



Association of Professional GENEALOGISTS

16 February 2012

**STATEMENT FOR THE RECORD, HOUSE COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON SOCIAL SECURITY, WRITTEN COMMENTS ON
PROVISIONS RELATING TO SOCIAL SECURITY ADMINISTRATION'S DEATH
MASTER FILE, ALSO KNOWN COMMERCIALY AS THE SOCIAL SECURITY
DEATH INDEX.**

I. INTRODUCTION:

The House Committee on Ways and Means, Subcommittee on Social Security, held a hearing on 2 February 2012, regarding the accuracy and uses of the Social Security Administration's Death Master File. The genealogical community was informed that no invitation to testify at the hearing would be forthcoming, but we were invited to submit a statement. This statement is accordingly submitted on behalf of the **Association of Professional Genealogists (APG)**.

II. APG BACKGROUND & CONTACT INFORMATION:

The **Association of Professional Genealogists** (<http://www.apgen.org>), established in 1979, represents more than 2,400 genealogists, librarians, writers, editors, historians, instructors, booksellers, publishers and others involved in genealogy-related businesses. APG encourages genealogical excellence, ethical practice, mentoring and education. The organization also supports the preservation and accessibility of records useful to the fields of genealogy and history. Its members represent all fifty states, Canada, and thirty other countries.

The mission of the Association of Professional Genealogists is to support those engaged in the business of genealogy through advocacy, collaboration, education, and the promotion of high ethical standards.

Association of Professional Genealogists
PO Box 350998, Westminster, CO 80035-0998
tel. 303-465-6980 fax 303-456-8825
e-mail: admin@apgen.org – Kenyatta D. Berry, APG President

Contact for purposes of this statement:
Debbie Parker Wayne, Certified Genealogist and APG Region 2 Director
PO Box 397, Cushing, TX 75760-0397
tel. 936-326-9101
e-mail: debbieparkerwayne@gmail.com

III. APG STATEMENT:

Thank you for the opportunity to present our concerns regarding the proposed elimination or reduction of public access to the commercial version of the Death Master File (DMF), the Social Security Death Index (SSDI). For the purposes of this statement, we will be addressing access to the SSDI rather than the DMF, as the SSDI is the version that genealogists are permitted to access.

We were disappointed and concerned that the genealogical community was not invited to participate at the February 2nd hearing. The Records Preservation and Access Committee (RPAC) is a consortium of organizations of the genealogical community, an important stakeholder in the proposed legislation. RPAC has been working tirelessly with the Subcommittee staff since mid-November – providing information on genealogists’ use of the SSDI and suggesting legislative language to deter identity theft while retaining public access. **The Association of Professional Genealogists is even more concerned as many of our members earn all or part of their income from genealogical research. Access to the SSDI is critical to the success of many of our cases.**

It is ironic that a system that should be used to prevent identity theft (by permitting employers, financial organizations, insurance companies, pension funds, and others the ability to check names against those deceased as reported on the Death Master File),¹ is now being determined—inappropriately and with no evidence supporting the conclusion—as an instrument of identity theft. We support the Subcommittee’s intent to protect the residents of the United States from improper usage of their personal information, and to protect them from identity theft. But rarely has it been documented that an individual’s identity is violated by access to vital records or the SSDI; rather, the violations occur due to computer breaches from government and private enterprises and thefts from individual homes. A 2009 study stated “in the last five years, approximately 500 million records containing personal identifying information of United States residents stored in government and corporate databases was [sic] either lost or stolen.”² Many of these computer breaches have been well documented in the press.³ The Federal Trade Commission reports identity theft is more commonly the result of theft from discarded mail, theft of purses and wallets, and con jobs where thieves obtain confidential information through deceptive schemes.⁴

Removal of the SSDI from public access would not necessarily reduce the problem of fraudulent use of a Social Security number. As it will no longer be available as a reference check to many who use it as an identity theft deterrent, it may well increase identity theft. If government agencies and business firms used the SSDI to confirm Social Security numbers of deceased persons are not being used improperly or illegally the SSDI could reduce the problem.

¹ <http://www.ntis.gov/products/ssa-dmf.aspx>

² <http://www.identitytheft.info/breaches09.aspx>

³ http://www.boston.com/business/articles/2008/03/18/grocer_hannaford_hit_by_computer_breach/
http://www.nctimes.com/news/local/article_3b98ce38-f048-597e-9a76-47321d114326.html
http://www.qctimes.com/news/local/article_06d38e24-146a-11df-91c6-001cc4c03286.html
http://www.washingtonpost.com/politics/tricare-military-beneficiaries-being-informed-of-stolenpersonal-data/2011/11/23/gIQAcRNHtN_story.html <http://sundayherald.com/news/heraldnews/display.var.2432225.0.0.php> Copes, H., and Vicraitis, L.M. (2009). Understanding identity theft: Offenders’ accounts of their lives and crimes. *Criminal Justice Review*, 34(3), 329-349.

⁴ <http://www.ftc.gov/bcp/edu/microsites/idtheft//consumers/about-identity-theft.html>

Professional Genealogists

Professional genealogists depend on the access to the SSDI for our livelihood. In addition to performing research for clients interested in their personal family history, professional genealogists work on many cases that cannot be solved without the information available in the SSDI. Some of those cases include:

- Identification and location of potential DNA donors to allow confirmation of identity for deceased American military servicemen and women. This POW/MIA personnel repatriation project generates enormous positive press for the U.S. government.⁵
- Identification and location of next of kin for unclaimed deceased persons. The identities of these people are known, but the government agencies are not always able to find the families, so they are literally unclaimed. It is a national problem with which coroners must cope.⁶ When the families can be found, this saves the government the expense of burial.
- Identification of next of kin to notify families prior to cemetery relocations.
- Identification of heirs in probate and estate settlement cases for the courts and for trust and insurance accounts.
- Identification of rightful owners in oil, gas, and mineral royalty cases.
- Many other important property and civil rights issues that require identification of living individuals in order for them to receive benefits due them.

The majority of professional genealogists work as small, single-person businesses. Subscriptions to databases such as LexisNexis, used by attorneys, are beyond the means of these small businesses. The loss of the SSDI could easily:

- force many professional genealogists out of business further adding to the economic woes facing our country today, and
- increase the costs to the U.S. military, courts, and other governmental agencies with mandates to locate family members to settle cases and for repatriation purposes.

IRS Needs to Be More Proactive

If the IRS were to routinely run Social Security numbers included in tax returns against the death index, they might avoid giving refunds to deceased individuals. “Operation Rainmaker” (also known as Operation TurboTax), was a tax fraud operation in the Tampa Bay area. Law enforcement interviews specified that the IRS, while cooperating with other law enforcement officers, is not

⁵ http://articles.cnn.com/2010-12-09/us/wwi.soldier.remains_1_mia-accounting-command-missing-personnel-office-larry-greer?_s=PM:US

⁶ <http://unclaimedpersons.org>

authorized to share information with local law enforcement departments, hampering efforts to protect their citizens. If the federal government is serious about addressing identity theft that uses a person's Social Security number, then the IRS needs to be given legislative authority to share information with local, county and state law enforcement organizations. It was also stated that filing tax refunds for under \$10,000 will not get any attention. As "Operation Rainmaker" found the average tax fraud was about \$9,500, below the \$10,000 threshold.⁷ This is another practice that the Congress needs to review, as the criminals who are perpetrating this fraud know they will be undetected.

It also became apparent in Mr. Agin's testimony to the Subcommittee hearing on 2 February 2012 that the IRS assumes the first person filing is the "legitimate" filer and by inference, the second filer is the fraudulent party. The IRS needs to amend their practice when the filing involves a deceased child, to require some verification to determine which is a valid filing. Unfortunately, since the IRS advocated electronic filing of tax returns, one unexpected consequence is the remarkable increase in tax identity theft.

Support For Efforts to Cease Identity Theft

Genealogists are strongly opposed to identity theft and support efforts to stop it immediately, using tools already available to government agencies. For example:

- If income tax returns were electronically compared to the Master Death File, matching cases could be flagged for special processing, and the person attempting to create a tax fraud could be stopped before the fraud occurs.
- A parent's social security number should be required when filing a tax return for any minor. It is an extremely rare occurrence that a minor child would not be listed as a dependent on the parent or guardian's tax filing. If the minor dies, the IRS could have a procedure to flag any filings without the parent's social security number, again preventing the fraud. Draft legislative language was provided to the Subcommittee staff on January 24, which would facilitate just this prevention of identity theft perpetrated on children.
- The *National Taxpayer Advocate's Report to Congress for 2011* specifically highlights the benefits of the IRS Issued Identity Protection PINs⁸ and suggests that taxpayers should be allowed to turn off their ability to file tax returns electronically. Any family that suffers a death could elect to turn off the electronic filing ability.
- Criminal penalty statutes for those who fraudulently use Social Security Numbers, including, but not restricted to, those who misuse their positions (*e.g.*, hospital, medical institution and office personnel, financial and credit card organizations personnel, prison corrections officer, college or university registrar etc.)

⁷ <http://www.youtube.com/watch?v=gpgTFO7nMBk>

⁸ <http://www.irs.gov/pub/irs-pdf/p2104.pdf>

For the reasons stated above:

- genealogists are **NOT** the cause of identity theft;
- genealogists have legitimate, professional and lifesaving reasons to have immediate access to the SSDI; and
- proactive measures are needed to prevent identity theft and vigorously pursue and punish the **TRUE** identity thieves.

APG respectfully and vehemently encourages the Subcommittee to continue the commercial version of the Death Master File, known as the Social Security Death Index, to be available to the public.

On behalf of the Association of Professional Genealogists we appreciate the opportunity to submit our comments, and for the occasion to bring to the Subcommittee's attention the many services the professional genealogical community performs for local, **state and federal government offices**. We look forward to working with the Subcommittee and staff to find an accommodation that provides genealogists with continued immediate access to the SSDI.

Respectfully submitted,



Kenyatta D. Berry
APG President



Debbie Parker Wayne, Certified Genealogist
APG Region 2 Director