July 7, 2020

The Honorable John Thune  
U.S. Senate  
511 Dirksen Senate Office Building  
Washington, D.C. 205150

The Honorable Jerry Moran  
U.S. Senate  
521 Dirksen Senate Office Building  
Washington, D.C. 205150

The Honorable Todd Young  
U.S. Senate  
185 Dirksen Senate Office Building  
Washington, D.C. 205150

Dear Senators Thune, Moran, and Young:

On behalf of the Consumer Bankers Association (CBA), I write in support of S. 4159, the “E-SIGN Modernization Act of 2020.” Our members appreciate your efforts to modernize the Electronic Signatures in Global and National Commerce Act (E-Sign Act) to better reflect current technologies and expectations of consumers. CBA is the voice of the retail banking industry whose products and services provide access to credit for consumers and small businesses. Our members operate in all 50 states, serve more than 150 million Americans, and collectively hold two-thirds of the country’s total depository assets.

CBA strongly supports ensuring consumers are protected and understand the details of receiving these items digitally; however, certain archaic requirements, including the need to “reasonably demonstrate” access, are cumbersome to the process and at odds with the expectations of consumers. Our members support the reforms made in the E-Sign Modernization Act to streamline the E-Sign process and better enable consumers to access their information digitally.

The E-Sign Act was passed in 2000 to encourage the growth and development of digital commerce by legitimizing the use of electronic signatures and contracts. In the two decades since the E-Sign Act was signed into law, technology and consumer accessibility to these technologies have advanced greatly. In 2000, only 52 percent of American adults had access to the internet, primarily through a dial-up modem.¹ As of last year, nine-in-ten American adults use the internet.² While consumer preference and adoption of technology has evolved during this time, the laws governing this medium have not.

In today’s digital society, the E-Sign Act’s reasonable demonstration requirement is an unnecessary point of friction for consumers when opening an account at a branch. Customers can agree at a branch to receive communications from their bank electronically, but are still forced to follow additional, unnecessary steps online for them to be fully enrolled in the online banking experience. Today’s

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consumer deserves a convenient, streamlined banking experience without being forced to meet a decades-old standard.

CBA applauds this thoughtful approach to modernizing the E-Sign Act. We remain eager to work with Congress to pass this legislation.

Sincerely,

[Signature]

Richard Hunt
President and CEO