

**Virginia Genealogical Society  
1900 Byrd Avenue, Suite 104  
Richmond, Virginia 23230-3033**

February 15, 2012

U.S. House Ways and Means Committee  
Committee Office  
1102 Longworth House Office Building  
Washington, DC 20515

Re: Social Security Administration's  
Death Master File: 2/2/2012 hearing

Dear Sirs:

On behalf of the Virginia Genealogical Society ("VGS"), a Virginia nonprofit corporation which recently celebrated its 50<sup>th</sup> anniversary and which has over 1600 members, with its address at 1900 Byrd Avenue, Suite 104, Richmond, Virginia 23230, I would like to submit this statement for the record in the above hearing. I am a director and former President of VGS, as well as its legal counsel.

VGS believes that any effort to limit or block public access to decedents' social security numbers, which are currently publicly available through the Social Security Administration's Death Master File, is misguided.

As background, a decedent's social security number use dies with the decedent; the decedent's estate must obtain its own federal tax identification number.

Public availability of the Death Master File is not only very helpful as a genealogical and historical research tool to pinpoint date of death, date of birth, and last residence of a decedent, but is important for other reasons as well.

It is also a valuable tool used in tracking down living heirs. It is not uncommon in rural Virginia to have a parcel of family-owned real property with the deed in the name of an ancestor who died in the 19<sup>th</sup> or early 20<sup>th</sup> centuries. To sell the property and track down out-of-state heirs, the social security death index often provides a critical tool to confirm the death of an out-of-state heir, and to use the last place of residence of that decedent to track down living heirs of the next generation in that same geographical area.

It is also important to have public access to the Death Master File to prevent identity theft. It is often necessary to widely distribute death certificates (which generally contain social security numbers) in the course of settling estates and collecting and distributing assets. Depending on the type of assets which a decedent owns, parties holding death certificates may

include the funeral home, the monument company, the cemetery, financial institutions, insurance companies, clerk's office (to open a probate file) and real estate clerk's or recorder's office (to record transfers of real property held by the decedent). Records held in local clerk's offices (including death certificates) are normally public records in most states. If the decedent held assets in foreign countries, it is often necessary to record the U.S. death certificate (with social security numbers) in public records in the foreign countries to transfer assets.

At present, the necessary and widespread distribution of death certificates (with social security numbers) poses little risk of identity or credit theft because of the public availability of the Social Security Death Master File. This low risk occurs because lenders routinely check the Social Security Death Master File, to make sure that no new credit cards or other credit extensions are being made under a decedent's social security numbers. Since the decedent's estate has its own taxpayer identification number, the credit and personal information under the decedent's social security number should show no new activity following death. A request for new credit using a decedent's social security number is such an easy and obvious crime to detect that it rarely occurs once the name is published in the Death Master File.

If public access to the Social Security Death Master File were cut off, since death certificates with social security numbers are often widely distributed (as described above), there would be no way for lenders to know of a death, and they could be duped into significant credit extensions to a criminal claiming to be the decedent, with a changed address. It can reasonably be expected that criminals would quickly seek to exploit this new opportunity, relying upon a decedent's good credit to establish fraudulent new accounts under the decedent's social security number (which could be obtained from any of the sources noted above). Massive fraud losses could reasonably be expected.

On the other hand, the fraud claims under the current public disclosure system are relatively limited, apparently primarily limited to taxpayers falsely claiming deceased children of other persons as dependents on an income or other tax return. This should be a "stupid" crime, with the IRS and Social Security promptly and aggressively prosecuting the criminals, who should have no defenses to such a false claim and identity theft.

Instead, because the IRS and/or Social Security are failing to promptly prosecute thieves, this bureaucratic inaction is understandingly causing emotional harm to the decedent's relatives once they learn that someone is misusing the social security number of their deceased child.

This current abuse of the system by criminals is reprehensible, but fortunately is occurring on a relatively small scale. The solution is not to shut down the Death Master File, but to i) vigorously prosecute the criminals falsely claiming deceased children as dependents (these criminals should be easy to find and convict through their signed tax returns), and ii) consider creating a private cause of action for civil claims by the decedent's relatives, with substantial statutory damages similar to statutory copyright damages, plus attorney's fees, which could provide decedent's relatives with a substantial measure of satisfaction in seeking this relief against the criminals and obtaining substantial judgments against them.

VGS urges the Committee to take a rational approach to address a fairly limited number of fraudulent claims, rather than penalize genealogists, historians and persons searching for heirs who use the database. Please do not close what are now public records for no valid reason, and potentially open the floodgates to widespread fraud which would be extremely difficult to prevent or uncover.

Sincerely,

/s/Peter E. Broadbent, Jr.

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**Re: Social Security Administration's Death Master File  
2/2/2012 Hearing**

**WITNESS SUBMISSION INFORMATION**

1. Organization on whose behalf the witness appears: VIRGINIA GENEALOGICAL SOCIETY
2. Witness name: Peter E. Broadbent, Jr.
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