

Opposition to “Stopping Improper Payments to Deceased People Act”

Background

NAPHSIS—representing the 57 states, territories, and cities legally responsible for the collection, security, and dissemination of vital records on births and deaths—sincerely appreciates Senate efforts to reduce federal waste and improve government efficiency through potential consideration of, S. 1333, *Stopping Improper Payments to Deceased People Act*.

NAPHSIS emphatically supports the goals of the proposed *Stopping Improper Payments to Deceased People Act*, but NOT in its current form.

Legislative Concerns

It is important to note that the vital records data discussed in the Stopping Improper Payments to Deceased People Act is produced and maintained by the states. The states are the custodians of this data, and as such, NAPHSIS has deep reservations about proposed changes to Section 205(r) of the *Social Security Act* and expanded access government-wide to death data provided to the Social Security Administration (SSA) by the vital records jurisdictions under contracts that do not allow its reuse for other purposes.

Specifically, states are concerned that:

- The security of their death data—data they are legally responsible for protecting—will be compromised when shared government-wide by SSA, as SSA is not a statistical agency, data collection and sharing is not core to the agency’s mission, and the agency currently lacks the adequate resources to perform this task.
- Under such expansion, jurisdictions will not be appropriately reimbursed for the additional uses of their death data government-wide. As jurisdictions are fee-funded, per each certificate or verification, the revenue decrease would threaten their ability to perform the administrative functions they are obligated to carry out to maintain these records.
- Given these concerns, such expansion would undermine states’ ability to support the essential role they play in protecting identity and preventing fraud.

Recommendations

On behalf of its membership, NAPHSIS remains committed to partnering with local, state, and federal stakeholders to address the matter of improper payments, and our organization recommends any of the following federal initiatives.

- Any state, local, or federal agency may negotiate their own death data use agreements directly with all 57 jurisdictions, just as SSA does. State laws already authorize the sharing of vital events data with state and federal governmental entities, so an amendment to Section 205(r) is unnecessary. NAPHSIS would be pleased to work directly with any federal agency to broker such data use agreements with the jurisdictions.
- OR, any state, local or federal agency may negotiate ONE data use agreement to access state death data through the [Electronic Verification of Vital Events \(EVVE\) Fact of Death \(FOD\)](#) system for batch queries. Currently, 44 states and jurisdictions are fully participating in EVVE FOD, and 75 percent of deaths are reported through the system. While additional states are moving toward adoption, even in its current form EVVE Fact of Death is more accurate, complete, and secure than anything potential federal users have access to now, namely, the “public” SSA Death Master File (DMF). It is also timelier than the “full”

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*Protecting Personal Identity
Promoting Public Health*

The National Association for Public Health Statistics and Information Systems (NAPHSIS) is the national nonprofit organization representing the state vital records and vital statistics offices in the United States. Formed in 1933, NAPHSIS brings together more than 300 public health professionals from each state, the five territories, New York City, and the District of Columbia.

DMF, i.e., death data provided to SSA via the vital records jurisdictions and other sources, because the full DMF only releases files on a weekly or monthly basis and does not receive corrections or amendments. Thus, its users are receiving data that is up to one week or one month out of date, and potentially error prone. This opens the door to fraud, waste, and abuse. EVVE FOD, on the other hand, returns results directly from the death record databases of the jurisdictions themselves. These databases are the most comprehensive, accurate, and timely databases of death records that exist.

Greater federal adoption of the EVVE FOD, and potentially other incentives for state participation in the system, would ensure a more complete data product. It is important to note that NAPHSIS does not have access to the data shared between states and federal agencies. All vital records data remains fully controlled by the states. As there is no national database of vital events, EVVE provides the means to achieve data sharing for all participating jurisdictions through one service. NAPHSIS, as a data conduit and systems administrator, looks forward to working with all stakeholders to jointly develop data and privacy standards and to propose solutions to best meet state and federal sharing needs. The EVVE system was developed for this express purpose and should be utilized to the full extent, which would not only provide data users with the timely, accurate data they need, but also support the states' ability to continue to provide and enhance these services.