle to deliver these messages.

For this reason we believe the proposed rule would create an unfair regulatory burden on communication with our clients' 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,



Deidre Gish-Panjada, MBA  
Vice President, Management Services