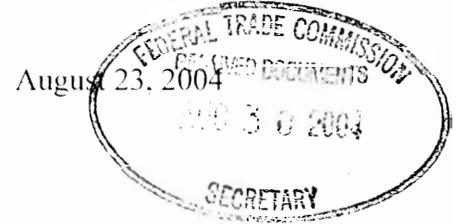




Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580



Re: The CAN – SPAM Act Rulemaking. Project # R411008

EXECUTIVE DIRECTORS:

President
Sandra Hodel-Runtz
United Airlines

Executive Vice President
Robert Chovanec
Warner Norcross & Judd LLP

Vice President
Denise White
University of Michigan Health System

Treasurer
Sally Loftis
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Rideau Recognition Solutions

Theresa Howell
Delta Air Lines Inc.

Tom Miller
The Miller Company

Executive Director
Christi Gibson

PLAINVILLE, ILLINOIS
BL
O.C. TANNER COMPANY
SEARS, ROEBUCK & CO.

1801 N. Mill Street, Suite R
Naperville, IL 60563
phone: 630-369-7783
fax: 630-369-3773
info@recognition.org
www.recognition.org

Dear Sirs:

I am writing concerning the rules that are proposed for the CAN SPAM Act. As the Executive Director of the National Association For Employee Recognition, I do support rules that prohibit unnecessary and un-requested SPAM that is sent on the internet, however I ask that you qualify those rules in order that legitimate companies and associations may communicate with their members and each other as part of a national association.

The mission of the National Association For Employee Recognition is to make employee recognition an integral part of every organization's business and people strategy. Dedicated to the enhancement of workplace performance through recognition, NAER provides information, research, education, best practices, and a forum for networking, and benchmarking to foster the use, effectiveness, and enthusiasm for recognition. Our association's members voluntarily join our association to advance their business needs and professional requirements. They come together to educate themselves, to interact and to advance their professions. Our membership expects and requests pertinent information be sent in a timely manner. With approximately six-hundred members, the National Association For Employee Recognition acts as the communications coordinator for our membership. To do this effectively and economically as a not for profit association e-mail communications is the method of choice by our members.

N.A.E.R. regularly sends e-mail notices and e-mail newsletters to our membership as a whole advising them of all the activities and actions occurring within the associations' charter. **They ask us for this information as members and we respond accordingly.** The information that is shared to our member group is important information about the association, its activities, its challenges and its focus or reason for coming together in the first place.

Benjamin Franklin of Philadelphia, PA formed one of the first US associations, and for centuries countless associations have gathered. Associations are formed because people come together to advance their causes. Therefore, you must understand that when we communicate with our members it is not SPAM sent to random people, it is focused communications directed to our voluntary members. Broad laws aimed at unscrupulous SPAMERS that also bind the hands of legitimate companies and associations are not the answer. Our association's members have paid dues, and by becoming members have asked for focused communication in order to advance the

MISSION STATEMENT

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objectives of their association. Our members have requested that we communicate with them via email. The new CAN SPAM law would require that we could not legally comply with their requests.

The new CAN SPAM law contains rules and conditions that will prevent us from communicating. Many of the rules/methods outlined in the new CAN SPAM law are current practices NAER has in place to advise our members that what we are sending is a legitimate communication, not SPAM. We don't send SPAM, we send requested communication because the association members have joined the organization to receive such information.

- 1) The law bans false and misleading header information. When we send e-mails we **always title the header accurately** so members know we are writing to them.
- 2) It prohibits deceptive subject lines. We agree, **our headers and e-mails are clear and declarative** in order to gain the attention of our members.
- 3) It requires opt-out methods for unwanted e-mail. **We currently offer such opt-out capability**, but we rarely receive such because our members want the communications. If we do receive such a request we immediately remove the recipient from the list.
- 4) It requires identification as advertisement and a physical address. **All of our e-mails are identified by the association acronym and has a full sender address** of the association office that sent it.

The CAN SPAM Act is a shotgun approach that will have a chilling effect on legitimate business communication. It will prevent us from sending newsletters and requested materials on upcoming programs, conferences, and services that our members want to receive. What is needed is a means of focusing on the abusers, and not chasing legitimate communication among voluntary participants that want to have such communication.

Please reconsider what you have proposed. I have attached a factual letter from the American Society of Association Executives that outlines the issues very clearly. Should this law take effect as-is all legitimate business will be immensely and adversely impacted.

Sincerely,

Christi L. Gibson
NAER Executive Director
1801 North Mill Street, Suite R
Naperville, IL 60563

Phone: 630-369-7783
Email: Christi@recognition.org

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