

U.S House of Representatives

**Committee on Ways and Means
Subcommittee on Social Security**



Records Preservation & Access Committee

Federation of Genealogical Societies, National Genealogical Society,
International Association of Jewish Genealogical Societies

Statement for the Record

Hearing on Social Security's Death Records

Submitted by

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Chairman Johnson, Ranking Member Becerra, and members of the Subcommittee.

Thank you for the invitation to submit this Statement for the Record on behalf of the genealogical community through its Records Preservation and Access Committee to supplement the record of the hearing held by the Subcommittee on the 2nd of February 2012.

I serve as the legal advisor to the Federation of Genealogical Societies and as a member of the Records Preservation and Access Committee more fully described below.

Be assured that the genealogical community shares the objective of protecting Americans against fraud and of addressing deficiencies in the current operation of the Social Security Administration's Death Master File. This hearing marks our first opportunity to express our views to Congress on this important subject and we commend the committee for adding it to their agenda.

Egregious Identity Theft Cases Can Be Stopped Using Existing Resources

We have all been outraged by reports of identity thieves filing fraudulent tax refund claims using the SSNs of recently deceased infants & adults. Our strongest message is that the means to stop this particular form of identity theft exists now, without waiting for any additional legislation.

The Internal Revenue Service could curtail such claims almost immediately if tax refund claims were screened against the SSA's Death Master File & matching cases identified for special processing. This filter, together with other viable and easily implemented safeguards, could actually expedite the processing of such claims.

The National Taxpayer Advocate (in her 2011 Report referenced by the Chairman in announcing this hearing) has also endorsed the use of IRS- issued Identity Protection PINs and allowing taxpayers to turn OFF the ability to file tax returns electronically using specified SSNs. See pp. 61-62.

The resounding message we heard from the Operation Rainmaker press conference convened by the Tampa Chief of Police, was that the online tax refund system is unacceptably vulnerable, has been corrupted, and that there are identity thieves fully aware and anxious to exploit the weaknesses in that system. <http://www.tampabay.com/news/publicsafety/crime/49-accused-of-tax-fraud-and-identity-theft/1189406>

There's no need to wait for legislation to stop this travesty and protect families of deceased infants and adults. What is required is for the IRS to use the SSA's Master Death File for the fraud prevention purposes for which it was originally created.

Public Access to the Death Master File

Congressman Marchant posed a question raised by a constituent (and "millions like her") when he asked how we could be careful in what we do so that the people who are harmed are protected but those vitally interested in their ancestry can still access accurate information.

We followed with great interest Commissioner Astrue's progress report on the Office of Management and Budget's efforts to arrive at a coordinated administration position concerning appropriate public access to the Death Master File. His observation was that the issues are more complex than they might at first appear and that an attempt to rush a decision would almost surely get it wrong. We support a thorough review of these issues and would urge decision makers not to leap to solutions before the problems have been carefully defined and options developed.

What has been missing from the process so far has been input from actual genealogists. It is impossible to "balance" competing interests if representatives of one side cannot "add weight" to their side of the balance scale. If given an appropriate opportunity to make the case, we are confident that public access to the DMF for legitimate genealogical purposes can be justified.

The Records Preservation and Access Committee is prepared to assist in providing that input by coordinating the appearance of highly qualified, well-recognized representatives prepared to provide information to assist decision-makers in the Executive and Legislative branches in making well-informed decisions.

Interests of the Genealogical Community

The interests of the genealogical community are not hard to understand. Access to records or the lack thereof, is the pivotal issue for genealogists. Without documentation, our family histories are more legend than history. Recent genetic advances have given additional significance to well-documented medical family histories. You can expect to hear expressions of concern from across the genealogical community whenever they may have reason to believe their access to these records is being threatened.

About the Records Preservation and Access Committee

The genealogical community works together through The Records Preservation and Access Committee (RPAC), a joint committee which today includes The National Genealogical Society (NGS), the Federation of Genealogical Societies (FGS) and the International Association of Jewish Genealogical Societies (IAJGS) as voting members. The Association of Professional Genealogists (APG), the Board for Certification of Genealogists (BCG), the American Society of Genealogists (ASG), and industry representatives also serve as participating members. RPAC meets monthly, and more often if needed, to advise the genealogical and historical communities, as well as other interested parties, on ensuring proper access to vital records, and on supporting strong records preservation policies and practices.

Summary

We offer two main points:

- (1) Our strongest message is that the means to stop this particular form of identity theft exists now, without waiting for any additional legislation.
- (2) As existing policy regarding public access to the Death Master File is reviewed, we urge that input from actual genealogists be sought. The members of the Records Preservation

and Access Committee stand ready to assist in arranging for that input to both the Executive and Legislative branches.