



June 9, 2021

MEMORANDUM FOR DIRECTORS, STATE AGENCIES FOR SURPLUS PROPERTY

FROM: SUSANNE COMBS  
DIRECTOR, OFFICE OF PERSONAL PROPERTY MANAGEMENT

SUBJECT: Use of Electronic Signatures by SASPs and Donees

The purpose of this memorandum is to notify State Agencies for Surplus Property (SASPs) on GSA policies regarding the acceptable use of electronic signatures in forms and documents related to the GSA Federal Surplus Personal Property Donation Program. This supersedes interim guidance provided by GSA following previous SASP inquiries. An acceptable electronic signature guarantees the signed document is authentic and being signed by the identified signee. This signature method ensures that the signer's identity is secure and valid. Electronic signatures also encompass the intent of the signer for use in a legal binding document. Use of electronic signatures is optional and written signatures ("hard signatures") are also still acceptable.

The Electronic Signatures in Global and National Commerce ("E-SIGN") Act, the Uniform Electronic Transactions Act, and others establish requirements for electronic signatures. The following requirements are derived from these laws and are intended to ensure that the electronic signature is functionally equivalent to a handwritten signature. SASPs should ensure the electronic signature system they use complies with these requirements. The requirements for electronic signatures at a minimum, are :

1. Intended signee must use an acceptable electronic form of signature. Acceptable electronic forms of signatures include<sup>1</sup>:
  - a. A typed name (e.g., typed at the end of an e-mail message by the sender, or typed into a signature block on a website form by a party);
  - b. A digitized image of a handwritten signature that is attached to an electronic record;
  - c. A shared secret (e.g., a secret code, password, or PIN) used by a person to sign the electronic record;
  - d. A unique biometrics-based identifier, such as a fingerprint, voice print, or a retinal scan; or
  - e. A digital signature (i.e., encrypted data produced by a mathematical process applied to a record using a hash algorithm and public key cryptography.);

---

<sup>1</sup> U.S. General Services Administration, and Federal Chief Information Officers Council. [Use of Electronic Signatures in Federal Organization Transactions](#). 2013

2. The signee must adopt the intent to sign the documents;
3. The electronic signature must be attached to the electronic document being signed;
4. There must be means to authenticate the signee signing the documents (PIV card, password protected, etc.); and
5. There must be a method to protect the integrity of a signed record.

During reviews of SASP operations (41 C.F.R. § 102-37.350), GSA may review:

1. The identity of the signee by a linked source (PIV card, validated user ID, digital certificate, etc.);
2. The verified time and date of the signature;
3. The method utilized by the signee when signing the record;
4. The acknowledgement of reason for the signer to sign the document; and
5. Any additional safeguard measures the Government may require.

As with all donee documents, SASPs should accept signatures only from persons designated by the donee's governing body or chief administrative officer to act for the donee in acquiring property. A SASP may implement electronic signatures within their operations that meet the above requirements without amending their State Plan of Operation. SASPs may include electronic signatures in future updates to their State Plan.

Other Federal agencies also accept electronic signatures for documents they require (e.g., the Defense Logistics Agency's Letter of Authorization to Remove; the Small Business Administration's SBA 8(a) property request form), however, other agencies may have different electronic signature requirements than those outlined above.

Thank you for your attention to this matter. Should you have any questions, please contact your Zonal Personal Property Management Office.