



## **PUBLIC WORKSHOP APRIL 3, 2001**

**at the  
Federal Trade Commission  
Room 432**

**T**his workshop is part of the Federal Trade Commission (FTC) and the National Telecommunications and Information Administration's (NTIA) effort to gather information to report to Congress on the benefits and burdens of § 101(c)(1)(C)(ii) of the Electronic Signatures in Global and National Commerce Act (ESIGN), which authorizes the use of an electronic record to send legally required information to consumers if the consumer consents or confirms consent "in a manner that reasonably demonstrates that they can access the information." Congress mandated this report under § 105(b) of ESIGN and required the submission of this study by June 30, 2001.

Through this workshop we hope to advance our understanding of the benefits and burdens to businesses and consumers resulting from the consumer consent provision of § 101(c)(1)(C)(ii). The workshop will consist of moderated roundtable discussions with representatives from industry, government, consumer advocate groups and other interested parties. We hope to foster discussion about best practices in obtaining electronic consent and to allow workshop participants to demonstrate their best practices, and the technologies that are available for companies to obtain consumer consent.

Starting at 12:00 p.m. and continuing until the end of the day, attendees may visit technology exhibits in Room 532.

The forum is open to the public, and there is no formal registration process for those wishing to attend.

# ESIGN Public Workshop AGENDA

8:30 - 9:00 Registration

9:00 - 9:05 Opening Remarks  
Jodie Bernstein, Director  
Bureau of Consumer Protection, Federal Trade Commission

9:05 - 9:30 Setting the Stage: What are the Issues?  
Moderator: Eileen Harrington, Associate Director  
Bureau of Consumer Protection, Federal Trade Commission

This session will identify the relevant issues regarding § 101(c)(1)(C)(ii) of ESIGN, explore the areas of consensus, controversy and disagreement, and set the stage for the rest of the day's discussion.

- Margot Saunders, *National Consumer Law Center (NCLC)*
- Jerry Buckley, *Counsel for Electronic Financial Services Council (EFSC)*
- Benham Dayanim, *Paul, Hastings, Janofsky & Walker, LLP*

9:30 - 10:30 Legal Issues  
Moderator: April Major, Attorney  
Bureau of Consumer Protection, Federal Trade Commission

A moderated roundtable discussion to explore the legal issues that face all parties when implementing the consumer consent provision found in § 101(c)(1)(C)(ii) of ESIGN.

- Margot Saunders, *National Consumer Law Center*
- Jerry Buckley, *Counsel for Electronic Financial Services Council*
- Benham Dayanim, *Paul, Hastings, Janofsky & Walker, LLP*
- Elizabeth Yen, *Hudson Cook*
- Robert A. Wittie, *Counsel for Investment Company Institute (ICI)*
- Jane Stafford, *Wachovia Bank*
- Mark MacCarthy, *Visa Payments Systems*
- Jeff Wood, *Household Bank*

10:30 - 10:45 Break

10:45 - 11:45 Technology Issues  
Moderator: Fran Nielson, PhD, Senior Computer Scientist  
National Institute of Science and Technology  
U.S. Department of Commerce

Technical Expert: William Burr, Manager, Security Technologies Group, Computer Security Division, National Institute of Science and Technology, U.S. Department of Commerce

This moderated roundtable discussion will explore the technology issues and the available software and computer technologies that enable companies to employ the consumer consent provision.

- Christopher Smithies, *Selwood Research*
- Michael Laurie, *Silanis Technology*
- Mark Bohannon, *SIIA*
- Thomas Wells, *b4bpartner*
- Virginia Gobats, *NewRiver*
- James Brandt, *VeriSign*
- Jane Winn, *Professor of Law, SMU*
- Dr. Bruce E. Brown, *iLumin*
- Thomas Greco, *Digital Signature Trust*
- Margot Saunders, *NCLC*

11:45 - 1:00

**Lunch (on your own)**

Starting at 12:00 pm and continuing until the end of the day, attendees may visit technology exhibits in Room 532.
--

1:00 - 3:00

**Benefits and Burdens**

**Moderator: Kathy Smith, Chief Counsel  
National Telecommunications and Information Administration (NTIA)  
U.S. Department of Commerce**

**Economists: Keith Anderson, Bureau of Economics  
Federal Trade Commission**

**Lee Price, Deputy Under-Secretary for Economic Affairs  
Economics and Statistics Administration  
U.S. Department of Commerce**

This moderated roundtable discussion will focus on the benefits and burdens to consumers and businesses of E-SIGN's consumer consent requirement, set forth in § 101(c)(1)(C)(ii). The workshop will also explore whether the benefits outweigh the burdens.

- Mark MacCarthy, *Visa Payments System*
- Michael Laurie, *Silanis Technology*
- Paul Gallagher, *Fidelity*
- Elizabeth Yen, *Hudson Cook*
- Jane Winn, *Professor of Law, SMU*
- Gail Hillebrand, *Consumers Union*
- Behnam Dayanim, *Paul, Hastings, Janofsky & Walker, LLP*
- Thomas Wells, *b4bpartner*
- John Buchman, *E\*Trade Bank*
- Jeremy Newman, *Selwood Research*
- Margot Saunders, *NCLC*
- Wendy Weinberg, *NACAA*
- Jerry Buckley, *EFSC*

3:00 - 3:15

Break

3:15 - 4:15

**Best Practices**

**Moderator: Eileen Harrington, Associate Director  
Bureau of Consumer Protection, Federal Trade Commission**

This will be a moderated roundtable discussion from the standpoint of both businesses and consumers. We will also explore whether similar best practices apply to all industries or whether some are industry-specific.

- Virginia Gobats, *NewRiver*
- Gail Hillebrand, *Consumers Union*
- Margot Saunders, *NCLC*
- Robert A. Wittie, *Counsel for ICI*
- Mark Bohannon, *SIIA*
- Jeff Wood, *Household Bank*
- Jane Stafford, *Wachovia Bank*
- Dr. Bruce E. Brown, *iLumin*
- Wendy Weinberg, *NACAA*
- Paul Gallagher, *Fidelity*

4:15 - 4:55

**Public Participation**

Public attendees will have an opportunity to ask questions and offer insight on the day's dialogue.

4:55 - 5:00

**Closing: What's Next?  
U.S. Department of Commerce**