

The Department of the Treasury (Treasury) is the only entity authorized to make determinations on requests for waiver from the mandatory electronic payment requirement. We do not have the statutory authority to make such determinations.

31 U.S.C.3332(f) grants the Secretary of the Treasury authority to waive the statutory mandatory electronic payment requirement in the following cases:

- For individuals or classes of individual for whom compliance imposes a hardship;
- For classifications or types of checks; or
- In other circumstances as may be necessary.

Even if we had such authority, there are still valid reasons why we would not be in a position to make these determinations:

- Uniformity of Wavier Determinations among Benefit-Paying Agencies
 - While we recognize that most of the beneficiaries subject to the requirement are SSA beneficiaries, this rule affects payments made by three other major Federal benefit-paying agencies: Railroad Retirement Board, the Office of Personnel Management, and the Department of Veterans Affairs. If each benefit-paying agency had its own authority to make waiver determinations, it would be challenging to ensure that similarly situated individuals are treated the same way by each agency. In addition, no single agency has the authority to make determinations related to the payment of another agency's benefits.
- Public Service
 - SSA's workloads are growing while our resources are decreasing. While having SSA make waiver determinations may seem like better public service, there are likely to be unintended consequences that would actually limit our ability to provide the service that the public expects and deserves.
- Agency Mission
 - SSA's vital mission is to determine eligibility for and payment amount of benefits due under the programs we administer. Treasury is responsible for the payment delivery process; they determine the acceptable methods for delivering Federal payments. It is consistent with their mission to regulate methods of payment delivery and to adjudicate requests for waiver from their rules.

We do not believe that SSA is in a better position than Treasury to make these waiver determinations, nor do we believe that SSA making the determination would somehow simplify the process. Treasury made it clear during the hearing that they do not intend to "look behind" allegations of a

hardship due to mental impairment or geographic location. The regulation does not require evidence of the alleged hardship. Even if it did, it is not clear that we would have information that would help make the determination easier. We would have no way of knowing about the infrastructure available in specific geographic locations, and while we do have information about some beneficiaries with mental impairments, it is not likely that such information would tell us whether the impairment would create a qualifying hardship.