



September 15, 2020

The Honorable Roger Wicker
U.S. Senate Committee on Commerce,
Science, and Transportation
United States Senate

The Honorable Maria Cantwell
U.S. Senate Committee on Commerce,
Science, and Transportation
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Dear Chairman Wicker and Ranking Member Cantwell:

On behalf of ACA International, I am writing in support of the Electronic Signatures in Global and National Commerce Act (E-SIGN) Modernization Act (S. 4159). ACA International is the leading trade association for credit and collection professionals representing approximately 2,500 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates in an industry that employs more than 120,000 employees worldwide. Thank you for holding tomorrow's markup of this important legislation.

ACA's membership is made up primarily of small businesses. In fact, 44% of ACA member organizations (831 companies) have fewer than nine employees. Additionally, 85% of members (1,624 companies) have 49 or fewer employees and 93% of members (1,784 companies) have 99 or fewer employees. ACA members are small businesses, and they also provide services to other small businesses including medical providers, plumbers, lawn care services, community financial institutions, and many others. ACA members include the smallest of businesses that operate within a limited geographic range of a single state, and the largest of publicly held, multinational corporations that operate in every state.

As an overarching matter, we believe there are instances where the E-SIGN Act should not apply to the accounts receivable management (ARM) industry, such as for electronic disclosures under the Fair Debt Collection Practices Act. However, ACA supports efforts to modernize the E-SIGN Act regardless of its application to the FDCPA. 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 consumers. As 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 must not be discouraged through arbitrary or outdated limitations on communications. The ability to communicate with consumers is an important step in providing them with more options for controlling their financial future and continued access to credit and services. Alternatively, overly complex requirements that interfere with meaningful communication between collectors or creditors and consumers limit options and instead increase creditor litigation, such as in the state of New York. To that end, your efforts to modernize the E-SIGN Act are critical for consumers.

We appreciate your leadership in holding tomorrow's markup and we look forward to continuing our engagement with Congress on behalf of the ARM industry.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Neeb', with a stylized flourish at the end.

Mark Neeb
Chief Executive Officer