

April 1, 2020

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

SENT VIA ELECTRONIC MAIL TO STEPHANIE.BURCH@IRS.GOV

Re: Uniform Standards for Electronic Signatures

Dear Commissioner Rettig,

On behalf of the National Association of Enrolled Agents (NAEA) and the approximately 57,000 enrolled agents (EAs) it represents, let me open by thanking you and all of the dedicated IRS executives and employees. These times are trying, and we recognize the sacrifices they are making and risks they may be taking to keep America's tax system working. Otherwise, I am writing to follow up on NAEA's letter of May 31, 2019 (attached) and to comment on the March 27th Memorandum from Deputy Commissioner Sunita Lough to IRS Service and Enforcement Employees specifically regarding acceptance of digital signatures.

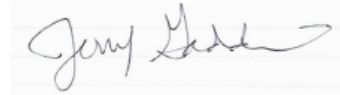
Section 2302 of the Taxpayer First Actⁱ established a deadlineⁱⁱ for the Service to develop a uniform standard for the use of private sector electronic signatures for powers of attorney (Form 2848) and disclosure authorizations (Form 8821). Unfortunately, that deadline has come and passed without the IRS meeting the statutory requirements.

As cited in the Ways and Means Committee reportⁱⁱⁱ, the model for this standard already exists under the Income Verification Express Services (IVES) program^{iv} and its immediate adoption for Circular 230 tax practitioners (*i.e.*, enrolled agents, certified public accountants and attorneys) would advance the mandate for a uniform standard across all section 6103(c) disclosures. Additionally, by simply adding Forms 2848 and 8821 to IRM Exhibit 10.10.1-1 "Current Approved Methods" under "Using a stylus device," the IRS could avoid any programming costs. Most importantly, tax practitioners could swiftly begin using their choice of secure portal software^v to obtain signatures from clients, many of whom are now under a government mandate to shelter in place.

Without a clear statement from IRS, we believe our practitioner tax software vendors will not provide an electronic signature solution for these forms. Because a significant portion of shelter in place taxpayers will not have access to faxes and even printers, EAs will potentially be forced back into an unsecured digital environment for communicating with our clients in order to obtain the proper authorization to represent them. Such an approach flies in the face of ongoing IRS Security Summit efforts to ensure security for sensitive data.

In conclusion, by using the current emergency to comply with the TFA e-signature mandate, IRS would increase digital security for powers of attorney and disclosure authorization forms; help Circular 230 tax practitioners better represent taxpayers; and speed the ability of the agency to resolve open cases—not to mention to comply with the Taxpayer First Act. NAEA has been the industry leader on this issue and continues to stand ready to work with the agency in its implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Gaddis", is written over a light gray rectangular background.

Jerry Gaddis, EA, MBA
President

Encl. (1)

cc: The Honorable David Kautter, Assistant Secretary for Tax Policy

ⁱ Summarized on IRS' website: <https://www.irs.gov/newsroom/taxpayer-first-act-irs-modernization>

ⁱⁱ 6 months from date of enactment (July 1, 2019) Pub. Law 116-25, making the deadline January 1, 2020.

ⁱⁱⁱ H. Rept. 116-39, p.89.

^{iv} <https://www.irs.gov/individuals/international-taxpayers/how-to-get-started-using-ives-electronic-signature>

^v NAEA provides [VerifyPro](#) free to its members, though other services are available