

United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

December 13, 2023

Dr. Kilolo Kijakazi
Acting Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Dear Acting Commissioner Kijakazi:

We write regarding reports of the Social Security Administration (SSA) departing from congressional and executive direction to federal agencies on the use of electronic signatures (e-signatures) for the completion of vital transactions when possible. We are especially concerned that outdated SSA wet signature requirements for some forms are burdensome for SSA employees, and are contributing to ongoing backlogs and delays in access to benefits for recipients and potential recipients with disabilities.

There are four recent congressional and executive branch authorizations providing federal agencies with flexibility to allow and facilitate the use of e-signatures. One such action is President Biden's December 16, 2021, executive order directing SSA, to the extent practicable, to remove and revise regulations requiring physical signatures.¹ Yet there have been reports of SSA offices still requiring completion of many forms with a wet signature of blue or black ink and requiring submission by mail rather than electronically. For instance, our constituents have received recent SSA correspondence insisting, "we do not accept paper applications with e-signatures. DocuSign signatures, systems-generated font signatures, or copied/pasted signatures. You must submit each agency-prescribed form with a wet signature from the applicant in blue/black ink only."²

Requirements for hard copy, "wet" signatures without an option for e-signatures can limit access to benefits and delay responsive customer service. It can add to wait times for processing documents and impose unnecessary paperwork and mailing costs on current recipients and potential recipients. SSA's requirements for hard copy "wet" signatures can place a particular burden on people with disabilities, who may face barriers getting to SSA offices or have limited means to print and mail forms. The requirements of hard copy "wet" signatures can also create delays in the appointment of representative payees and overall access to SSI and SSDI benefits.

SSA employees are currently struggling to meet service demands because of a range of factors. Outdated technology may be one contributory factor, making it even more necessary that SSA provide e-signature and

¹ The Government Paperwork Elimination Act, Pub. L. No. 105-277, § 1704(2), 112 Stat. 2681, 2681-750 (1998); The Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000); 15 U.S.C. § 7001(a)(1); The 21st Century Integrated Digital Experience Act, Pub. L. No. 115-336, § 5, 132 Stat. 5025, 5027 (2018); The President's Executive Order 14,058, 86 Fed. Reg. 71,357, 71,361 (Dec. 16, 2021).

² Documentation available upon request.

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digital options to recipients who choose to utilize that technology. This is not without precedent; SSA effectively enacted adoption of e-signatures during the pandemic with reported success.

We urge SSA to provide greater flexibility, consistent with congressional and executive policy and provide the option of e-signatures on all documents possible. We also request that the following information by January 31, 2024:

1. Why is SSA continuing to require wet signatures on certain documents despite directives authorizing the comprehensive use of e-signatures?
 - a. How did the use of e-signatures fare over the COVID-19 pandemic? Why did SSA revert to requiring wet signatures for key documents after the pandemic?
 - b. Why does SSA appear to require wet signatures for some forms? What is guiding the distinction to require wet signatures for some forms but not for others?
2. What steps is SSA taking to move toward accepting e-signatures for all documents?
 - a. Has SSA evaluated data on the efficiency of e-signatures?
 - b. What is the status of SSA's evaluation of wet signatures and e-signatures?
3. Under what circumstances would SSA continue to require wet signature for specific documents?

Thank you for attention to this issue. We look forward to your response.

Sincerely,



Mike Braun
United States Senator
Ranking Member, Special Committee on Aging



Robert P. Casey
United States Senator
Chairman, Special Committee on Aging