

H.R. 2720, the *Alexis Agin Identity Theft Protection Act of 2013*
Section-By-Section Description

Section 1. Short Title

Provides that the bill will be cited as the “Alexis Agin Identity Theft Protection Act of 2013.”

Section 2. Limitation on the Distribution of Death Data Furnished to or Maintained by the Social Security Administration (SSA)

(a) Amends the Social Security Act to:

Distribution of State Death Records

- (1) Clarify that when States are paid by the SSA for the reasonable costs, which are established by the Commissioner in consultation with the States, for transmitting and transcribing their death data to the SSA; eligible costs will also include ensuring the completeness, timeliness, and accuracy of the data.
- (2) Clarify that when Federal or State agencies providing or administering federally funded benefits receive the SSA’s death information through a cooperative agreement and reimburse the SSA for its reasonable costs of carrying out the agreement, those costs shall include those associated with the collection and maintenance of the information regarding the death data furnished by the States to the SSA.
- (3) Clarify that the Commissioner may also enter in agreements with States to provide death information to benefit and pensions plans for employees of the States or local governments.
- (4) Allow the SSA to also share death information with any Federal agency for the purpose of law enforcement and tax administration, subject to necessary safeguards to protect the information. Also allows any Federal or State agency receiving death information to disclose that information to a contractor for the purposes of assisting the agency in its allowed use of death information, subject to required safeguards.

Distribution of SSA’s Public Death Master File

- (5) Clarify that death information shall consist only of name, Social Security Number, date of birth, and date of death of the deceased individual.
- (6) Allows the Commissioner to disclose death information, not including death information received from the States, to the Secretary of Defense provided that:
 - The Secretary uses the information exclusively for the purpose of assisting the Department of Defense to identify unidentified remains; and
 - The Secretary enforces requirements with respect to any contractor hired to assist in such identification.

- (7) Provides for the Commissioner to disclose death information, not including death information received from the States, as follows:
- To any entity for individuals whose date of death occurred at least 3 calendar years prior to the year that the entity requests such information;
 - To any entity certified by the Commissioner as having an appropriate need for the information and safeguards in place to protect it, pursuant to a written agreement.
 - Entities are certified only if the Commissioner:
 - Establishes procedures to certify and decertify those eligible to obtain the information;
 - Includes in agreements with the entities requirements to safeguard the information, assures the information is used only for the certified purpose and is not disclosed, and includes contractual penalties including monetary penalties and loss of certification for violations of requirements imposed by the Commissioner;
 - Requires that the entity demonstrate 1) that it has a legitimate business need for the information, which shall include a requirement that the information regarding a deceased individual will aid in preventing financial harm to the entity or to a customer or client of the entity or will aid in permitting the entity to fulfill an obligation to a beneficiary of an individual that is contingent upon the death of such individual, or 2) has a legitimate interest in preventing fraud or unauthorized financial transactions;
 - Requires that the entity demonstrate that it has infrastructure and procedures in place to prevent wrongful access to or the disclosure of the information provided by the Commissioner;
 - Determines the entity has adequate experience and expertise in maintaining the confidentiality and security of information;
 - Includes other requirements as the Commissioner deems appropriate to assure the confidentiality of the information; and
 - Requires the entity permit periodic and unscheduled audits of the entity to assure compliance with the requirements established by the Commissioner.
 - The Commissioner shall establish application and other fees to be paid by entities so that the Commissioner is fully reimbursed for all costs associated with the development of the certification process, evaluating applications, auditing compliance, inspecting records, and assuring contract compliance, and any other costs associated with assuring continuing eligibility for certification.
 - Entity and entities shall include individual and individuals.
 - The Commissioner may delegate these activities to another agency or contractor provided that the agency or contractor is required to comply with the requirements of this section and the implementing policies developed by the Commissioner.

- (8) Provides that all death information received by the SSA that is not received from the States is not subject to the Freedom of Information Act.

- (b) Requires the SSA to report to the House Ways and Means and Senate Finance Committees annually, through 2019, on what entities have been certified by the Commissioner to receive death information that is not received from the States and their compliance with the law's requirements.
- (c) Amendments by the bill will take effect 60 days after the date of enactment of this Act, except that date of enactment is January 1, 2014 with respect to the provision of the public DMF to the Secretary of Defense.
- (d) Sunsets, as of January 1, 2019, the disclosure of the death information that is not received from the States, except for disclosure to the Secretary of Defense. Also clarifies that certain contractor requirements continue after the provision including those requirements is sunset.