



May 13, 2022

The Honorable John Thune
511 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Todd Young
185 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Marsha Blackburn
357 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Jerry Moran
521 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators Thune, Young, Blackburn, and Moran:

On behalf of ACA International, the Association of Credit and Collection Professionals (ACA), I am writing in support of S. 3715, the Electronic Signatures in Global and National Commerce Act (E-SIGN Act) Modernization Act of 2022. ACA International is the leading trade association for credit and collection professionals representing approximately 2,100 members, including credit grantors, third-party collection agencies, asset buyers, attorneys and vendor affiliates in an industry that employs nearly 125,000 employees worldwide.

ACA supports efforts to modernize the E-SIGN Act. The E-SIGN Act in its current form makes it more difficult to communicate with consumers. Limiting consumers' ability to receive information they need electronically is not a helpful step toward protecting them, which the Consumer Financial Protection Bureau has noted:

“Consumers benefit from communications with consumer financial products providers in many contexts, including receiving offers of goods and services and notifications about their accounts. Recent years have seen rapid increases in the use of smartphones, text messages, email, social media, and other new or newer methods of communication. With the advent and deployment of these communication technologies, it is important to review how statutes and regulations apply to them.”

Meaningful communication with consumers about their financial services should not be discouraged through arbitrary or outdated limitations on technology. The ability to communicate with consumers, in the way they prefer, is an important step in providing them with more options for controlling their financial future and for having access to credit and services. Alternatively, overly complex

requirements that interfere with meaningful communication between collectors or creditors, and the consumers that need the information they are providing, limit account resolution options and instead increase creditor litigation. The E-SIGN Act currently puts onerous burdens on consumers before they can receive an electronic communication, which is an outdated requirement that is no longer necessary given advancements in technology. To that end, your efforts to modernize the E-SIGN Act are critical for consumers.

Thank you for your leadership on this important matter. Please let me know if you have any questions about our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Purcell". The signature is fluid and cursive, with the first name "Scott" written in a smaller, more legible script than the last name "Purcell", which is written in a larger, more stylized cursive.

Scott Purcell
Chief Executive Officer
ACA International