



Records Preservation & Access Coalition

BRIEFING PAPER FOR THE BIDEN-HARRIS PRESIDENTIAL TRANSITION



ACCURATE, COMPLETE, AND OPEN RECORDS

Biden-Harris Platform

Recommitment to the Open Government Directive to meet the records management needs of Federal Agencies and the Public.

Relevant Program

Agency: Social Security Administration (SSA)

Program: Social Security Death Master File

Agency: Treasury

Program: Do Not Pay Portal

Recommendations

1. Provide the public with a complete and open death information file. Specifications for such a file should be developed with input from legitimate historical users of the Death Master File.
2. Identify the federal agency that can best provide the public with comprehensive, timely, economical, and publicly available death information data.

The Records Preservation and Access Coalition (RPAC) advises the genealogical and historical communities, as well as other interested parties, on ensuring proper access to public records and on public policy related to strong records preservation practices. RPAC is sponsored by the National Genealogical Society and the International Association of Jewish Genealogical Societies and is supported by American Society of Genealogists, Association of Professional Genealogists, Ancestry.com, Board for Certification of Genealogists, and International Commission for the Accreditation of Professional Genealogists.

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Background in Brief

Numerous provisions in the Consolidated Appropriations Act, 2021 acknowledge the need for and the effectiveness of death records in preventing improper payments by the federal government and, by implication, combating fraud by identity theft.

Earlier legislation (see below) had erroneously sought to thwart identity theft by limiting access to and the content of the SSA's Death Master File (DMF), the best publicly available death information data. A Notice and Comment process held by the Department of Commerce National Technical Information Service (NTIS) in 2014 highlighted uses and adverse impacts of closing death records essential to the integrity of the work done by a significant number of legitimate historical users of the Death Master File. The individuals and entities participating in that process should be considered stakeholders in any initiative affecting access to death records. The comments from this list of stakeholders are found at [Regulations.gov - Docket Browser](#) and represent the largest documentation of non-governmental uses and needs for death information. These organizations further suggested that closing death records did more harm than good.

Issues also remain as to which federal agency is most appropriate to best host death information, and resolving issues related to the appropriate treatment of data that the states collect and preserve. In the meantime, the publicly available portion of the DMF continues to degrade.

The Consolidated Appropriations Act, 2021 provisions making the full SSA file available to federal agencies is not controversial and should be implemented.

The scope of the study mandated by the legislation is limited to the use of death information by federal agencies but should be expanded to address the needs of the stakeholder entities such as those participating in the 2014 NTIS process. The study should consider sunseting the ill-advised provisions of Section 203 of the Bipartisan Budget Act of 2013.

The DMF was first made available to the public in 1980.¹ Thereafter sold by data aggregators as the Social Security Death Index, it is based on death index information that is a public document within the fifty-seven vital statistics jurisdictions. Beginning November 1, 2011, the Social Security Administration reduced this information by no longer including information it received from the states. Section 203 of the Bipartisan Budget Act of 2013 restricted access to the DMF for three years after an individual's death to protect against fraud and identity theft. Ironically, the original purpose of the SSDI was to make the information readily available to the public so no one would mistake someone living for a deceased person.

Section 203 of the Bipartisan Budget Act of 2013 describes an offset to support balancing the budget. It was enacted to create savings from IRS payments for fraudulent returns. Unfortunately, these savings for the balanced budget had already been made. Two years previously the IRS had implemented the DMF as a filter to reduce the number of fraudulent tax returns. The Treasury Inspector General for Tax Audits verified that the number of fraudulent returns that received payments continued to decline over the next three years as more filters were added. The action to close access to the DMF was not needed and Senator Orrin Hatch warned his colleagues of the unintended consequences of the legislation.

Section 203 has done considerable harm to multiple constituencies by restricting access to timely data for medical, historical, and economic researchers. Even worse, the Social Security Administration has not made new DMF information available for the years 2014-2016 as required by law, thereby creating even greater exposure to fraud for the Public.

¹ Perholtz v Ross, Civ. No. 78-2385 and 78-2386, U. S. District Court for the District of Columbia, 1980.