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Subject: Social Security Administration (SSA) Comments on Proposed Rule 31 CFR Part 210

This is in response to your solicitation of comments on the subject rule regarding conversion of checks to ACH debit entries and regarding reclamation of Federal benefit payments. We have the following comments:

Section 210.6(h)(1) Conversion of Consumer Checks

This section appears to mandate the use of the disclosure language in Appendix C of this regulation. If the Financial Management Service (FMS) is in fact dictating the use of the exact language as in Appendix C, we oppose that part of the regulation. While we would agree with the concept that the notice should include certain specific information at a minimum, we do not think it is appropriate to prescribe specific notice language in a regulation. SSA reserves the right to use language of its own choosing in notifying consumers about check truncation.

Section 210.8(d) Notice of Misdirected Payment

This section reads "An RDFI shall promptly notify an agency if the RDFI becomes aware that the agency has originated an ACH credit entry to an account that is not owned by the payee whose name appears in the ACH payment information."

We suggest that the phrase "through an electronic Notification of Change" be added after "promptly notify an agency". There is no reason why SSA should have to get phone calls in this situation.

Section 210.10(c)(1)

This section reads "An RDFI shall not be liable for post-death payments sent to a recipient acting as a representative payee or fiduciary on behalf of a beneficiary, if the beneficiary was deceased at the time the authorization was executed and the RDFI did not have actual or constructive knowledge of the death of the beneficiary."

We would like to see the following language added: "The RDFI should follow the direction of the paying agency with regard to releasing post-death payments to the representative payee." Such a statement may help mitigate the problem SSA is currently having when the RDFI refuses to release funds to the representative payee even when

notified by SSA that such action is appropriate.

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