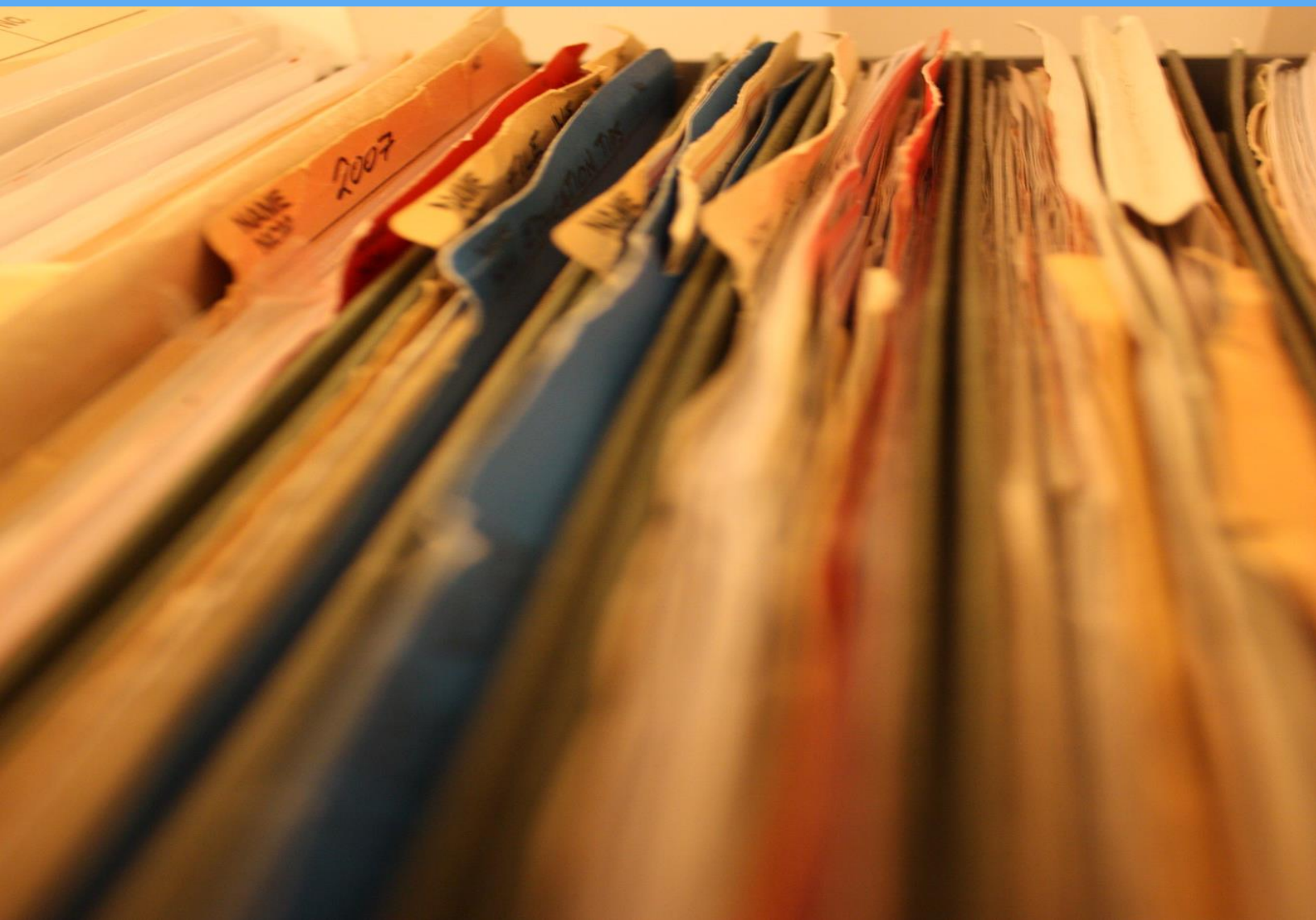


A Report by a Panel of the  
NATIONAL ACADEMY OF PUBLIC ADMINISTRATION  
for the Social Security Administration

# A Report to Congress on Sources of and Access to State Death Data



*This page is intentionally left blank.*

**July 2022**

A Report by a Panel of the

**NATIONAL ACADEMY OF PUBLIC ADMINISTRATION**  
for the Social Security Administration

# **A Report to Congress on Sources and Access to State Death Data**

**PANEL OF ACADEMY FELLOWS**

**Barbara Bovbjerg (*Chair*)**

**Alan Balutis**

**Barry Van Lare**

**Gary Glickman**

**Nicholas Hart**



**Officers of the Academy**

**David Wennergren**, *Chair of the Board*

**Bill Baity**, *Vice Chair*

**David Mader**, *Treasurer*

**Jane Fountain**, *Secretary*

**Teresa W. Gerton**, *President and Chief Executive Officer*

**Study Team**

**Brenna Isman**, *Director of Academy Studies*

**Mark Thorum**, *Project Director*

**Lawrence B. Novey**, *Senior Advisor*

**Jane Wiseman**, *Senior Advisor*

**Chloe Yang**, *Senior Analyst*

**Kate Connor**, *Senior Analyst*

**Kyle Romano**, *Senior Research Associate*

**Sean Smooke**, *Senior Research Associate*

---

National Academy of Public Administration

1600 K Street, NW

Suite 400

Washington, D.C. 20006

[www.napawash.org](http://www.napawash.org)

July 2022

Printed in the United States of America

Academy Project Number: 102266

*Cover Photo Source:* Artform Canada. "Files." [Flickr Creative Commons](#).

## About the Academy

The National Academy of Public Administration is an independent, nonprofit, and non-partisan organization established in 1967 and chartered by Congress in 1984. It provides expert advice to government leaders in building more effective, efficient, accountable, and transparent organizations. To carry out this mission, the Academy draws on the knowledge and experience of its over 950 Fellows—including former cabinet officers, Members of Congress, governors, mayors, and state legislators, as well as prominent scholars, career public administrators, and nonprofit and business executives. The Academy helps public institutions address their most critical governance and management challenges through in-depth studies and analyses, advisory services and technical assistance, congressional testimony, forums and conferences, and online stakeholder engagement. Learn more about the Academy and its work at [www.NAPAwash.org](http://www.NAPAwash.org).

*This page is intentionally left blank.*

## Foreword

Data on deaths in America are collected and maintained by state vital records offices (VROs). Yet, these data are vitally important to administering federal programs like the Social Security Administration's (SSA) Supplemental Security Income (SSI) program, identifying eligible individual survivor benefits, and preventing improper payments to deceased individuals. SSA also shares this death data with qualifying federal and state agencies for programmatic purposes. Because these data are initially collected by VROs, a series of budgetary, information security, and reporting issues arise when the data are used by federal agencies. Most VROs rely heavily on death certificate fees purchased by the public to support vital event activities, including the implementation and maintenance of Electronic Death Registration (EDR) Systems.

In accordance with Section 802 of the Consolidated Appropriations Act, 2021, the National Academy of Public Administration (the Academy) conducted a study and prepared a report to Congress on the sources of and access to death data for SSA, identifying unmet needs of federal agencies and developing a set of options for providing federal agencies with limited access to state death data. These options were developed to bolster program integrity, address the need for data privacy and security, and best reflect the efficient and effective roles and responsibilities of federal and state agencies.

This study highlights the criticality of the intergovernmental system and two of the Academy's Grand Challenges in Public Administration - [Fostering Social Equity](#) and [Ensuring Data Security and Privacy Rights of Individuals](#). As VROs rely on fees from the public for the majority of their funding, it is important to consider both the economic impact on those who pay for death certificates for recently deceased loved ones and the value of state death data to federal agencies. Increased use of EDR for the collection and transfer of death data from the states to the federal government requires enhanced cybersecurity measures to protect the public against fraud and identity theft. The Academy continues to explore these grand challenges as well as intersections of the federal, state, and local issues through the [Center for Intergovernmental Partnerships](#).

I would like to thank the National Association for Public Health Statistics and Information Systems (NAPHSIS), the many VRO officials, and the SSA representatives who provided their time and knowledge to the Study Team and Panel over the last year. I am also deeply appreciative of the work of the Study Team and to the Panel of five Academy Fellows whose expertise and experience guided the development of this report. Their careful analysis and thoughtful insights resulted in evidence-based options for consideration for Congress and SSA that will help improve death data sharing between the states and federal government.

Teresa W. Gerton  
President and Chief Executive Officer  
National Academy of Public Administration

*This page is intentionally left blank.*



# Table of Contents

<b>List of Figures</b> .....	<b>i</b>
<b>List of Tables</b> .....	<b>i</b>
<b>Acronyms and Abbreviations</b> .....	<b>ii</b>
<b>Executive Summary</b> .....	<b>1</b>
<b>Chapter 1: Introduction</b> .....	<b>6</b>
1.1 State Vital Records Offices and the National Association for Public Health Statistics and Information Systems .....	7
1.2 Social Security Administration and its Use of State Death Data .....	7
1.3 Legislative Background .....	8
1.4 Key Study Premises and Assumptions .....	15
1.5 Scope of Work, Methodology, and Limitations .....	17
1.6 Organization of the Report.....	21
<b>Chapter 2: State Vital Records Offices and NAPHSIS</b> .....	<b>22</b>
2.1 State and Jurisdictional Vital Records Offices.....	22
2.2 Research Methodology.....	23
2.3 VRO Sources of Revenue.....	24
2.4 VRO Operational Costs .....	26
2.5 Death Registration Process .....	28
2.6 Data sharing: State Agencies, Outside Organizations, EVVE, STEVE, Federal Government .....	29
2.7 State Legal Considerations.....	31
2.8 Challenges Facing VROs .....	42
<b>Chapter 3: Social Security Administration</b> .....	<b>46</b>
3.1 Social Security Administration and its use of State Death Data .....	46
3.2 SSA’s Full File of Death Information, Death Indicators, and the Limited Access Death Master File.....	47
3.3 SSA Organization and Process for the Collection and Dissemination of State Death Data.....	48
3.4 SSA’s Current Procedures for State Data Distribution and Current and CAA Cost Structure .....	51
<b>Chapter 4: Federal Use of State Death Data</b> .....	<b>54</b>
4.1 Social Security Administration .....	54
4.2 Treasury’s Do Not Pay (DNP) .....	57
4.3 Federal Benefits-Paying Agencies.....	60
4.4 Unmet Needs.....	62

4.5	Federalism.....	70
4.6	Utilizing a Non-Governmental Death Data Clearinghouse .....	72
<b>Chapter 5: Findings, Analysis, and Options for Consideration.....</b>		<b>74</b>
5.1	Summary of Major Findings .....	74
5.2	Options Development .....	78
5.3	Options Analysis .....	92
5.4	Other Potential Options Not Considered.....	102
5.5	Conclusion.....	104
<b>Appendices .....</b>		<b>105</b>
Appendix A:	Related Legislation .....	105
Appendix B:	Section 205(r) Showing Amendments Made by the Consolidated Appropriations Act, 2021.....	108
Appendix C:	Text of Section 6103(d)(4)) of the Internal Revenue Code, and Section 7213(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 .....	113
Appendix D:	Summary of Insights from Discussions with State Vital Records Offices .....	115
Appendix E:	State Survey Questions.....	118
Appendix F:	Death Certificate Fees by Jurisdiction .....	124
Appendix G:	Summaries of Potential Unmet Needs by Federal Agency.....	126
Appendix H:	List of Federal Agencies and Programs with Access to Death Indicators through SSN Verification.....	129
Appendix I:	Analytical Framework for Options Assessment .....	131
Appendix J:	Panel and Study Team Member Biographies .....	135
Appendix K:	List of Interviewees .....	139
Appendix L:	Selected References .....	146

## List of Figures

Figure 1: Average Percent of Total Revenue by Funding Source.....	25
Figure 2: EVVE Process Flow.. .....	30
Figure 3: STEVE Data Flow. ....	31
Figure 4: State Death Data Sharing with the Federal Government.....	49

## List of Tables

Table 1: EDR 5-Year Reimbursement Rate Record.....	26
Table 2: Potential Options.. .....	91
Table 3: Options Analysis-Overview.....	93

## Acronyms and Abbreviations

<b>Acronym or Abbreviation</b>	<b>Definition</b>
Academy	National Academy of Public Administration
Act	The Social Security Act
AIS	American InfoSource
API	Application Programming Interface
ARS	Arizona Revised Statutes
BFM	Office of Budget, Finance and Management
CA	Bureau of Consular Affairs
CAA	Consolidated Appropriations Act, 2021
CBO	U.S. Congressional Budget Office
CDC	U.S. Centers for Disease Control and Prevention
CIGIE	Council of the Inspectors General on Integrity and Efficiency
CMPPA	Computer Matching and Privacy Protection Act of 1988
CMS	Centers for Medicare and Medicaid Services
COVID	Coronavirus Disease 2019
CRS	Congressional Research Service
DC	District of Columbia
DCS	Office of Systems
DHS	Department of Homeland Security
DIPS	Death Information Processing System

DMF	Death Master File
DNP	Do Not Pay
DOB	Date of Birth
DOC	U.S. Department of Commerce
DOD	Date of Death
DoD	U.S. Department of Defense
DOL	Department of Labor
DOS	U.S. Department of State
EBSA	Employee Benefits Security Administration
EDR	Electronic Death Registration
EVVE	Electronic Verification of Vital Events
EVVE FOD	Electronic Verification of Vital Events – Fact of Death
Federal Black Lung Program	Division of Coal Mine Workers’ Compensation Benefits
FEMA	Federal Emergency Management Agency
Fiscal Service	U.S. Treasury’s Bureau of the Fiscal Service
FISMA	Federal Information Security Management Act
FOIA	Freedom of Information Act
FRTIB	Federal Retirement Thrift Investment Board
FTE	Full-Time Equivalent
FTI	Federal Tax Information
Full Name	First Name, Middle Name, Surname

FY	Fiscal Year
GAO	U.S. Government Accountability Office
GSA	General Services Administration
HHS	U.S. Department of Health and Human Services
HIPAA	Health Insurance Portability and Accountability Act of 1996
HRSA	Health Resources and Services Administration
HUD	U.S. Department of Housing and Urban Development
ID	Identification
IEA	Information Exchange Agreement
IG	Inspector General
IJE	Interjurisdictional Exchange of Vital Records
IPERA	Improper Payments Elimination and Recovery Act of 2010
IRC	Internal Revenue Code
IRS	U.S. Internal Revenue Service
IRTPA	Intelligence Reform and Terrorism Prevention Act of 2004
IT	Information Technology
LADMF	Limited Access Death Master File
LAE	Limitation on Administrative Expenses account
LOI	Line of Inquiry
NAPHSIS	National Association for Public Health Statistics and Information Systems
NCHS	National Center for Health Statistics

NCVHS	National Committee on Vital and Health Statistics
NDI	National Death Index
NTIS	National Technical Information Service
Numident	Numerical Identification Master Data Base
OAG	Office of Acquisitions and Grants
OASDI	Old-Age, Survivors, and Disability Insurance (OASDI)
OCSE	Office of Child Support Enforcement
ODEPPIN	Office of Data Exchange, Policy Publications and International Negotiations
OIG	Office of the Inspector General
OISP	Office of Income Security Programs
OLCA	Office of Legislative and Congressional Affairs
OMB	U.S. Office of Management and Budget
OPM	U.S. Office of Personnel Management
ORDP	Office of Retirement and Disability Policy
OVS	Online Verification System
Panel	National Academy of Public Administration Panel of Fellows
PIIA	Payment Integrity Information Act of 2019
Public DMF	Public Death Master File
RRB	U.S. Railroad Retirement Board
Section 205(r)	Section 205(r) of the Social Security Act
SSA	U.S. Social Security Administration

SSI	Supplemental Security Income
SSN	Social Security Number
SSNVS	Social Security Number Verification Service
Standard death data elements	SSN, first name, middle name, surname, date of birth, and date of death
STEVE	State and Territorial Exchange of Vital Events
Study Team	National Academy of Public Administration Study Team
Treasury	U.S. Department of the Treasury
U.S. or United States	United States of America
U.S.C	United States Code
RD	U.S. Department of Agriculture Rural Development Program
VA	U.S. Department of Veterans Affairs
VRO	State Vital Records Office; Vital Records Jurisdiction Office



*This page is intentionally left blank.*

## Executive Summary

Death data enhances the federal government's ability to reduce improper payments and strengthen program administration. State vital records offices (VROs) collect and maintain the data in their roles as the custodians and registrars of vital events that occur in their jurisdiction. The VROs are supported by the National Association for Public Health Statistics and Information Systems (NAPHSIS) – a non-profit membership organization comprising the 57 VROs and public health statistics offices. Formed in 1933, NAPHSIS provides support to jurisdictions and serves as the intermediary between jurisdictions and SSA during death record reimbursement rate negotiations. NAPHSIS developed and supports two electronic systems that VROs and outside entities can use to access death data: the Electronic Verification of Vital Events Fact of Death (EVVE FOD) query system and the State and Territorial Exchange of Vital Events (STEVE) system.

The Social Security Administration (SSA) contracts with the VROs to distribute their death data to help prevent the improper payment of Social Security benefits to deceased individuals and to identify individuals who are potentially eligible for survivor benefits. Separate from state-owned death data, SSA receives death data from other sources, including family members, other federal agencies, and financial institutions.

Under the authority granted by the Social Security Act, Section 205(r), SSA distributes state death data with qualifying federal and state agencies, including those that administer federally-funded benefits, state agencies administering programs wholly funded by the state, and for research and statistical activities conducted by Federal and State agencies. For users not eligible to receive the state death data distributed by SSA, the Limited Access Death Master File (LADMF) is available through the U.S. Department of Commerce's (DOC) National Technical Information Service (NTIS), which contains death data from sources as explained above.

The Consolidated Appropriations Act, 2021 (CAA) includes a new requirement for SSA to distribute the state death data with the United States Department of the Treasury's Do Not Pay (DNP) for a period of three years beginning on December 27, 2023, and requires recipient agencies (including DNP) to fully reimburse SSA for the proportional cost of both obtaining and sharing state death data.

In recent years, various stakeholders have expressed their dissatisfaction with the current arrangement. Members and committees of Congress and some advisory organizations have urged that federal agencies' access to, and use of, state death data should be further expanded (particularly by enabling DNP to make state death data available to other agencies). Some urge that federal agencies' access to, and use of, state death data should be further expanded to prevent improper payments in the Federal Government. Others express concerns about the cost and burden of SSA's role in distributing state death data for use by other federal agencies. For their part, VROs express concern about the adequacy of federal payments to states for the death data they provide and the potential loss of control of the data once it is shared with SSA. Against this backdrop, Congress has explored proposals and considered legislation to modify the collection, distribution, and use of state death data within the federal government.

The CAA directs SSA to contract with the National Academy of Public Administration (the Academy) to provide an independent study and report to Congress on the current and potential sources for, and provision of access to, State-owned death data for the limited use by federal agencies and programs for purposes of program administration and payment integrity. The study was conducted in consultation with VROs, NAPHSIS, SSA, the DNP Business Center, and other Federal agencies using such death information.

This report of an Academy Panel of Fellows (the Panel) provides an analysis of VROs and identifies the key challenges they face in producing and managing state death data. The report examines the federal use of state death data and discusses findings and observations on the practices, roles, and responsibilities of relevant federal entities, including SSA, DNP, and federal benefits paying agencies. The Panel also assessed unmet needs for state death data within the federal government, the mission and appropriate roles of the states, Congress, and the federal government, and the benefits and limitations of utilizing a non-governmental data clearinghouse. The following are the Panel's six key findings:

- *Finding One: The inherent complexity of collecting and disseminating state death data for federal use results in economic, governance, and practical conflicts.*
- *Finding Two: Despite their extensive variation in state legal requirements, conditions, and preferences, all VRO jurisdictions furnish death data directly or through regions to SSA. VROs in all the states have contracts that allow their death data to be redisclosed and used in a range of ways by federal agencies and others. Finally, certain federal statutes incentivize states to share the data.*
- *Finding Three: Some VRO officials expressed concerns arising from state legal provisions and have indicated that their VROs might therefore decide not to continue providing death data to SSA under certain circumstances. However, if the States were to discontinue sharing death data with SSA, under Federal law, SSA could refuse to share federal tax information (FTI) with those states.*
- *Finding Four: Certain federal agencies and their offices of inspector general were able to provide supporting rationale for the potential benefits of their gaining access to state death data.*
- *Finding Five: As a matter of good stewardship, federal agencies cross-check multiple sources of death data prior to terminating benefits for, or making decisions about, individual recipients.*
- *Finding Six: While a CAA amendment to Section 205(r) will expand state death data access to some agencies for purposes of preventing improper payments, other agencies that would use the data for other kinds of administrative purposes, such as oversight of non-federal payments and preventing the issuance of fraudulent passports, may still have an unmet need.*

Considering the background and analysis, the Panel assessed a set of potential options for providing federal agencies with access to state death data. In formulating and assessing options, the Panel considered the varying needs and interests of the states, federal agencies, and other key stakeholders, as well as the provisions of the CAA and other relevant legislation.

Based on this analysis, the Panel initially identified five options for consideration, including the status quo (what SSA does currently), designating an agency as the distributor of state death data, a non-governmental data clearinghouse, designating an agency as the federal repository of death data, and federal agencies contracting directly with individual states. In examining the strengths and limitations of each option, the Academy Study Team (Study Team) concluded that the latter two options were not feasible and did not warrant further detailed analysis. The following is a summary of the options analysis provided in the report.

### Options Analysis Overview

Category		Factor		Options			
<input checked="" type="radio"/> Better <input type="radio"/> Neutral <input type="radio"/> Worse				Option 1 (SSA)	Option 2 (DNP)	Option 3a (EVVE FOD)	Option 3b (STEVE)
Cost and Reimbursement	Data Price/State Compensation	States		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
		Federal Agencies		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Implementation costs to the agency that provides data access			<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Implementation costs to recipient agencies			<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Reimbursement from recipient agencies			<input type="radio"/>	<input checked="" type="radio"/>	N/A	N/A
Data	Accuracy			<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Timeliness	Timeliness of data submission to SSA or NAPHSIS		<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
		Timeliness of data sharing		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
	Completeness			<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
	Security			<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
	Data Usage/Transparency			<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
	Flexibility	Data Elements		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
		Data Access Authority		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Mode of Access			<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Federalism, Roles, and		State Perspective		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Category		Factor	Options			
<input checked="" type="radio"/> Better <input type="radio"/> Neutral <input type="radio"/> Worse			Option 1 (SSA)	Option 2 (DNP)	Option 3a (EVVE FOD)	Option 3b (STEVE)
Responsibilities of Relevant Entities	Authorities of the states and the federal government	Federal Perspective	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Roles and Responsibilities	State Perspective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
		Federal Perspective	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Table E.1: Options Analysis Overview. Table created by the National Academy of Public Administration.

The ratings reflect the Panel’s best assessment based on the information collected from interviews and documentary reviews. As shown in Table E.1 above, the states and the federal government share similar perspectives on some factors, such as data accuracy, timeliness, completeness, and security (the 2<sup>nd</sup> category, “Data” in the table). Their views diverge when it comes to data price and reimbursement costs, authorities of the states and federal government, roles and responsibilities of relevant entities, and the ratings indicate the specific interests and needs of the VROs and the federal government. This scoring system is not intended to be converted to a composite score for each respective option, as the weight and importance different stakeholders place on each factor may differ.

*This page is intentionally left blank.*

## Chapter 1: Introduction

Each year, more than 2.5 million deaths occur in the United States of America (U.S. or United States).<sup>1</sup> The state vital records offices and vital records jurisdiction offices (VROs) across fifty-seven jurisdictions bear the responsibility of registering and certifying each death record. Fifty-four of these jurisdictions contract with the Social Security Administration (SSA) to share their state-owned death data. SSA uses state-owned death data to administer its programs, prevent improper payment of benefits to deceased individuals and identify individuals who are potentially eligible for survivor benefits. Per statutory requirement, SSA then distributes these data to ten federal benefit-paying agencies to reduce improper payments more widely across the government.<sup>2</sup>

SSA provides two versions of death data to be shared with external organizations, as authorized by law: the public Death Master File (public DMF) that it shares with NTIS, which does not contain state data, and the public plus state death file, also known as the “full file,” which can only be shared as authorized under Section 205(r) of the Social Security Act (the Act). SSA shares the public DMF with NTIS as a result of a Freedom of Information Act (FOIA) lawsuit filed in 1978. Since 1992, SSA has contracted with the Department of Commerce’s National Technical Information Service (NTIS) to sell the public DMF to other agencies and private organizations such as banks and credit companies. NTIS refers to this file as the Limited Access Death Master File (LADMF).<sup>3</sup> Please refer to Chapter 3 of this report for more information on SSA’s full file of death information and the public, or “Limited Access,” DMF.

In the 2021 Consolidated Appropriations Act (CAA), Congress directed SSA to contract with the National Academy of Public Administration (Academy) to provide an independent study and report to Congress on the current and potential sources for, and provision of access to, State-owned death data for the limited use by federal agencies and programs for purposes of program administration and payment integrity.

---

<sup>1</sup> “Deaths and Mortality (2020),” Centers for Disease Control and Prevention, accessed 17 March 2022, <https://www.cdc.gov/nchs/fastats/deaths.htm>.

<sup>2</sup> Historically, the ten federal benefit-paying agencies include the Pension Benefit Guaranty Corporation, the Department of Defense, the Department of Veterans Affairs, the Department of Agriculture, the Department of Housing and Urban Development, the Office of Personnel Management, the Centers for Medicare and Medicaid Services, the Internal Revenue Service, the Federal Retirement Thrift Investment Board, and the Railroad Retirement Board. As of the date of this report, the latter two agencies have decided not to continue to receive the data.

<sup>3</sup> The Continuing Appropriations Resolution, 2014 (Bipartisan Budget Act, 2013 or BBA 2013), which became law on December 26, 2013, added a three-year delay to the release of non-state death data for the public DMF (also known as the Open Access DMF) and created the “Limited Access DMF”, which is not subject to the three-year delay. Neither contain state death data. The legislation also directed NTIS to create a certification program through which persons or entities may become eligible to obtain access to the LADMF. Please see the following link for more information on NTIS’ final rule, “Certification Program for Access to the Death Master File”:

<https://www.federalregister.gov/documents/2016/06/01/2016-12479/certification-program-for-access-to-the-death-master-file>. Most of the NTIS subscribers that purchased the public DMF prior to 2013 were later certified by NTIS to purchase the LADMF. Therefore, for the purposes of this report, the LADMF is functionally the same as the public DMF as it is available to the public, but with the requirement that entities must be certified to receive it before purchase.

This report of an Academy Panel of Fellows (Panel) analyzes the current structure for state collection and management of death data, identifies potential unmet needs for state death data by federal agencies, and evaluates options for expansion of data distribution to other federal agencies for limited use.

## **1.1 State Vital Records Offices and the National Association for Public Health Statistics and Information Systems**

VROs register and maintain official government records of vital events in all 57 jurisdictions, including the 50 states, New York City, the District of Columbia (DC), and the five US territories.<sup>4</sup> VROs rely on input from funeral home directors and staff, medical certifiers such as doctors, coroners, and medical examiners, and families to certify and register each death that occurs within the jurisdiction (see Chapter 2 for a more detailed analysis of VROs).

The National Association for Public Health Statistics and Information Systems (NAPHSIS) is a non-profit membership organization comprising the 57 VROs and public health statistics offices. Formed in 1933, they “provide technical assistance and training, educational programs, and access to resources that assist in vital records and health statistics management”<sup>5</sup> to jurisdictions and work as the intermediary between jurisdictions and SSA during death record reimbursement rate negotiations.

NAPHSIS developed and supports two electronic systems that the 57 jurisdictions, as well as outside entities, like private companies and federal agencies, can use to access death data. These two systems, the Electronic Verification of Vital Events Fact of Death (EVVE FOD) query system and the State and Territorial Exchange of Vital Events (STEVE) system, can be used to query whether an individual is deceased or to transfer death record files between entities, respectively. Additional information on NAPHSIS, EVVE FOD, and STEVE can be found in Chapter 2.

## **1.2 Social Security Administration and its Use of State Death Data**

The mission of the SSA is to administer benefits under the Social Security Act: the Old-Age, Survivors, and Disability Insurance (OASDI) program and the Supplemental Security Income (SSI) program. The Agency serves the public from a network of offices across the country.

SSA collects and maintains death data to administer the OASDI and SSI programs. Those data include the names, Social Security Numbers (SSN), dates of birth, and dates of death of deceased SSN-holders. SSA uses death data to prevent the improper payment of Social Security benefits to deceased individuals and to identify individuals who are potentially eligible for survivor benefits.

---

<sup>4</sup> Note that the term “state” is used in this document interchangeably with “jurisdictions” to refer to the 57 VRO jurisdictions.

<sup>5</sup> “About NAPHSIS,” National Association for Public Health Statistics and Information Systems, accessed 9 May 2022, <https://www.naphsis.org/about-naphsis>.



SSA's use of these records helps prevent over \$50 million in Social Security and SSI improper payments per month.<sup>6</sup> As described below, SSA receives death data from multiple sources, including state vital records offices, funeral home directors, family members, other federal agencies, and financial institutions.

Pursuant to Section 205(r) of the Act (Section 205(r)), SSA distributes the state death data with qualifying federal and state agencies for the limited purposes outlined in the Act. This includes providing the data to federal or state agencies administering federally funded benefits, State agencies administering programs wholly funded by the State, and research and statistical activities conducted by federal and state agencies. The CAA includes a requirement for SSA to distribute the full file of death information (including the death data furnished to SSA by the states) with the U.S. Department of the Treasury's (Treasury) Do Not Pay (DNP) for a period of three years beginning on December 27, 2023, and provides for recipient agencies (including DNP) to fully reimburse SSA for the cost of both obtaining and sharing state death data.<sup>7</sup>

### **1.3 Legislative Background**

In 1983, Congress added Section 205(r) to the Social Security Act, 42 U.S.C. § 405(r), which required SSA to establish a program under which states would voluntarily contract to furnish state death data to SSA for use by SSA and other agencies for certain purposes.<sup>8</sup> This new Section required SSA to use state death data to administer its programs and to share state death data with federal and state agencies administering federally funded benefits. The Section also authorized SSA to share state death data with state agencies administering programs wholly funded by the state and for research and statistical activities conducted by federal and state agencies. Additionally, it prohibits SSA and others from using or sharing state death information except as specified in the new Section. Over the succeeding four decades, Congress enacted amendments and related provisions that expanded SSA's authority to use the state death data and to furnish state death data to others, incentivized states to agree to a standardized approach for furnishing their data, and modified the rules on payment for the data.

This description of the statutes that grant authority for SSA to acquire state death data, use it, and provide it to other agencies provides background for the report overall and is particularly referenced in the analysis of state legal authorities and concerns in Chapter 2, Section 3, where both state and federal laws affecting access to, and protections for, state death data are included in the analysis. In keeping with the study's scope, the analysis in this report will only cover state death data for use by federal agencies for purposes of program administration and payment integrity. SSA's authority to provide state death data to state agencies and its authority to use or

---

<sup>6</sup> SSA provided the Academy with its responses to the Office of Management and Budget's (OMB) Payment Integrity Information Act of 2019 report questions on June 24, 2021.

<sup>7</sup> Until a provision in the Consolidated Appropriations Act, 2021 goes into effect on December 27, 2023, SSA will not have legal authority to share its full file of death information (which includes state-reported deaths) with the Treasury's DNP portal, a centralized hub that would permit access by numerous federal agencies.

<sup>8</sup> Subsection (r) was added to Section 205 by Section 336 of the Social Security Amendments of 1983, Public Law No. 98-21 (1983). The text of Section 205(r), as amended, is provided in Appendix B.

provide the data for purposes other than program administration and payment integrity are included in this summary to provide context for the study's analysis.

### **A. SSA's Acquisition of State Death Data, and Protections for That Data.**

To establish SSA's program for acquiring state death data, and to afford protections for that data, Section 205(r) provides that:

- SSA must establish a program under which states (or their subdivisions) voluntarily contract to furnish the state death data.
- SSA is authorized to pay states for the data. (As discussed below, the terms for that payment were substantially revised by the CAA.)
- The state death data furnished to SSA may be used only for the purposes specified in Section 205(r) and is exempt from the Freedom of Information Act.<sup>9</sup>

(The text of Section 205(r), as amended by the CAA, is provided in Appendix B.)

### **B. Authority for SSA to Use State Death Data for its Benefit Programs and for its Verification and Data-Matching Systems that SSA Makes Available to Other Federal Agencies and to Others**

Under Section 205(r) and other authority, SSA uses state death data for its own benefit programs and in certain benefit programs used by others for specified purposes.

#### ***SSA's use of state death data for its own benefit programs –***

- Under Section 205(r)(1)(B), SSA uses state death for validating and correcting information used in the administration of all SSA's programs under the Social Security Act.

#### ***SSA's use of state death data in verification systems that can be accessed by other federal agencies for purposes that may include program administration and payment integrity –***

- Section 7213(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) requires SSA to use state death data to provide any death indicators to users of the Social Security Number Verification Service (SSNVS) or other verification routines that SSA determines to be appropriate, including to federal agencies when they use these verification services for any authorized purpose.<sup>10</sup> (A death indicator is a Yes or No indication if death information, including state death data, is available in SSA's records.

---

<sup>9</sup> FOIA, 5 U.S.C. § 552, requires federal agencies to make their records available to the public, either at the agency's initiative or upon request, unless the records are exempted by statute from FOIA. Section 205(r) also states that the state death data is exempt from the Privacy Act of 1974, 5 U.S.C. § 552a.

<sup>10</sup> Public Law No. 108-458, § 7213(a)(2) (2004), 42 U.S.C. § 405 note.

Death indicators under IRTPA are discussed in Chapter 3, Section 2 below. The text of IRPTA § 7213(a)(2) is provided in Appendix C.)

***SSA's use of state death data in verification systems that can be accessed by certain state agencies and by employers, financial institutions, and others that use SSA's verification systems –***

- The 2002 Help America Vote Act requires states to verify a partial SSN of a new voter registrant with SSA *only* when the individual does not have a driver's license. This verification can include a death indicator, and Section 205(r)(9), which was enacted by that 2002 legislation, authorizes SSA to use state death data in providing such death indicators.<sup>11</sup>
- IRTPA requires SSA to use state death data to provide any death indicators to employers, state agencies issuing driver's licenses and identity cards, and others who use the SSNVS and other verification routines. (In addition to employers, companies that use SSA's verification services and that may receive death indicators from SSA include companies that provide banking and mortgage services, process credit checks, provide background checks, satisfy licensing requirements, etc.)

**C. Authority for SSA to Provide State Death Data for use by Other Federal Agencies and State Agencies**

Under conditions specified in Section 205(r), SSA may provide state death data for use by other federal agencies and state agencies for the following purposes:

***State death data provided for use by federal agencies for purposes of program administration and payment integrity –***

- Section 205(r)(3), as enacted in 1983 and as amended under the CAA, requires SSA, to the extent feasible, to provide state death data to other federal benefit-paying agencies to ensure proper payment of those benefits if agencies reimburse SSA and such arrangement does not conflict with the duties of the Commissioner of Social Security.<sup>12</sup>
  - In the example of Medicare and Medicaid, which provide benefits to eligible individuals by making payments to their healthcare providers, Section 205(r)(3) authorizes SSA to furnish state death data to the Centers for Medicare and Medicaid Services (CMS) for the purpose of preventing waste, fraud, and abuse in the payment of those healthcare providers.
- Under Section 205(r)(10), which was added by the Patient Protection and Affordable Care Act,<sup>13</sup> SSA is authorized to provide state death data under data-matching agreements with the Department of Health and Human Services (HHS) or with the HHS

---

<sup>11</sup> Public Law No. 107-252, § 303(a)(5)(B)-(C) (2002), which added what is now paragraph (9) to Section 205(r).

<sup>12</sup> Paragraph (3) of Section 205(r).

<sup>13</sup> Public Law No. 111-148, § 6402(b)(3) (2010), which added what is now paragraph (10) to Section 205(r).

Office of Inspector General (OIG). For example, under this authority, SSA enables HHS's Health Resources and Services Administration (HRSA) to access state death information that SSA makes available for HRSA's use in administering the organ transplantation program.<sup>14</sup> (Section 205(r)(10) is silent with respect to the purposes for which HHS or its OIG may request and use the data-matching authority.)

(Also, as discussed below, a new paragraph added to Section 205(r) by the CAA will require SSA to provide state death data to DNP to prevent improper payments.)

***State death data used by SSA or provided for use by other agencies for statistical and research purposes and use by state agencies under certain circumstances –***

- Under Section 205(r), as enacted in 1983, SSA may use, or provide for the use of, state death data for statistical and research activities conducted by a federal or state agency.<sup>15</sup>
- Under the provision as enacted in 1983, SSA must also generally provide state death data to state agencies that provide federally funded benefits for ensuring proper payment of those benefits, and SSA may provide the data to any state for use in wholly state-funded programs.

**D. Section 6103(d)(4) of the Internal Revenue Code, which incentivizes states not to restrict how state death data furnished to SSA may be used**

**In 1993, Congress added Section 6103(d)(4) to the Internal Revenue Code of 1986 (IRC), 26 U.S.C. § 6103(d)(4), stating that the Internal Revenue Service (IRS) may not provide federal tax return information to a state unless the state has a contract with SSA that:**<sup>16</sup>

- requires the state to furnish state death data to SSA, and
- contains no restriction on how SSA and other federal agencies may use the state death data except that the contract may provide that the data may be used only for preventing improper payments.<sup>17</sup>

Before Section 6103(d)(4) of the IRC was enacted, not all states had entered into contracts with SSA furnishing state death data not restricting SSA's and other federal agencies' use of the data for preventing improper payments. After enactment, all states entered into such contracts.

(The text of Section 6103(d)(4) of the IRC is provided in Appendix C.)

---

<sup>14</sup> SSA provides state death data to CMS under Section 205(r)(3) and arranges for CMS to then make the death information available to HRSA under Section 205(r)(10).

<sup>15</sup> Paragraph (5) of Section 205(r).

<sup>16</sup> Paragraph (4) was added to Section 6103(d) by Public Law No. 103-66, § 13444(a) (1993).

<sup>17</sup> Specifically, subparagraph (B)(ii) of Section 6103(d)(4) says that to be satisfactory, the state's contract with SSA – “does not include any restriction on the use of information obtained by... [SSA] pursuant to such contract, except that such contract may provide that such information is only to be used by ... [SSA] (or any other Federal agency) for purposes of ensuring that Federal benefits or other payments are not erroneously paid to deceased individuals.”

## E. Congressional Interest in Modifying Section 205(r)

Dissatisfaction with the current arrangement has grown in recent years, both in and outside of Congress. Some in Congress and others have urged that federal agencies' access to, and use of, state death data should be further expanded (to DNP) to prevent improper government payments.<sup>18</sup> Some others in Congress and others have expressed concerns about the cost and burden of SSA's role in providing access to state death data for use by other federal agencies and have also expressed concern about the adequacy of federal payments to states for the death data that they furnish.<sup>19</sup>

At least since 2013, Congress has explored proposals and considered legislation to improve the collection, distribution, and use of state death data within the federal government.<sup>20</sup> Such proposals and bills have taken a variety of approaches,<sup>21</sup> including:

- Requiring SSA to share state death data with DNP, which provides access to other federal agencies to prevent improper payments.
- Requiring SSA to share state death data with other federal agencies for the purpose of tax administration or debt collection, inspectors general (IG) oversight, or criminal or civil enforcement.
- Assigning to DNP the responsibility for contracting with states to acquire state death data, which DNP would make accessible to federal agencies.
- Requiring studies and plans regarding the collection and utilization of death data within the federal government.

(A brief description of relevant legislation considered in the 116th Congress (2019-2020) prior to the enactment of the CAA is provided in Appendix B.)

---

<sup>18</sup> For example, Report of the Senate Committee on Homeland Security and Governmental Affairs to accompany S.1333, 116<sup>th</sup> Cong., 1<sup>st</sup> Sess., Senate Rept. 116-49 (June 25, 2019); H.R. 2543, 116<sup>th</sup> Cong., 1<sup>st</sup> Sess. (identical to S.1333); statements of Senators Paul, Carper, and Kennedy, Congressional Record, pages S3998 - S4002 (June 30, 2020); Government Accountability Office, "Improper Payments: Strategy and Additional Actions Needed to Help Ensure Agencies Use the Do Not Pay Working System as Intended," GAO-17-15 (October 14, 2016).

<sup>19</sup> For example, Statement of Senator Wyden, Congressional Record, page S7505 (Dec. 12, 2018); statement by Senator Wyden, Congressional Record, pages S3998 - S4002 (June 30, 2020); NAPHSIS, June 2020 Monthly Newsletter ("Do Not Pay Initiative in the News Again, Renews Threat to Expand SSA 205(r). ... NAPHSIS submitted a white paper explaining that, while we are in favor of the overall goal of stopping improper payments, we strongly oppose expansion of SSA 205(r) as the way to achieve it. It is our hope that instead, this news could push Treasury towards EVVE FOD."), <https://www.naphsis.org/post/june-2020-monthly-newsletter>; NAPHSIS Whitepaper, "Opposition to 'Stopping Improper Payments to Deceased People Act'" (June 2020), <https://files.constantcontact.com/ca804cecc401/eeb8f729-347d-406b-b723-b1c33963e161.pdf>; Social Security Advisory Board, "Social Security and the Death Master File" (June 2019) (recommending that Congress should shift responsibility for collecting and disseminating state death data from SSA to DNP).

<sup>20</sup> Early work on this topic includes the Report of the Senate Committee on Homeland Security and Governmental Affairs to accompany S. 1360, "Improper Payments Agency Cooperation Enhancement Act of 2013," 113<sup>th</sup> Cong., 1<sup>st</sup> Sess., Senate Rept. 113-124 (December 12, 2013); Government Accountability Office, "Improper Payments: Government-Wide Estimates and Use of Death Data to Help Prevent Payments to Deceased Individuals," GAO-15-482T (March 16, 2015).

<sup>21</sup> A brief description of relevant legislation considered in the 116th Congress (2019-2020) prior to the enactment of the CAA is provided in Appendix A.

## **F. Changes to Section 205(r) Made by the CAA**

The CAA amended Section 205(r) by revising the provisions that govern SSA's payments to states that furnish death data and the provisions that govern federal agencies' (and certain state agencies') reimbursement to SSA for providing access to the state death data. The CAA also added a provision to Section 205(r) that requires SSA to provide state death data to DNP for three years beginning on December 27, 2023. A brief summary of these amendments follows:<sup>22</sup>

### ***Payment by SSA to states that furnish death data to SSA.***

Since 1983, Section 205(r) said that states "may be paid" by SSA for "the reasonable costs ... for transcribing and transmitting" the death data, which amount was to be established by SSA in consultation with the states. The CAA substantially revised this provision, which now says that states are entitled to receive not only the state's full documented cost of transmitting the death data to SSA (including the costs of any electronic system used solely for transmitting the information to SSA) but also "a fee for the right to use" the data by SSA and by other agencies that reimburse SSA. The amount of this fee, which is established by the SSA in consultation with the states, must include both –

“(i) a share of the costs to the State associated with collecting and maintaining ... [the death data]; ensuring the completeness, timeliness, and accuracy of such information; and maintaining, enhancing, and operating the electronic systems that allow for the transmission of such information; and

“(ii) a fee for the right to use such information.”

### ***Reimbursement to SSA by agencies that receive state death data from SSA.***

Previously, when SSA established data exchange agreements to provide state death data to other federal and state agencies, Section 205(r) said that those agencies must reimburse SSA "for the reasonable cost of carrying out such arrangement." That provision has been understood to not include reimbursement for SSA's costs of paying the states for furnishing the data to SSA.

As amended by the CAA, Section 205(r) now says that agencies must include in their reimbursement the costs to SSA of obtaining the state death data from the states. Specifically, in addition to the agency-specific cost to SSA from developing the cooperative arrangement and providing and transmitting the state death data to the agency, each agency must now pay the SSA the agency's "proportional share" (as determined by SSA in consultation with the agency) of –

- the payments that SSA makes to the states that furnish death data;
- the SSA's costs of developing the contracts with the states; and
- SSA's costs of carrying out this study.

The amendments in the CAA also added explicit language that agencies meeting the requirements under Section 205(r) for redisclosure of state death data must reimburse SSA. As enacted in 1983, Section 205(r) required that reimbursement be provided to SSA by federal and state agencies to

---

<sup>22</sup> This summary is intended to provide context for the analysis in this study and is not intended to interpret the provisions. The CAA also made amendments to Section 205(r) related to the correction of records and other matters.



which SSA must provide state death data because they made federally funded benefit payments, and state agencies to which SSA provides state death data for use in wholly state-funded programs. The CAA added the requirement that reimbursement be provided by –

- federal and state agencies that conduct statistical and research activities using state death data;
- HHS (or the HHS OIG) with which SSA must enter a data-sharing agreement, including death data, under Section 205(r); and
- DNP, when it receives state death data from SSA beginning December 27, 2023.

It should be noted that while Section 205(r) did not explicitly include reimbursement language for federal and state agencies receiving state death data for statistical and research purposes and HHS, these agencies did reimburse SSA for the cost of creating and transmitting the death information prior to the enactment of the CAA. Under Section 205(r), as now amended, these, like other federal and state agencies that receive state death data under Section 205(r) (including HHS when it enters a data matching agreement by which SSA provides state death data), must reimburse SSA for their proportional share of the costs to purchase state death data.

**Source of funding for SSA’s payments to states.** Nearly all SSA’s administrative expenses are funded through an appropriations account called the Limitation on Administrative Expenses account (LAE), which is composed of amounts from trust funds that SSA administers and from other sources.<sup>23</sup> Previously, SSA used the LAE account to pay states for their death data. The CAA (as described above) amended Section 205(r) to require other agencies with which SSA shares the data to reimburse SSA for their proportional shares of SSA’s payments to the states for that data, and the CAA also added a provision to Section 205(r) disallowing SSA to use the LAE for the amounts reimbursed to SSA by other agencies.<sup>24</sup> SSA, therefore, uses the reimbursements from other agencies to cover the other agencies’ proportional shares of SSA’s payments to the states.

**Provision by SSA of state death data to DNP to prevent improper payments.** The CAA added a provision to Section 205(r) that will require SSA to provide state death data to DNP “to prevent improper payments to deceased individuals” for the three-year period beginning on December 27, 2023. This new provision does not define “improper payments,” but that term is defined in statute to include any transfer of federal funds that should not have been made or that was made in an incorrect amount.<sup>25</sup>

(The text of Section 205(r) is marked in Appendix B to show all amendments made to that Section by the CAA.)

---

<sup>23</sup> FY 2022 SSA Congressional Justification, accessed 30 June 2022, <https://www.ssa.gov/budget/FY22Files/FY22-JEAC.pdf>, 95; U.S. Library of Congress, Congressional Research Service, *Social Security Administration (SSA) FY 2022 Annual Limitation on Administrative Expenses (LAE) Appropriation: In Brief*, by William R. Morton, R47103 (13 May 2022), 1.

<sup>24</sup> Subparagraph (C) of Section 205(r)(2).

<sup>25</sup> 31 U.S.C. § 3351(4).

## 1.4 Key Study Premises and Assumptions

In conducting its research, identifying potential unmet needs, and evaluating the various options for the sharing of state death data, the Academy adopted several basic study premises or assumptions:

***The study relates to state-owned death data.***

As Congress instructed in Section 802, the subject matter of this study is “State-owned death data.” This report uses the term “state death data.” Pursuant to Section 205(r) of the Act, SSA enters into agreements with the states to collect state death data to administer its programs. SSA collects only the four data elements it needs for this purpose: full name, Social Security Number, date of birth, and date of death (this report refers to these as “standard death data elements”). Other death data elements collected by the states, including cause of death and geographical information, were considered outside the scope of this study.

***Death data collected by states is the property of the states.***

The study built on the premise that the death data collected by states is the property of the states and will remain so.<sup>26</sup>

***The study relates to the use of state death data for the purposes of program administration and payment integrity.***

In considering potential uses of state death data, the Academy Study Team (Study Team) focused on “program administration” and “payment integrity,” consistent with the provisions in Section 802 of the CAA. While the study lists statistical uses of the standard death data elements, this is not a core focus of the document.

***The study will assess the CAA’s provision for SSA to expand the distribution of state death data with DNP on December 27, 2023, as an option for consideration.***

The provision allows SSA to distribute state death data to DNP for a period of three years.<sup>27</sup>

---

<sup>26</sup> States that compile confidential sets of death data generally are entitled to license to others the right to use the data, including the ability to require payment in return. See, generally, Peter Leonard, “Beyond Data Privacy: Data ‘Ownership’ and Regulation of Data-Driven Business,” *The SciTech Lawyer* (American Bar Association, January 17, 2020),

[https://www.americanbar.org/groups/science\\_technology/publications/scitech\\_lawyer/2020/winter/beyond-data-privacy-data-ownership-and-regulation-datadriven-business](https://www.americanbar.org/groups/science_technology/publications/scitech_lawyer/2020/winter/beyond-data-privacy-data-ownership-and-regulation-datadriven-business); Thompson-Reuters, Practical Law Intellectual Property & Technology, “Data Licensing: Taking into Account Data Ownership and Use,” accessed 6 July 2022, <https://legal.thomsonreuters.com/en/insights/articles/data-licensing-taking-into-account-data-ownership>.

<sup>27</sup> Section 205(r)(11), which was added by the CAA, states: “During the 3-year period that begins on the effective date of this paragraph [i.e., December 27, 2023], the Commissioner of Social Security shall, to the extent feasible, provide information furnished to the Commissioner under paragraph (1) to the agency operating the Do Not Pay working system described in section 3354(c) of title 31, United States Code, to prevent improper payments to deceased individuals through a cooperative arrangement with such agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to such arrangement with such agency.”



***The study utilizes predetermined evaluative criteria to assess scenarios.***

In assessing potential scenarios for the distribution of state death data to federal agencies, the study adopted criteria that reflected the interests of both federal and state stakeholders and the requirements of the study.<sup>28</sup> Those criteria included but were not limited to:

- The costs to both state and federal agencies involved with collecting, maintaining, transmitting, or disseminating state death data;
- States' compensation/data pricing;
- Reimbursement for costs incurred by state and federal entities in the collection, maintenance, and exchange of state death data;
- Timeliness, accuracy, and completeness of state death data;
- Data security;
- Flexibility to address diverse data needs;
- Federalism and the mission and roles of participating entities; and
- Legal and administrative barriers and enablers.

***The study utilizes predetermined criteria to assess potential unmet needs.***

The Study Team assessed the potential unmet data needs (for the purpose of program administration and payment integrity) of federal agencies that do not currently receive the state-owned death data. To determine the extent of unmet needs, the Study Team reviewed qualitative and quantitative data to determine the potential benefits of receiving state death data for uses that relate to payment integrity and program administration. In addition, the Study Team considered the incremental costs and workload that would arise due to new users receiving access to the state-owned death data.

***The study is an independent and neutral assessment.***

In conducting its field research and assessment of options, the Study Team did not advocate for any specific model or structure for the collection and sharing of *state-owned death data with federal agencies*.

***The Study Team focuses on analyzing state and federal laws relevant to the purposes of the study.***

The study includes an analysis of state and federal legal provisions that determined – (1) compensation and protections of state data-ownership rights for such data to which federal agencies have access, (2) federal agencies' accessing state-owned death data for purposes of program administration and payment integrity, (3) protections of confidentiality and data security afforded to such data to which federal agencies have access.

In addition to the analysis of state and federal laws, the Study Team reviewed congressional legislation germane to the study subject matter.

---

<sup>28</sup> Section 802 of division FF of the CAA requires the Academy to consider several options for providing federal agencies with limited access to state-owned death data.

## 1.5 Scope of Work, Methodology, and Limitations

### *Scope of Work and Lines of Inquiry*

Section 802 of Division FF of the CAA directed SSA to contract with the Academy to provide an independent study and report to Congress on the current and potential sources for, and provision of access to, State-owned death data for the limited use by federal agencies and programs for purposes of program administration and payment integrity. The study was to be done in consultation with state vital records agencies, the NAPHSIS, SSA, the agency operating Do Not Pay, and other Federal agencies using such death information as appropriate.

As required by the Act, the Academy conducted an:

1. “Analysis of the following:
  - (A) The sources and owners of the death data.
  - (B) The timeliness, accuracy, and completeness of State-owned death data, including the process for correcting inaccuracies.
  - (C) Federal and State laws that may affect legal access to, and protections for, State-owned death data.
  - (D) Federalism and the appropriate roles of the relevant Federal and State entities, including States' role in recording vital records and the core mission and responsibility of any Federal agency involved.
  - (E) The costs incurred for each step of the death data collection, management, protection (legal and otherwise), and transmission processes, and the challenges to adequate funding of State vital records programs.
  - (F) Unmet needs (if any) for these data among Federal agencies or programs.
  - (G) Options for providing Federal agencies with limited access to State-owned death data, including Federal agencies contracting directly with States for access to such data or distribution of such data via the Commissioner of Social Security or another Federal agency or program, and corresponding options for appropriate reimbursement structures.
2. An assessment of the strengths and limitations of the options for distribution and reimbursement identified in paragraph (1)(G).”

### *Lines of Inquiry*

The study included four primary lines of inquiry (LOI) corresponding to the study scope described above. A brief description of associated activities is provided beneath each LOI.

#### **LOI 1 – State-owned Data Sources’**

- Identified and described the states’ role in recording death records.
- Cataloged sources of state death data.
- Assessed timeliness, accuracy, and completeness of state-death data.

- Collected and reviewed primary source material from state vital records agencies, NAPHSIS, SSA, federal agencies, and other federal agencies that use state death data.
- Conducted semi-structured interviews with state officials, NAPHSIS, SSA, federal agencies, SSA staff, external federal agencies, subject matter experts, and non-governmental partners.
- Collected and analyzed data on costs and revenue sources from state vital records offices in partnership with NAPHSIS.
- Gathered publicly available information on state vital records operations.
- Collected secondary source material from published reports.

## **LOI 2 – Legal Considerations**

- Participated in interviews with officials of VROs, NAPHSIS, SSA, DNP, and other federal agencies to identify and understand relevant state and federal legal issues and concerns regarding federal agencies’ access to and use of state death data for purposes of program administration and payment integrity.
- Surveyed VROs to identify and describe applicable state legal provisions.
- Collected and examined relevant state and federal statutes, regulations, and statements of policy.
- Reviewed literature and held discussions with subject matter experts, gained a greater understanding of particular areas of law.

## **LOI 3 – Federalism; Appropriate Roles of Relevant Federal and State Entities**

- Identified and described examples in which vital-records data has been shared between state and federal organizations.
- Reviewed literature and held discussions with subject matter experts. The Panel identified relevant principles of federalism (including the appropriateness of the federal government’s reliance on state entities to enable federal functions) and analyzed the applicability of such principles to ways in which state-owned death data can be accessed by federal agencies.

## **LOI 4 – Options for Consideration**

- Reviewed internal and external studies and proposals on alternatives for the collection, distribution, and management of and reimbursement for death data at the federal level.
- Conducted interviews with state and federal officials and external stakeholders to identify, and invite opinions about, such potential alternatives.
- Identified suggestions and opinions offered during congressional hearings and in legislative bills and other proposals.
- Developed evaluative criteria and analytical framework to evaluate potential options
- Offered a selection of alternatives and detailed the potential advantages and disadvantages of each.

## ***Methodological Approach and Limitations***

The Academy formed a Study Team and assembled a five-member Panel of Fellows with extensive expertise and experience relevant to the study to oversee all aspects of this study. The Panel reviewed the Study Team’s progress, reviewed and approved study findings and conclusions, options for consideration and assessment of the advantages and disadvantages of each, and approved the draft and final reports. Six Panel meetings were convened throughout the period of performance. In this study, the Panel provides SSA and Congress with an analysis of VROs, federal access to state-owned death data, as well as federalism and the roles of relevant state and federal entities.

The study was conducted from April 2021 through June 2022 and employed a mixture of qualitative and quantitative research methods as outlined in the team’s research design. In conducting its research, the Study Team regularly consulted with several key stakeholders, including state vital records agencies, NAPHSIS, SSA, the Treasury’s Bureau of the Fiscal Service (Fiscal Service)<sup>29</sup>, and other Federal agencies using state death data.

Given the centrality of the state vital records offices to the study, the team began with foundational research on state vital records offices: their collection and maintenance of death data, current resource and funding challenges, and the role of NAPHSIS. To better understand the central role SSA plays in the death data ecosystem, the team researched the processes SSA uses to receive data from the states, how SSA uses state death data to administer its programs, and how SSA distributes state-owned death data in accordance with Section 205(r) of the Act.

The team then examined federal access to state death data, federalism, and federal legal considerations in the context of sharing state death data; and the question of unmet needs among federal agencies who do not currently have access to state death data through SSA. Finally, the team identified a set of options for Congress to consider for providing federal agencies access to state-owned death data, as well as relevant factors and analyses that inform the strengths and limitations of each given option. Additional discussion on the methodology is provided in the subsequent chapters.

### ***Limitations***

While the Study Team and Panel conducted a robust analysis, several limitations must be acknowledged to further contextualize this report.

#### **VROs were significantly impacted by the Coronavirus Disease 2019 (COVID) pandemic.**

To date, the pandemic has resulted in nearly 1 million deaths across the United States, substantially increasing the workload of VROs.<sup>30</sup> Most jurisdictions deemed their VRO employees “essential workers,” which required in-person office attendance, creating

---

<sup>29</sup> The Fiscal Service is the agency that operates Do Not Pay.

<sup>30</sup> “COVID Data Tracker,” Centers for Disease Control and Prevention, accessed 11 May 2009, <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>.

additional stress at an already difficult time. As such, while the Study Team reached out to all 57 jurisdictions, and while the Study Team is grateful for the significant contributions of VROs to interviews and roundtable discussions, not all jurisdictions were able to respond to surveys administered during the study period to collect cost and revenue data, limiting the Study Team's ability to make generalized and conclusive statements about all VROs.

**Stakeholder negotiations preclude the sharing of cost data.**

Through the course of the study, VROs, NAPHSIS, and SSA were engaged in negotiations related to the new electronic death registration system (EDR) fee schedule as the costs and fees for the data that SSA pays the states must be renegotiated due to the provisions of the CAA. As a result, the Study Team did not have access to the methodology and assumptions used to calculate those costs.

**Absent accurate cost data for the reimbursement requirements under the CAA, federal agencies are unable to complete a cost-benefit analysis of the value of obtaining state death data.**

The CAA requires recipient agencies to pay for a proportionate cost of the state data; however, SSA, NAPHSIS, and the VROs are still negotiating the total cost for the data. As a result, when interviewed, federal agencies remarked that they were unable to perform their own cost-benefit analyses on the new cost reimbursement provisions of CAA and were unable to provide specific feedback without more information. As such, the Study Team was unable to accurately gauge the willingness of some federal recipient agencies to pay for state death data under the new CAA cost reimbursement provisions.

**The legal analysis focused on the general legal framework.**

Given the time constraints of the study, and the limited ability of the Study Team to reach conclusive interpretations of individual states' legal requirements, the study has focused on identifying and describing the general legal framework and on analyzing the implications for assessing the options under consideration.

**The definition of an unmet need is limited based on the provisions of the study mandate as prescribed in Section 802 of Division FF of the CAA, which in turn informs the study scope of analysis.**

For the purposes of the analysis, the set of federal agencies that have an "unmet need" for state death data is determined in part by the death data elements (for example, SSN, date of birth) that federal agencies need and the purposes for which those agencies use the data (for example, payment integrity and program administration). Agencies must also demonstrate an expected benefit from gaining access to state death data through empirical evidence, statistics, or other documentation.

## 1.6 Organization of the Report

Following this Chapter, the report is organized into five additional chapters as follows:

**Chapter 1** reviews the report's scope, methodology, structure, and study premises, providing context for the report chapters that follow.

**Chapter 2** provides background information and data collected by the Study Team relevant to state vital records jurisdictions and NAPHSIS. It discusses the funding challenges that VROs face and the framework of state legal provisions related to the sharing of death data with federal agencies.

**Chapter 3** discusses SSA's receipt of state death data and the procedures for distributing state-owned death data with other federal agencies.

**Chapter 4** discusses the broader use of state death data by federal benefit paying agencies, federalism, and federal legal considerations in the context of distributing state-owned death data. The chapter also reviews the question of unmet needs among federal agencies that do not currently have access to state death data from SSA.

**Chapter 5** outlines the report's findings and set of options for Congress to consider for providing access to state death data by federal agencies, as well as relevant factors and analyses that inform the strengths and limitations of each given option.

## Chapter 2: State Vital Records Offices and NAPHSIS

VROs serve as the custodians and registrars of vital events that occur in their jurisdiction.<sup>31</sup> Typically, this includes births, deaths, adoptions, marriages, and divorces, as well as gender designation changes. One component of Section 802 of the CAA required this study to analyze:

- the sources and owners of death data;
- the timeliness, accuracy, and completeness of state-owned death data;
- state laws that affect access to, and protections for, state-owned death data; and
- The costs incurred for each step of the death data collection, management, protection (legal and otherwise), and transmission processes, and the challenges to adequate funding of State vital records programs.

As part of this analysis, Chapter 2 describes the mission and structure of VROs, the electronic death registration process, and VRO revenues and costs. This Chapter also explores how states share their data with federal and state agencies and outside organizations both directly and through the use of NAPHSIS platforms, including EVVE FOD and STEVE. Chapter 2 also discusses the legal considerations facing states, including the need to maintain confidentiality, as well as data exchange agreements and the redisclosure of state data by SSA to DNP. Finally, this Chapter concludes with the principal challenges facing VROs as custodians of state death data.

### 2.1 State and Jurisdictional Vital Records Offices

#### *Core Mission and Role in Recording Vital Records*

VROs register and maintain official state government records of vital events in all 57 jurisdictions. Traditionally, vital events include births, death, adoptions, marriages, and divorces, though not every VRO registers and maintains all types of vital events. VRO officials, including registrars and support staff, are responsible for ensuring the integrity of the vital records data they maintain. VROs feel a proprietary sense of ownership and responsibility for the data in their record systems and view themselves as stewards of deceased individuals' personal data privacy. VROs not only serve the public but are responsible for sharing death data with other entities, including federal and state agencies.

#### *Nature and Structure of VRO Organizations*

VROs are almost universally part of their jurisdiction's health department, with just one exception.<sup>32</sup> While some VROs are tightly coupled to their jurisdiction's public health statistical, data, and research work, others are standalone organizations tasked with the documentation of

---

<sup>31</sup> The terms "states," "VROs," and "jurisdictions" are used synonymously throughout this Chapter.

<sup>32</sup> New Hampshire's Vital Records Office is part of New Hampshire's Department of State.



vital events and the management of those records. For some VROs, records management includes all vital events (birth, adoption, marriage, divorce, gender designation change, death), while in other jurisdictions, marriage and divorce are handled by the court system.

The process of collecting and managing vital records varies considerably across the 37 jurisdictions that contributed data to this study. For example, in one VRO, the process of registering a death has been automated based on an electronic record meeting certain criteria, while in another VRO, four separate signatures are required before a death record is manually registered. The process is also inherently intergovernmental, driven by federal data requests and state laws, as well as local rules and culture.

VROs are led by state registrars who serve as legal custodians of their state's data. These leaders are a highly accomplished and credentialed group across a variety of disciplines ranging from Medicine, Epidemiology, and Bioinformatics to Health Information Management, Statistics, Public Policy, Business Administration, Information Management, and Law. Some VROs register deaths and issue death certificates from both a central office and local state offices or municipal (city or county) registrars. A 2021 survey of VROs by the state of Utah found that 78.6 percent of the 28 responding jurisdictions served the public via both central and local offices.<sup>33</sup> For other states, their VRO is entirely centralized through one state office.

## **2.2 Research Methodology**

To capture the input and perspective of VROs across the 57 jurisdictions, the Study Team invited all jurisdictions to participate via individual interviews or as part of a group roundtable discussion. Interviews and roundtable discussions were conducted via video conference. In total, the Study Team interviewed 50 VRO staff across 37 jurisdictions (32 states, New York City and the District of Columbia, and three territories), representing 65 percent of VROs, and based on population, jurisdictions covering 79 percent of the U.S. (see Appendix D for detailed insights from VRO interviews). In addition, the Study Team met regularly with NAPHSIS staff and interviewed a representative from the National Funeral Directors Association. The Study Team also received demonstrations of several NAPHSIS data exchange platforms, including the EVVE FOD, STEVE, and the Online Verification System (OVS) from NAPHSIS staff.

Finally, to understand sources of revenue and the costs states incur to collect, maintain, protect, and transmit state death data, the Academy partnered with NAPHSIS to conduct two separate surveys.<sup>34</sup> Both surveys were administered by NAPHSIS and transmitted to all 57 VROs.

The Study Team also reviewed and analyzed publicly available sources regarding VRO operations, along with data provided by SSA, including EDR data for fiscal year (FY) 2021. SSA data includes: an overall state summary, verified EDR death reports by state, un-verified EDR death reports by

---

<sup>33</sup> Utah Department of Health, Variations in Vital Records Funding Survey, October 2021.

<sup>34</sup> See Appendix E for survey questions.



state, and non-EDR death reports by state.<sup>35</sup> Each worksheet included lines for all 57 jurisdictions but only provided data for the 53 jurisdictions with SSA contracts.<sup>36</sup>

## **2.3 VRO Sources of Revenue**

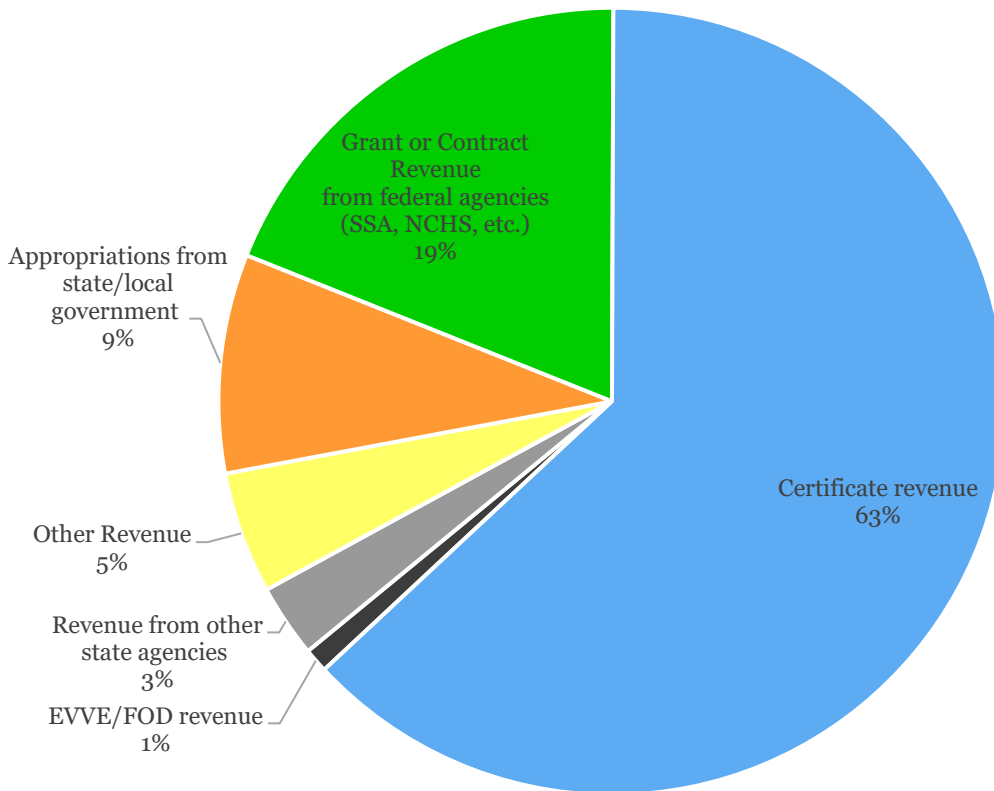
Twenty-four jurisdictions responded to the NAPHSIS-Academy survey. An analysis of the survey responses showed that VROs are largely funded by fees from the public, with nearly two-thirds of total revenue derived from certificate fees paid by individuals to their VROs.<sup>37</sup> The remaining one-third of revenues derive from grant/contract fees from federal agencies, appropriations from state and local governments, and other fee income. Figure 1 below identifies the sources of funds that support state vital records operations for FY 2021.

---

<sup>35</sup> A non-EDR record is a death record completed in a paper-based system without an initial OVS verification.

<sup>36</sup> In FY 2021, SSA did not have contracts with American Samoa, Guam, the Northern Mariana Islands, and the US Virgin Islands.

<sup>37</sup> A total of 24 states responded, for a 42 percent response rate, with a diverse range of respondents representing both small and large populations, as well as a mix of rural and more densely populated states. These states reported \$143.5 million in total revenue for FY 2021.



*Figure 1: Average Percent of Total Revenue by Funding Source (Source: NAPHSIS and the National Academy of Public Administration).*

As referenced above, 63 percent (\$90.5 million of the total \$143.5 million) of total VRO revenues are derived from certificate fees paid by individuals to their VROs. Of the states responding to the survey, five (24 percent) rely on certificate revenue for 80 percent or more of their funding, with one relying on this source for 92 percent of its annual funding. The rate paid by the public for a death certificate ranges from \$5 to \$51. Across VROs, on average, family members need eight certificates for a single decedent.<sup>38</sup> Thus, a family member of a decedent could pay anywhere from \$40 to \$400 for death certificates for a loved one.

Some VROs also receive funding from other agencies within their state, but this is not uniform throughout all jurisdictions.<sup>39</sup> For some states, data is shared for free within their own government, and even those that do charge state agencies for data average only 3 percent of their revenue from this source, per the survey. Private organizations and researchers also provide a

<sup>38</sup> Physical death certificates are often required as official documentation of an individual's death for entities like banks, life insurance companies, and other institutions that require legal proof of death.

<sup>39</sup> Survey results indicate that approximately half of VROs receive some state appropriation to support their work.

source of funding for VROs, but as indicated by the survey and interviews, this funding is nominal. State statutes constrain the ability of states to share the data, limiting the possible funding opportunities. These legal constraints are discussed in Chapter 2, Section 6.

### ***VROs receive federal funding via NCHS and SSA contracts***

In addition to certificate fees and funding from state agencies and outside organizations, VROs receive revenue from contracts with federal agencies to share data. The two primary agencies are the National Center for Health Statistics (NCHS) and SSA. NCHS contracts directly with the states and uses the STEVE platform to receive data from all jurisdictions. SSA also contracts directly with the states, and all states receive the same per record payment from SSA based on the timeliness of the data they upload (see Table 1). Each record received by SSA contains four data elements: name, date of birth, date of death, and SSN. Rates are codified in a standard contract that each state signs with SSA, and that is renegotiated every five years. The current contract between the VRO jurisdictions and SSA expires on June 28, 2023.<sup>40</sup> Applying the same rate across all VROs has the advantage of one negotiation with SSA rather than 57 separate ones. However, the single rate of reimbursement is advantageous to VROs with lower relative costs and disadvantageous to those with higher relative costs.

	<b>Base</b>	<b>Option Year 1</b>	<b>Option Year 2</b>	<b>Option Year 3</b>	<b>Option Year 4</b>
<b>Year</b>	2018	2019	2020	2021	2022
<b>0-6 Days</b>	\$3.49	\$3.55	\$3.61	\$3.67	\$3.73
<b>7-30 Days</b>	\$1.69	\$1.72	\$1.75	\$1.78	\$1.81
<b>30-120 Days</b>	\$0.88	\$0.88	\$0.88	\$0.88	\$0.88
<b>Non-EDR</b>	\$0.88	\$0.88	\$0.88	\$0.88	\$0.88
<b>120+ Days</b>	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01

*Table 1: EDR 5-Year Reimbursement Rate Record. (Source: Social Security Administration).*

## **2.4 VRO Operational Costs**

When asked if states analyze the costs incurred for each step of the death data collection, management, protection, and transmission process, states uniformly said they do not collect cost data at this level of granularity. Several factors influence why cost analyses are not conducted specifically for death data. VROs are responsible for providing services for multiple vital events, with employees dividing their time among various activities covering births, deaths, marriages,

---

<sup>40</sup> As of the publication of this report, the current contract rates are being negotiated due to CAA changes.

and divorces. As such, death-specific costs are not calculated separately from the overall costs. One VRO provided the following detailed breakdown of the tasks for which staff allot time:

- Transmit data/monitors errors in transmission
- Respond to validations and verifications identified by NCHS
- Analyze data trends that pose problems for data quality
- Create death-related products for broad use in public health analyses
- Respond to ad hoc requests on changes in death reporting or summaries of trends
- Assist in the review of applications for death data to ensure compliance with state law
- Custom data file production and data delivery
- Facilitation of and participation in state vital statistics advisory committee meetings

Regarding overall costs, states also lack a common template to report expenses, leading VROs to self-define categories of expenses. Thus, reported amounts across all jurisdictions may not accurately reflect the true cost of each component of the death data collection, management, protection, and transmission process. Additionally, VRO officials identified staff salaries, which vary significantly across the country due to cost-of-living differences, as their largest line item in their annual budgets. Various additional costs ranged from information technology (IT) support contracts and hosting to file storage and the preservation of special certificate paper kept at a required temperature and humidity level. One VRO official noted that their state went from charging \$20 per data transfer for other agencies to \$175 but was not able to specifically document cost by step of the process and noted that it is hard to document all the steps involved, such as collecting and cleaning data, and noted that the cost of file sharing with other state agencies does not try to amortize out the cost of the IT infrastructure, just staff time to do the work.

When evaluating aggregated costs for all jurisdictions, it is important to note that levels of IT maturity vary throughout the states, leading to significantly different costs year to year and jurisdiction to jurisdiction. For states like West Virginia and Rhode Island that have most recently implemented their new EDR system, their IT costs might be significantly higher than those of a state with a long-standing EDR system, which may only require annual maintenance costs.

Last, as one VRO official noted, looking only at the costs of creating a record neglects the fact that the record must be stored for perpetuity, which has an ongoing annual cost, and “those backend processes are difficult for anyone to calculate cost on,” regardless of whether the document is stored electronically on the cloud, on a server, in a box on-premises or in a storage facility, or on microfiche. Some states must store not only certificates but also applications for certificates, which can be a multiple of the number of actual certificates, causing additional storage costs.<sup>41</sup> In one state, paper records must be kept for 90 years.

---

<sup>41</sup> Two jurisdictions have conducted studies of the total cost of creating a death record, but neither has been able to publicly release the data at this time.

## 2.5 Death Registration Process

While VRO budgets reflect the costs for processing a variety of vital events, this report focuses solely on death collection, registration, and dissemination. The death registration process starts soon after an individual is pronounced deceased. Generally, the death registration process is initiated by a funeral home after they take possession of the deceased individual. Funeral home directors gather information from family members to complete the demographic information, including name, SSN, date of birth, and date of death. If the funeral home is using an EDR, this initial demographic information is submitted for verification of the SSN via the OVS, which is connected to each EDR. OVS, which is a NAPHSIS product, connects to SSA's Numident to verify that the decedent's name, gender, date of birth, and SSN match the information in SSA's database.<sup>42</sup> States receive a "pass," indicating that this decedent has been verified via SSN with SSA if the information provided through OVS matches SSA's database.

If a funeral home director, or another certifier who initiates the death record, receives the maximum number of fails, the death record is considered to be "unverified." Unverified records can still be registered with the state and will still be sent to SSA after the registration is completed. After the funeral home portion is completed and signed, it is sent to the medical certifier, who identifies the cause of death and other health-related information per the specific state requirements. While there is a federal standard for what is reported to SSA and NCHS for deaths, each state has its own death certificate format.<sup>43</sup> These vary according to regional needs.<sup>44</sup> The medical certifier then provides their signature, and the record is sent to the VRO, which certifies and registers the death. Depending on the jurisdiction, the order of the death registration process may vary. Upon the completion of the registration, the VRO transmits a record to SSA that is comprised of only four elements: name, SSN, date of death, and date of birth.

### ***Electronic Death Registration***

Today, the majority of state deaths are registered using EDR, but the development and implementation of state EDRs has slowly grown over the last two decades. Beginning in 2001, SSA provided funding to 16 states to establish their own EDR systems, but this funding has not been renewed since 2007.<sup>45</sup> As of this report, all 50 states have at least partially implemented an EDR system. Three territories, Guam, American Samoa, and the U.S. Virgin Islands, have not moved to an EDR system and remain paper-based.

---

<sup>42</sup> The Numident contains personally identifiable information for every individual assigned a Social Security Number (SSN) since 1936 and is SSA's official source of death information.

<sup>43</sup> "U.S. Standard Certificate of Death, rev. 11/2003" U.S. Department of Health and Human Services, accessed 30 June 2022, <https://www.cdc.gov/nchs/data/dvs/death11-03final-acc.pdf>.

<sup>44</sup> For example, a state may add natural disaster as a cause of death in areas prone to hurricanes.

<sup>45</sup> At the time, it was expected that HHS would take over SSA's role in providing funding to states as part of the Intelligence Reform and Terrorism Prevention Act of 2004, Section 7211(c)(2), but sustained funding has not materialized.

The number of EDR users varies, often including those who pronounce the individual dead (hospital staff, physicians, etc.), funeral homes, medical certifiers (coroner, physician, medical examiner, etc.), and vital records officials in towns, cities, counties and in state government. In one mid-sized state, an estimated 10,000 individuals have access to the death registration system, and while in this state, the login credentials are handled centrally, the VRO still needs three full-time staff to manage and maintain user accounts.<sup>46</sup> It is also estimated that roughly 30,000 funeral home employees access EDR across the United States.<sup>47</sup> Despite the vast number of users, the use of EDR by medical certifiers and funeral home directors varies by state. Not all states mandate the use of EDR for a variety of reasons. For example, due to the difficulties of accessing the internet in some remote areas of the state, Alaska does not require medical certifiers and funeral home directors to use EDR.

In FY 2021, SSA received 92 percent of its total death reports via EDR. Twenty jurisdictions reported 99 percent of their death reports via EDR, and only six jurisdictions reported more than 30 percent of their records as paper-based. In FY 2021, five of those six jurisdictions either did not have an EDR system or were in the process of rolling out their EDR. As the rate of EDR death reports submitted to SSA increases, the size of the LADMF that NTIS sells decreases because it only contains non-state death data. Accordingly, entities that rely on the LADMF receive fewer new death records each year. (See Chapter 3, Section 2 for more information on the LADMF).

## **2.6 Data sharing: State Agencies, Outside Organizations, EVVE, STEVE, Federal Government**

States share their data with various federal and state agencies and other outside organizations based on their own state statutes and willingness to enter into data exchange agreements. Data sharing with SSA is detailed in Chapter 3. Some agencies and organizations engage directly with states, while others utilize NAPHSIS's data-sharing platforms. As previously described in Chapter 1, Section 1, NAPHSIS supports states with their technology needs and offers several data-sharing platforms, including STEVE and EVVE FOD. These platforms offer states and other entities the ability to either exchange data files or query state records, respectively.

### **Electronic Verification of Vital Events Fact of Death (EVVE FOD)**

Since 2017, EVVE FOD has provided customers, including federal agencies, healthcare organizations, insurance companies, and state and local administrators, with a query system to confirm the existence of individual death records. EVVE FOD is a follow-on to NAPHSIS's EVVE system, which allows customers to query jurisdictional birth certificate databases.<sup>48</sup> Through EVVE FOD, customers query records individually or in a batch format, using the Insurance Regulatory Settlement Agreements' criteria which include "SSN exact matches, and several fuzzy

---

<sup>46</sup> Individual state interview.

<sup>47</sup> National Association of Funeral Home Directors, Email, 31 March 2022.

<sup>48</sup> "Electronic Verification of Vital Events (EVVE)," NAPHSIS, accessed 9 May 2002, <https://www.naphsis.org/evve>.

matches based on first name, last name, date of birth and SSN.”<sup>49</sup> Each query is compared to all participating jurisdictions’ death record databases, and any matches are returned with the date and place of death (see Figure 2). Depending on a specific jurisdiction’s agreement, additional information may also be returned. As of this report, 44 of 57 jurisdictions fully participate in EVVE FOD, but a customer’s ability to query each state’s death records depends on each state’s respective agreement. Not all participating jurisdictions allow equal access to all customers.

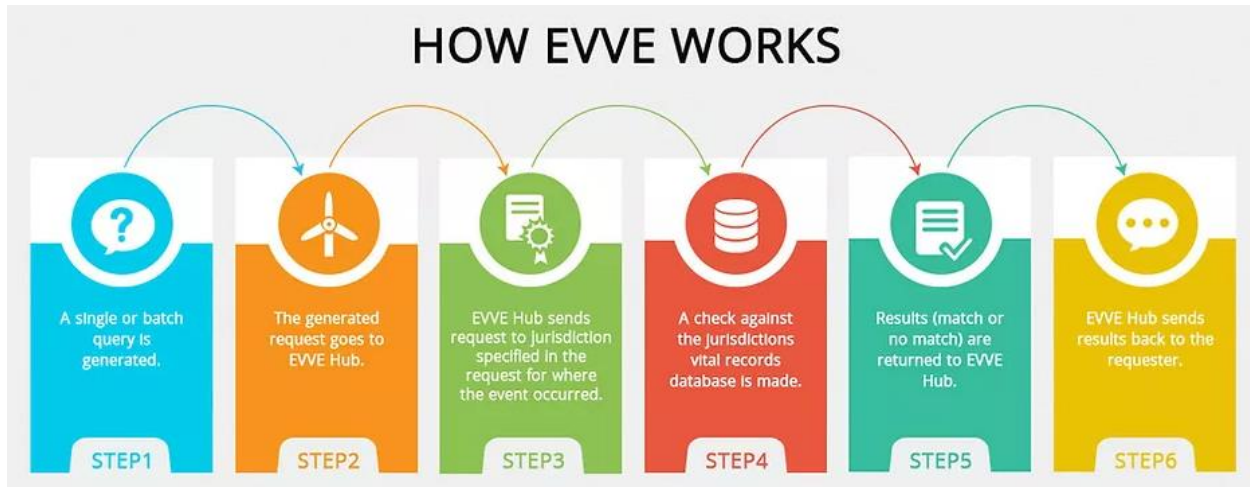


Figure 2: EVVE Process Flow. (Source: NAPHSIS).<sup>50</sup>

EVVE FOD pricing varies depending on customer type with three tiers: private industry (full price), federal agencies (30 percent discount off full price), and state and local agencies (60 percent discount off full price). Within each tier, the price also varies based on the monthly query amounts, with a lower price per query as the volume of queries increases.<sup>51</sup>

### State and Territorial Exchange of Vital Events system (STEVE)

NAPHSIS also offers the STEVE system, which allows all 57 jurisdictions to exchange death registration files both between jurisdictions and directly to customers. Jurisdictions upload death record files to STEVE, which then compiles specific data elements and sends them to customers. Customers sign data exchange agreements with each jurisdiction allowing states and territories to tailor their data sharing based on the use cases of each customer. These Interjurisdictional Exchange of Vital Records (IJE) agreements define what is shared or not shared between jurisdictions and customers.<sup>52</sup>

<sup>49</sup> Fuzzy matching allows a system to show records that may not be complete matches but are likely to be the same based on similar qualities. For example, if an individual queries ‘John Doe,’ a fuzzy match might include ‘Johnathan Doe.’; About “EVVE FOD,” NAPHSIS, accessed 14 March 2022, <https://www.naphsis.org/evve-fod>.

<sup>50</sup> “Electronic Verification of Vital Events (EVVE),” NAPHSIS, <https://www.naphsis.org/evve>; EVVE FOD uses the same process as EVVE but provides only fact of death information to users.

<sup>51</sup> Internal NAPHSIS pricing document.

<sup>52</sup> R. Gibson Parrish, M.D., *Vital Records and Vital Statistics in the United States: Uses, Users, Systems, and Sources of Revenue*, NCVHS, [https://ncvhs.hhs.gov/wp-content/uploads/2018/01/NCVHS\\_Vital\\_Records\\_Uses\\_Costs\\_Feb\\_23\\_2018-1.pdf](https://ncvhs.hhs.gov/wp-content/uploads/2018/01/NCVHS_Vital_Records_Uses_Costs_Feb_23_2018-1.pdf).



States are not required to upload their data every day, but the majority of states upload their data within three days. After states upload their data, customers are notified of this new file and can access the data at their leisure. Figure 3 below shows the process by which jurisdictions upload their files to the STEVE application, where it is then validated, filtered, and routed to the appropriate customers.

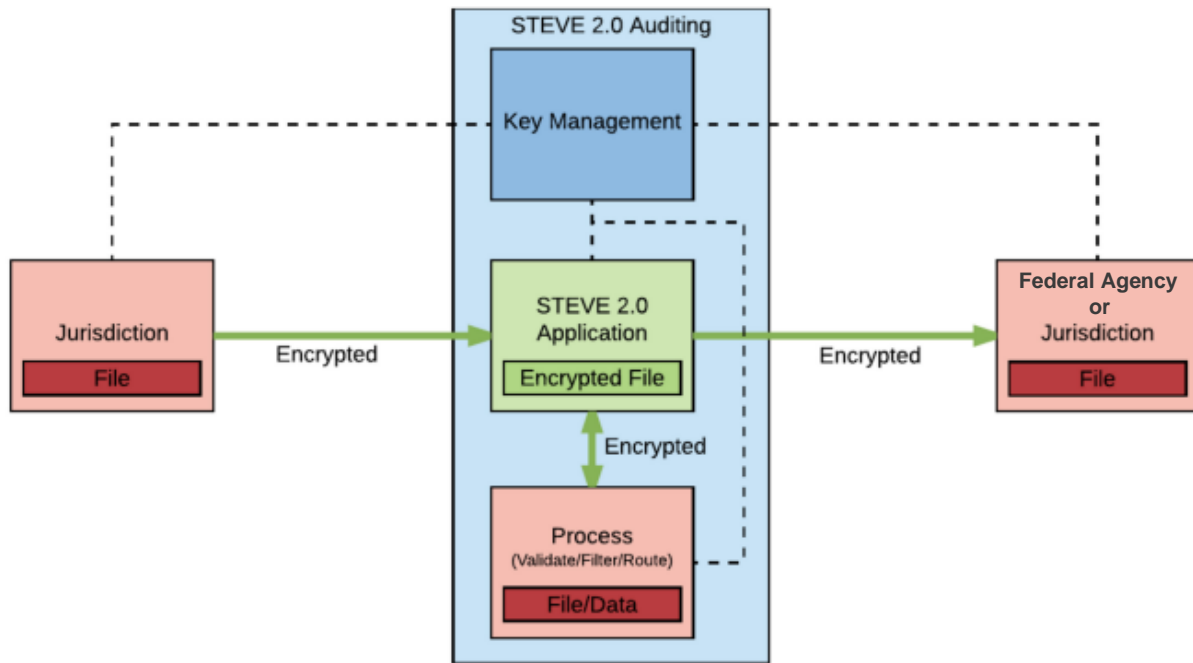


Figure 3: STEVE Data Flow. (Source: NAPHSIS)<sup>53</sup>

## 2.7 State Legal Considerations

This subchapter describes state legal provisions and concerns that affect VROs’ ability and willingness to provide access to state death data for use by federal agencies for purposes of program administration and payment integrity. The VROs’ law-related concerns are considered together with the federal legal provisions applicable to the various options to analyze how state legal provisions affect the strengths and limitations of options for making state death data available to federal agencies.

To identify state-law issues and concerns related to how state death data is and might be furnished to, accessed by, and used by federal agencies, the Study Team engaged in discussions with officials of VROs and of NAPHSIS through interviews and roundtable discussions. Building on what was learned, the Study Team prepared a questionnaire about state legal provisions that NAPHSIS

<sup>53</sup> “STEVE 2.0 Overview,” NAPHSIS, accessed 11 May 2022, [https://www.steve2.org/assets/NAPHSIS\\_Steve2\\_Overview.pdf](https://www.steve2.org/assets/NAPHSIS_Steve2_Overview.pdf).



distributed to VROs, and to which a useful sample of VROs submitted responses. The Study Team supplemented those responses with an examination of additional state statutes, regulations, and policy statements that are available on public websites. The focus of this inquiry was to understand the ways in which state legal provisions may impose obligations or raise concerns for VROs that affect their ability or willingness to make death data available for use by federal agencies under various options that are under consideration in this study.

## ***Diversity of State-Law-Related Requirements, Concerns, and Approaches***

VROs in different states are subject to a wide variety of state legal requirements and conditions that affect the collection, management, and disclosure of the death data collected by the state. For example, some state statutes and regulations provide that their death data may be disclosed to federal agencies for the performance of their “official duties,” some specify disclosure for “statistical or administrative uses,” and some allow disclosure at the discretion of the head of the state vital records agency, and so forth.<sup>54</sup> In some states, referred to as “open states,” death records are open to the public, whereas other states, referred to as “closed states,” have laws requiring VROs to treat death records as strictly confidential.<sup>55</sup> Some state statutes specifically require that VROs enter data-sharing agreements with agencies or others to which death data is provided, and other VROs generally require such agreements as a matter of regulation or policy.<sup>56</sup> In addition to the variation in legal requirements, VROs apply a variety of processes, policies, and preferences in how they compile, provide, safeguard, and want compensation for their death data. (State statutes and regulations are cited in this report to illustrate general points; the Study Team has not conducted a legal analysis or interpreted the meaning of particular provisions.)

---

<sup>54</sup> For example, the Montana Code § 50-15-122(7) says that a federal agency may be furnished data from the system of vital statistics if the data is “used solely in the conduct of the agency’s official duties.” Both the Virginia Code § 32.1-272.D and the Alabama Code § 22-9A-22(a)(4) likewise allow federal agencies to be furnished data to be used “in the conduct of their official duties” if “for statistical or administrative purposes.” The Alaska Statutes § 18.50.320(4) do not explicitly allow federal agencies to have access to vital statistics except for statistical purposes, but the Alaska Administrative Code title 7, § 05.930, allows records to be accessed by the federal government “acting in the performance of official duties.” Florida Statutes § 382.025(3)(a) allow vital-records data to be issued to federal agencies for statistical purposes or “for other purposes specifically authorized by the [Department of Public Health].”

<sup>55</sup> For example, Arizona is a “closed state,” in which the Arizona Revised Statutes § 36-342 require applicants to meet very specific eligibility requirements to obtain copies of records. In Minnesota, on the other hand, Minnesota Statutes § 144.225, subdivision 1, consider the information contained in vital records to be public information except as otherwise provided.

<sup>56</sup> For example, in Washington State, the Washington Revised Code § 70.58A.520(6)-(7) provides that the VRO may approve the release of death record data only with “a signed written data-sharing agreement” that includes, at a minimum, a description of the data and the purpose for and how the data will be used, the methods to protect the confidentiality and security of the data, a statement that ownership of the data remains with the VRO, and the applicable fees. Under the Code of Maine Rules, 10-146 C.M.R. chapter 4, § 8.D.7 and § 8.D.8, for vital statistics data to be released to an agency to conduct its official duties, the registrar must be satisfied that “[a] confidentiality agreement has been signed” by the agency stating that it will conform to the stated conditions and also that “[s]igned confidentiality agreements have been obtained from any other organization or agency that will be receiving restricted vital statistics data.”

## ***All States Provide Death Data Under Contracts with SSA***

Notwithstanding this variation in requirements, practices, and preferences, the VROs in all states maintain contracts under Section 205(r) to furnish death data to SSA and have done so for many years.<sup>57</sup> State death data furnished to SSA under these contracts are used, redisclosed, and distributed in certain specific ways, as defined and delimited by statute and as described in Chapter 1, Section 2.

To briefly review the uses by federal agencies that are within the scope of this study (because it is for purposes of program administration and payment integrity), SSA uses the state death data to correct its own records, and SSA furnishes the state death data to other federal agencies that pay (or through which are paid) federally funded benefits for ensuring proper payment of those benefits, including, in the case of Medicare and Medicaid, for preventing improper payments to healthcare providers.<sup>58</sup> In addition, when requested by HHS or its OIG, SSA enters into agreements for matching the data in SSA's records, including state death data, with the data in HHS's and its OIG's records.<sup>59</sup> SSA also uses state death data in generating death indicators, which SSA may provide to federal agencies that use SSA's SSNVS or other SSN Verification routines.<sup>60</sup> (Other usages of the state death data, outside the scope of this study, include SSA furnishing the state death data to state agencies under certain circumstances, SSA using or providing for the use of the state death data for statistical and research activities conducted by a federal or state agency, and SSA using the state death data in generating death indicators, which SSA may provide to certain state agencies and to employers and others that use SSN Verification systems.)

In the face of this diversity among the state jurisdictions, Section 6103(d)(4) of the Internal Revenue Code seems to provide a significant incentive for states to agree to this standardized approach to making state death data available. As noted in Chapter 1, Section 3, Section 6103(d)(4) makes federal income tax data available to a state only if the state enters a satisfactory contract with SSA to furnish state death data for use by SSA and other federal agencies. Before enactment of that provision in 1993, not all VROs had entered into satisfactory contracts to furnish death data to SSA for use by it and other federal agencies, and after enactment, the VROs in all states had entered into such contracts. Moreover, in enacting Section 6103(d)(4), Congress specifically anticipated that laws of certain states might prevent the states from entering contracts meeting the statutory conditions, and Congress provided a one-year extension of the deadline to give those states time to come into compliance.<sup>61</sup>

---

<sup>57</sup> See Chapter 3, Section 3, below.

<sup>58</sup> Section 205(r)(3).

<sup>59</sup> Section 205(r)(10). Under this authority, an agency of HHS uses state death data, which the agency obtains through such data-matching, to help in the proper placement of organs for transplantation.

<sup>60</sup> IRTPA, §7213(a)(2), 42 U.S.C. § 405(r) note.

<sup>61</sup> In the legislation, Congress anticipated that some state laws might have prevented them from agreeing to furnish death data for SSA and other federal agencies to use for preventing erroneously paid benefits and other payments. The legislation allowed a state to get a one-year extension of the effective date if the Treasury Secretary determined that "the law of such State as in effect on the date of enactment of Section 6103(d)(4)(B)" made it impossible for the state to enter into a satisfactory contract, and that "it is likely that such State will enter into such an agreement during the extension period." Public Law No. 103-66, § 13444(b) (1993).

## ***State-Law-Related Concerns by VROs, With Some Officials Stating that such Concerns Might Cause them to Recommend Not to Participate***

Although VROs in all states now have contracts with SSA under which they provide death data to be used and redistributed under Section 205(r), some VRO officials have expressed substantial concerns arising from applicable state legal provisions. Several VRO officials have said they would want more flexibility, transparency, and assurances about how their death data is redisclosed, used, and secured, and a major concern is whether SSA and the states will be able to negotiate satisfactory rates of payment to the states. These concerns are exacerbated by uncertainty and distrust surrounding the anticipated redisclosure of state death data to DNP and, through it, access to the death data by other agencies beginning on December 27, 2023, under amendments to Section 205(r) made by the CAA.

In interviews conducted as part of this study, some VRO officials stated that if state death data might be made available to federal agencies widely and under such conditions that VROs are not confident that the data would be adequately safeguarded, that the states would receive satisfactory compensation, and that their other priorities and interests would be satisfied, then the VROs might recommend their state decline to provide state death data under that arrangement. It was reported in an interview that officials from some VROs have said they do not believe their governmental leadership would support a decision to not enter a contract with SSA, but that officials for some other VROs have said that if they were to refuse a contract with SSA that they believe does not adequately protect VRO interests, they believe their state government leadership would respect and support that decision.

(As discussed elsewhere in this report, a state that does not furnish death data to SSA would lose not only payment from SSA for the data but also access to federal tax information (FTI) under Section 6103(d)(4) of the IRC.)

## ***How Alternative Options for Making State Death Data Available Would Affect VROs' State-Law-Related Interests and Concerns***

VROs' state-law-related concerns under SSA's current Section 205(r) program may be exacerbated or ameliorated under alternative options. The Study Team examines the following three broad state priorities (the importance of which was evident from discussions with VRO and NAPHSIS officials) to consider how VROs' state-law-related interests and concerns would be affected by the implementation of alternative options for making state death data available for use by federal agencies:

- VROs receiving payment for federal agencies' access to state death data;
- Maintaining confidentiality and security of state death data; and
- VROs entering into data-sharing agreements allowing federal agencies to access and use state death data.

## ***Payment for Federal Agencies' Access to State Death Data.***

As discussed earlier in this report, the law of most states requires VROs to rely for financial support on fees rather than on appropriated funds, and so receiving payment for providing certificates, vital records data, and other services is essential to VROs.<sup>62</sup> That VROs require payment for the right to possess and use their death data is consistent with legal principles in the United States, where confidential compilations of facts are generally treated as intellectual property to which usage rights can be licensed for a fee.<sup>63</sup> Under Section 205(r), states have the power to decide whether to furnish their death data to SSA, and they, therefore, can negotiate with SSA to decide whether an amount of payment offered by SSA is acceptable.<sup>64</sup>

Statutes and regulations in many states specify a particular fee level for certain particular services, such as the issuance of a death certificate by VROs, and, as discussed above, individuals and entities that need certification of death must pay that fee.<sup>65</sup> When providing electronic files of death data per a contract with SSA under Section 205(r), VROs agree to a negotiated fee.<sup>66</sup>

### *1. State death data furnished to, and redisclosed by, SSA under the Section 205(r) as now in effect*

Several statutory provisions help to define the relative bargaining power of the states, NAPHSIS, and SSA in negotiating the fee. Section 205(r) requires that the amount paid to the states is to be “established by the Commissioner of Social Security in consultation with the states.” On the other hand, Section 205(r) affirms that states will furnish death data to SSA only if they “voluntarily contract” with SSA to do so. Accordingly, the price under the Section 205(r) program is arrived at through negotiation and agreement between the parties.<sup>67</sup>

Congress enacted in the CAA a substantial revision to the provisions of Section 205(r), clarifying what SSA must pay to states for their death data.<sup>68</sup> As noted above in Chapter 1 Section 3, these

---

<sup>62</sup> See Chapter 2, Section 6.

<sup>63</sup> Peter Leonard, “Beyond Data Privacy: Data ‘Ownership’ and Regulation of Data-Driven Business,” *The SciTech Lawyer* (American Bar Association, January 17, 2020), [https://www.americanbar.org/groups/science\\_technology/publications/scitech\\_lawyer/2020/winter/beyond-data-privacy-data-ownership-and-regulation-datadriven-business](https://www.americanbar.org/groups/science_technology/publications/scitech_lawyer/2020/winter/beyond-data-privacy-data-ownership-and-regulation-datadriven-business); Thompson-Reuters, Practical Law Intellectual Property & Technology, “Data Licensing: Taking into Account Data Ownership and Use”, accessed July 6, 2020, <https://legal.thomsonreuters.com/en/insights/articles/data-licensing-taking-into-account-data-ownership>.

<sup>64</sup> CDC’s program for obtaining access to state death data is built on the same premise. See “Vital Statistics: Summary of a Workshop,” National Research Council (US) Committee on National Statistics, Washington (DC): National Academies Press (US) (2009), <https://www.ncbi.nlm.nih.gov/books/NBK219884> (description of federal acquisition of vital statistics through the CDC’s Vital Statistics Cooperation Program).

<sup>65</sup> See Chapter 2, Section 3.

<sup>66</sup> Some state statutes explicitly require, or explicitly allow, the VRO to obtain payment from the federal agency. For example, the Florida Statutes § 382.025(3)(a) authorize the VRO to issue data to a federal agency only “if the agency shares in the cost of collecting, processing, and transmitting such data.” The Oregon Revised Statutes § 432.350(3)(B) say that the registrar and the federal agency requesting data must enter into an agreement, which “[m]ay require payment for the use of the requested ... data.” The Virginia Code § 32.1-272.D provides that federal agencies may receive vital records if various conditions are met, “upon request and payment of a reasonable fee.”

<sup>67</sup> Aspects of this negotiation are discussed at several places in this report, including in Chapter 2, Section 8 and Chapter 3, Section 3, below.

<sup>68</sup> Subparagraphs (A)(i)-(ii) and (B) of Section 205(r)(2), as added by the CAA.

provisions now specify that the payment to the states must include a “fee ... for the use” of the state death data by SSA and by all federal (as well as state) agencies to which SSA provides the death data, and that fee must include, in addition to amounts based on states’ costs, a “fee for the right to use” the state death data. Though this new statutory language does not specify payment amounts, some VRO and NAPHSIS officials believe that the new language might strengthen an argument that payment should be based on the value of the data.

In discussions with VRO and NAPHSIS officials, some expressed the view that having access to information about the actual usage of state death data that they provide under the Section 205(r) program would be useful for the negotiation of price. Such information could include the agencies and other entities that can receive or access the state death data, the number of times they use the data, and the purposes for which the data is used.

SSA does not monitor the usage of state death data by the agencies to which SSA provides the data, and the information might be hard to compile.

### *2. State death data to be redisclosed by SSA to DNP*

Some representatives of VROs and NAPHSIS expressed particular concerns about the amendment to Section 205(r), enacted as part of the CAA, under which SSA will provide state death data to DNP beginning on December 27, 2023.<sup>69</sup> The fear is that states will have no way to know which agencies would gain access to the state death data through redisclosure by DNP. In fact, one VRO official expressed the suspicion that SSA is being authorized to furnish state death data to DNP so that the federal government can expand its usage of state data without the states’ being able to know how the data is being used or obtaining payment for the additional usage.

The enactment of amendments in the CAA triggered a renegotiation of the amount to be paid by SSA to states under Section 205(r), and a provision in the contracts by which SSA acquired death data from states through the EDR system specifies that whenever Congress amends the redisclosure provisions in that Section, the parties will renegotiate the pricing. This provision in the contract was in place to ensure that any congressional action expanding SSA’s authority to redisclose state death data under Section 205(r) would necessarily require an adjustment to the pricing for the data.

Assuming that DNP makes the state death data available to other agencies through its current portals for handling agencies’ queries and verification requests, that technology would enable DNP to compile detailed data about usage of the data through its portals.

### *3. State death data made available to DNP or federal agencies through NAPHSIS or directly by VROs*

If VROs or NAPHSIS make state death data available directly to DNP or individual federal agencies, as an alternative to furnishing the data through SSA as authorized in Section 205(r), the negotiating partner would be the federal end-users rather than SSA. Each federal end-user would

---

<sup>69</sup> This requirement, which was enacted by the CAA, will go into effect for a three-year period beginning December 27, 2023.



negotiate with the VROs or NAPHSIS, which would shift the burden from SSA funds to agencies using the data. The sharing of state death information through NAPHSIS's platforms EVVE FOD and STEVE is described and discussed in other chapters of this report.<sup>70</sup>

### ***States' Concerns about Maintaining the Confidentiality and Security of State Death Data***

Statutes enacted by a substantial number of states provide that death records must be kept confidential. Such states are sometimes referred to as “closed states,” in contrast with so-called “open states,” in which death records are treated as public records (as noted above). Some officers of closed-state VROs explained that in making their states' death data available to federal agencies, they are committed to abiding by their states' confidentiality requirements and that if the data passed on to a federal entity via SSA becomes public, the VRO and its officers might be held responsible. In addition, public disclosure of death data that eliminated its confidentiality could reduce the ability to require payment for access to the data.

A distrust of federal agencies was stated explicitly by some VRO officials, including concerns that state death data shared by a VRO with the federal government might turn up posted on a federal agency's website. Concern about keeping state death data held by federal agencies from being disclosed appears to be understandable.

Commercial organizations, government agencies, other entities, and individuals have a strong interest in gaining access to and using the death information maintained by SSA for a variety of commercial, research, and other purposes. In 1980, SSA entered into a settlement agreement of a private party's litigation under the FOIA. The settlement agreement requires SSA to disclose the death information in its records as requested under FOIA. Federal law does not generally recognize a right to privacy for deceased individuals.<sup>71</sup> Since 1992, SSA has met its obligation to provide to the public the death data available in its records through the “Public” Death Master File (Public DMF) that SSA provides to NTIS for public distribution. In 1983, Congress limited the availability of death data to the public by exempting the state death data that SSA collects from the states under Section 205(r) from disclosure under FOIA. That provision required SSA to collect death data from states, exempted it from FOIA, and restricted its use to what is provided in that Section.

However, as discussed below, the FOIA exemption in Section 205(r) does not cover death information in a federal agency's records that states did not originally furnish under Section

---

<sup>70</sup> Chapter 1, Section 1 and Chapter 2, Section 6 describe the function of NAPHSIS and of its platforms EVVE FOD and STEVE in sharing state death data; Chapter 4, Section 2, in describing DNP, includes DNP's pilot project to access data through EVVE FOD; Chapter 2, Section 3 and Chapter 5, Section 4 describe NCHS's acquiring state death data through contracts directly with states and with STEVE; and Chapter 4, Section 6 discusses the option of the federal government relying on a non-governmental clearinghouse, such as NAPHSIS, as a platform for providing state death data.

<sup>71</sup> For example, deceased individuals do not have rights under the Privacy Act of 1974. See U.S. Department of Justice, “Overview of the Privacy Act of 1974 (2020 edition)”, chapter on “Definitions, B. 5 U.S.C. § 552a(a)(2) – Individual,” <https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition/definitions#individual> (“Deceased individuals do not have any Privacy Act rights”).

205(r) to SSA. Moreover, from 2001 to 2011, SSA erroneously made some state death available to the public by inadvertently including certain state death records in the death data it included in the public DMF that SSA provided to NTIS to be made available to the public,<sup>72</sup> and VROs and NAPHSIS are mindful that this situation occurred.

In the more than a decade since 2011, there have been no known instances of state death data furnished to SSA being disclosed inappropriately, either online or otherwise. But looking at the history, concern about keeping state death data from being inappropriately disclosed by any federal agencies that possess it appears to be understandable.

1. *State death data furnished to, and redisclosed by, SSA under Section 205(r) as now in effect*

State death data that SSA receives and rediscloses to other federal agencies are exempt from disclosure under FOIA and are protected by criminal sanctions applicable to any person who misuses the data and by the data-security program applicable to all federal agencies. Section 205(r)(6) states that state death data “furnished to the Commissioner of Social Security under this subsection may not be used for any purpose other than the purpose described in this subsection and is exempt from disclosure under ... [FOIA] ... .”<sup>73</sup>

Also, the Information Exchange Agreements (legal agreements between agencies that outline the parameters of sharing the data) that SSA enters into with other federal agencies require the recipient agency to state that it “understands that state death data provided under this agreement is exempt from disclosure under ... [FOIA].” Thus, these agreements seem to substantiate that the state death data is protected by the FOIA exemption not only while in SSA’s possession but also after SSA has provided a copy of the data to other federal agencies and is in their possession.

Moreover, the Information Exchange Agreements between SSA and other federal agencies spell out the specific ways in which the recipient federal agency may use the data under Section 205(r), and the agreements even require that the recipient agency must inform all of its employees, contractors, and agents that failure to protect the state death data could subject them to civil or criminal penalties. The sanction provisions that SSA refers to in these contracts include Section

---

<sup>72</sup> In response to the determination that FOIA required SSA to make death information available to the public, SSA decided to make death data public in the form of the public DMF. Then Section 205(r), enacted in 1983, required that the public DMF should not include state death data furnished to SSA under that section. However, as SSA has noted, for a brief period of time ending in 2011, SSA allowed *only* EDR death records to pass to the public DMF due to a technical error, and as soon as the error was identified, SSA removed the records. SSA explained that EDR did not begin at a pilot stage until 2001, so the error was limited to a 10 year period and was applicable only to EDR records, which SSA received on a slight increase from the pilot stage through 2011 as states signed on and obtained system capability. See, generally, Statement for the Record by Patrick P. O’Carroll, Jr., SSA Inspector General, at Hearing on Identity Theft and Tax Fraud, before the Subcommittees on Oversight and on Social Security of the House Ways and Means Committee, 112<sup>th</sup> Congress, 2<sup>nd</sup> Session, Serial No. 112–OS12/SS15 (May 8, 2012) at page 30 (“[In November 2011], SSA removed about 4.2 million State records from the DMF, based on a provision in the Social Security Act prohibiting SSA from disclosing death records the Agency receives through its contacts [sic] with the States, except in limited circumstances.”), <https://www.govinfo.gov/content/pkg/CHRG-112hhrg78817/pdf/CHRG-112hhrg78817.pdf>.

<sup>73</sup> Paragraph (6) says the state death data is exempt from disclosure under “Section 552 of title 5, United States Code”, which is the statutory citation of FOIA. Paragraph (6) also exempts the state death data “from the requirements of Section 552a of such title,” which refers to the Privacy Act of 1974.

1106(a) of the Social Security Act, which makes it a felony for any person to misuse information maintained by and obtained from SSA.

Regarding data security, the Federal Information Security Management Act (FISMA) and other statutes, as well as directives and guidance issued by the U.S. Office of Management and Budget (OMB) and other government-wide offices, establish requirements and procedures to safeguard federal information systems, including particularly personally identifiable information, at SSA and to all federal agency to which SSA provides state death data.<sup>74</sup> SSA's Information Exchange Agreements with those federal agencies require commitments by both SSA and the other agencies to implement these data-security requirements and to ensure compliance by their contractors and agents.

*2. State death data to be redisclosed by SSA to DNP*

VRO and NAPHSIS officials said that they are particularly concerned about the sharing of death data from SSA to DNP, as is authorized by a CAA amendment for three years beginning on December 27, 2023, because some VRO officials fear that DNP might redisclose data files to other federal agencies without the VROs' knowledge or ability to monitor how the state death data is managed.

The contractual agreements and other arrangements to implement the sharing of death data from SSA to DNP could help address these concerns. Those terms between SSA and DNP and between DNP and the federal agencies that use the DNP portal have not yet been established, and neither SSA nor DNP has expressed conclusions about applicable legal provisions. However, SSA's agreement with DNP could include language about the protection of state death data similar to the language in SSA's current agreements with other federal agencies, as discussed above. Also, VRO officials' fears that they will be unable to know or monitor agencies' access to their data might be dispelled if DNP agrees to make the data available only through its query portals, to track how and when agencies use the data, and to make the tracking information available to the VROs.

In addition, the DNP working system does not operate by providing data files to the federal agencies that use its services. Rather DNP operates a portal through which other agencies can query databases held by DNP or others. Assuming DNP will continue to manage death data in this same manner, DNP would enable other agencies to access the file that includes state death data but would not furnish the file to other agencies.

The exemption from FOIA stated in Section 205(r) is understood to continue to protect state death data that states provide to SSA, even after that data comes into the possession of other federal agencies that have received the data from SSA under Section 205(r). This FOIA exemption might

---

<sup>74</sup> Under the terms of SSA's Information Exchange Agreements, SSA and federal agencies with which it shares state death data agree to comply with data-security and physical-security statutes, regulations, and guidance that include: FISMA, 44 U.S.C. Chapter 35, Subchapter II, as amended by the Federal Information Security Modernization Act of 2014, Public Law No. 113-283; related OMB circulars and memoranda, such as Circular A-130, Managing Information as a Strategic Resource (July 28, 2016) and Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017); NIST directives, including Special Publication (SP) 800-53, as revised; and the Federal Acquisition Regulations.



likewise come to be understood to protect the state death data even after it comes into the possession of DNP under Section 205(r), as well as any death information derived from the state death data that will come into the possession of other federal agencies that will access the state death data through the DNP portal under Section 205(r).<sup>75</sup> DNP's responsibilities in the U.S. Department of the Treasury (the Treasury) now involve protecting and securing highly confidential data. (Of course, the data-security requirements under FISMA would extend to DNP and all federal agencies that use the DNP portal.)

Assuming that the agreements between SSA and DNP and between DNP and the federal agencies that use its system include language to protect the confidentiality of state death data like the language in SSA's current agreements with federal agencies, it appears that the legal protections of confidentiality and security for state death data shared with and through DNP will be comparable to the protections for state data shared by SSA with other agencies under provisions of Section 205(r) as now in effect.

### *3. State death data made available to DNP or federal agencies through NAPHSIS or directly by VROs*

If DNP or any other agency, including SSA, contracts directly with VROs or with NAPHSIS to gain access to state death data, whether supplied to the agency as a data file or via access by the agency through the EVVE FOD portal, the data exchange agreement could be drafted to require the recipient agency to apply rigorous protocols to protect the confidentiality of the data.

Data security requirements and procedures under FISMA and related directives and guidance would apply as they do to all federal agencies.

However, the FOIA exemption in Section 205(r)(6) appears to be inapplicable because that exemption (as currently enacted) applies only to death data furnished to SSA under Section 205(r). The federal agency or the VRO that supplied the death data could proffer an argument that the data is protected against disclosure under another exemption. (Also, Congress could legislatively expand the circumstances under which state death data is exempt from FOIA).<sup>76</sup>

In addition, the criminal sanctions under Section 1106(a) of the Social Security Act, which makes it a felony for any person to misuse information maintained by and obtained from SSA, would not apply to misuse of state death data furnished directly by VROs or NAPHSIS to DNP or other federal agencies. There may be other criminal or civil penalties that would apply to such misuse.

## ***States' Need for Data-Exchange Agreements with Data Recipients***

As noted above, some state statutes require that VROs enter into data-exchange agreements with agencies or other entities to which death data is provided, and, even without statutory requirements, VROs generally use such agreements under applicable regulation or policy. In

---

<sup>75</sup> The criminal provision in Section 1106 of the Social Security Act, 42 U.S.C. § 1306, might also be applicable to misuse of state death data provided by SSA and accessed through DNP.

<sup>76</sup> See U.S. Department of Justice Guide to the Freedom of Information Act, <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>.

addition to specifying the data to be provided, such agreements provide assurance to the VRO by laying out the terms for payment and for commitments by the recipients to protect the confidentiality and security of the data. In discussions with VRO officials about arrangements by which multiple federal agencies would receive or gain access to death data, some expressed a strong preference for data-exchange agreements between the VRO and each agency that receives and uses its death data, rather than relying on a master agreement with one agency or entity that makes the data available to others.

1. *State death data furnished to, and redisclosed by, SSA under Section 205(r) as now in effect*

Section 205(r) requires that SSA enter into a contract with every state or subdivision that furnishes death data to SSA and authorizes SSA to redisclose the state death data to other federal agencies (as well as state agencies) for specific purposes if certain conditions are met. The law does not require a contract directly between the VRO and the federal (or state) agency to which SSA rediscloses the data. Moreover, under certain circumstances (and assuming applicable legal requirements are followed), SSA receives death data from the states and rediscloses the data to another agency, and that agency makes the state death data available to another agency.<sup>77</sup>

2. *State death data to be redisclosed by SSA to DNP*

Some VRO officials expressed particular concern that their ability to have direct contractual data-sharing arrangements with agencies that receive or have access to state death data will be further reduced when DNP receives state death data from SSA and makes the data available to other federal (and state) agencies to prevent improper payments. However, the connection between VROs and an agency that accesses state death data through DNP is no more attenuated than the connection between VROs and an agency that received the data from another agency that received the data from SSA under the current Section 205(r). Moreover, the concern regarding DNP may be somewhat ameliorated if DNP continues to make the state death data accessible to other agencies through data-query and verification systems such as DNP now uses so that DNP does not transfer files containing state death data to other agencies.

3. *State death data made available to DNP or federal agencies through NAPHSIS or directly by VROs*

If state death data is provided through the EVVE/FOD or STEVE program to DNP, or if VROs provide death data through their own contracts directly with DNP, there would be no contractual relationship between VROs and the other agencies that can access the state death data through the DNP portal. The only way for a VRO to make its death data available only to agencies with which the VRO directly contracts would be to contract directly with each federal agency, including

---

<sup>77</sup> For example, SSA provides state death data to CMS under Section 205(r)(3), and CMS makes the data available to the Health Resources and Support Administration under Section 205(r)(10) for use in administration of the organ transplantation program; CMS also provides the state death data to certain state healthcare agencies under provisions of Section 205(r); and the IRS, to which SSA provides state death data under Section 205(r)(3), was allowed to redisclose the data to the Bureau of Financial Services to support to its issuing payments on behalf of the IRS.

SSA (and any state agency), and to exclude from the contract any authority for the recipient agency to redisclose to any other agency. If VROs follow this approach, the state would not meet the conditions under Section 6103(d)(4) of the Internal Revenue Code (as currently enacted) and could not receive federal income tax information (Congress could legislatively modify the circumstances under which a state may receive federal income tax information under Section 6103(d)(4).)

## **2.8 Challenges Facing VROs**

### ***VROs lack a standardized method of cost analysis, preventing an accurate accounting of the reimbursement amounts per the CAA requirement.***

As previously noted, VROs receive a portion of their funding from their contract with SSA. Every five years, NAPHSIS, on behalf of the states, negotiates a new contract with SSA. Throughout the negotiation process, NAPHSIS provides some cost data from states to SSA, but there is no formal method for establishing the price per record. Without this cost data, the NAPHSIS-negotiated price could differ significantly from the actual cost states face of providing the information. The CAA requires that states are paid by SSA “a share of the costs” for (1) collecting and maintaining death data; (2) ensuring the completeness, timeliness, and accuracy of death data; and (3) maintaining, enhancing, and operating the systems for transmitting death data to SSA.”<sup>78</sup> Currently, there is no formal mechanism by which states or NAPHSIS capture an accurate dollar amount for reimbursement by SSA.

Without a standardized approach to collecting and analyzing costs, VROs and the federal government may fail to meet the CAA’s funding requirements that require states to be reimbursed for “the full documented cost” of transmitting the data to SSA, plus “a share of the costs” of collecting and maintaining those data. A death data-specific cost analysis across all jurisdictions would help provide a more accurate estimate of the true value of each death record, especially as this data is transmitted to other agencies as a result of the CAA, resulting in a more equitable reimbursement structure for both VROs and the federal government.

### ***While VROs are quite literally vital to government function, they are seldom prioritized in budget processes across levels of government.***

Vital records offices are an essential part of government, as demonstrated by the fact they were in most cases deemed “essential workers” during the pandemic, with employees continuing to manage death record processing systems, register deaths, and report those from local and state systems to the federal government. Without VROs, identity is not established for public education or for the licensure to operate a motor vehicle. Yet, while these functions are “essential,” they are seldom a funding priority of state legislatures, as noted by several VROs in interviews and

---

<sup>78</sup> Section 205(r)(2).

roundtable discussions. As one registrar pointed out, only when the pandemic shined a light on the problems with their death data were they able to gain legislative support for their system upgrade. State vital records offices face some unique issues and challenges that derive from their status as collectors of public fees. All VROs charge fees for their death certificates and most have some ability to waive fees for certain requestors (for example, veterans and non-profit organizations). Fees paid by the public range from \$5 to \$51 across the jurisdictions (see Appendix F). In some cases where a third-party vendor provides online processing, the state does not receive the full fee amount paid by the public. Of the VROs interviewed, the majority do not have the authority to set their fees independently. Seventy-two percent say their fees are set by statute, and they must ask their legislature for an increase when costs demand it. Additionally, most VROs interviewed by the Study Team do not have the authority to decide whether they keep the revenue they collect or revert the funds to their jurisdiction's general fund; 56 percent of those interviewed for this study report sending all or some of their revenue to their state general fund.

With such a heavy dependence on certificate fees and fees from other government agencies, many VRO officials voiced concern about how the policy decisions other government entities make about documentation requirements impact them. For example, VROs reported that the implementation of REAL ID caused a spike in requests for birth certificates that led to an increase in fee revenue, an increase that is slowly tapering off. Conversely, with the Federal Emergency Management Agency's (FEMA) announcement that eligibility for the COVID death benefit did not require an official death certificate from a VRO, many VRO officials found themselves with more work and no additional revenue. Some families early in the pandemic did not want COVID listed on the death certificate as the cause of death. But once the FEMA burial benefit was put in place, some of those families went back to ask for the death certificate to be amended to say that the cause of death was COVID. This also triggered more work for the VRO. However, the families did not need to purchase the resulting certificate, meaning the VRO had additional work but not an additional certificate fee.

Reliance on fee funding versus a state general fund appropriation seems to be a "grass is greener" situation for some states. Those that are fee-funded wish for the stability of annual appropriations, while those with annual appropriations feel they are missing out on revenue increases when transaction volume rises. Fee funding also can lend itself to carveouts for special purposes. For example, a portion of death certificate revenue in one state goes to a fund for neglected cemeteries, another state funds grief counseling for the families of decedents, and a third state funds an indigent burial program.

***State EDR systems are expensive to implement, require costly system maintenance, and may pose cybersecurity risks.***

Technology purchases are among the most expensive capital expenses for VROs, with costs and funding methods varying widely. Total system costs range from \$500,000 for in-house vital records systems covering births and deaths to a \$20 million system for an integrated birth and death system. While SSA supported the initial EDR system implementation for 16 states from 2001- to 2006, there has been no additional financial support from SSA as it was expected that HHS would provide funding as required by Section 7211 of IRTPA. HHS has not pursued this funding, and the authority for HHS to request funding expired at the end of FY 2009. Technology

system investments and system upgrades are generally paid for as one-time lump sum expenses, often from capital funds. Typically, VROs must save multiple years of revenue in order to purchase a new system or a system upgrade. In several cases, VROs had their savings swept back into the state general fund to meet urgent revenue needs elsewhere in state government, forcing the VRO to start over in their saving for a new system. VROs express frustration at not being able to fund the ongoing operating costs to support their new or upgraded systems adequately since the capital funds do not automatically trigger related annual operations and maintenance fund increases.

Per the Study Team's interviews, many registrars indicated that their EDR systems are in need of modernization. Additionally, the cost study included a line item for the age of each EDR system. Based on the 24 responding VROs, the average age of VRO death reporting systems was 12 years, with a handful implemented in the last few years and one system implemented 25 years ago in 1997. Eighty-six percent of systems are more than five years old, and 62 percent are more than ten years old. One VRO official noted they are urgently trying to get a system upgrade completed before the operating system used in the current EDR system is decommissioned, while another noted that the end of life for Adobe Flash Player meant a scramble to update their system without losing connectivity in a timeframe of just three months.<sup>79</sup>

Numerous VRO leaders expressed concerns about cybersecurity for their vital records systems, including EDR, as well as security concerns for the paper files they keep and the microfiche storage they maintain. No VRO leader interviewed expressed confidence in their readiness to address a cyber-attack on their system or on statewide systems and infrastructure to which they connect or on which they rely. According to NAPHSIS, there is one state EDR system that is so outdated that the state IT agency has quarantined it from contact with other state systems to reduce cyber risk to statewide systems.

VROs also desire to fund opportunities to reduce the time between the time of death and certification through IT systems that provide modern functionality like mobile apps for medical certifiers and funeral staff, which would allow individuals to certify and sign death registration documents on the go. Often, certifiers are required to use one specific computer that provides authorized access to a state's EDR. Modern mobile apps reduce the time between the time of death and certification of that death as certifiers are no longer tethered to one location but can certify the death from any location. Reducing the time between death and certification allows SSA and other federal agencies to stop payments to decedents more quickly, reducing improper payments. SSA also pays states more money the faster the death is reported to SSA.

Technology-specific staffing needs also present challenges for VROs as they move from a primarily paper-based process to EDR. Paper-based processes require more traditional clerical skills than EDR-based processes, which require less paper handling and more digital literacy. This leads to a staff skills gap and can create difficulty transitioning to new systems. Additionally, hiring for such technical skills or reclassifying existing jobs may be beyond the current VRO budgets and capacity. Some report that hiring staff with technical and data skills is difficult due to public sector salaries that lag their private sector counterparts for data and technology skills,

---

<sup>79</sup> For example, many states use Internet Explorer to access EDR, which is no longer supported in any versions as of summer 2022.

and the inflexibility of state salary ranges and raises. In one state, VRO staff have not received cost of living adjustments for 16 years and have faced a hiring freeze throughout the same period.

Some VRO officials noted the challenge of getting full-time equivalent (FTE) positions approved and the additional challenge of creating new job classifications for technology roles as processes transition from paper to electronic. In government, that challenge can cause significant delays in hiring new staff or promoting existing staff.

***VROs are not entirely responsible for data quality and timeliness issues but bear financial consequences of errors and delays outside of their control.***

Although states can receive up to \$3.73 per death record submitted within six business days after death, only 56 percent of death reports were received by SSA within six business days in FY 2021.<sup>80</sup> Accuracy, timeliness, and completeness of death data are not entirely under the control of VROs as they must rely on other stakeholders, including medical certifiers and funeral homes. While the accuracy of death data has been improved by the implementation of electronic reporting, timeliness and accuracy can lag when other stakeholders delay completing their portion of the death registration. Moving from paper-based to electronic death records is expensive but more efficient and reduces data entry errors that can happen when paper forms are hand-keyed into systems by VRO staff rather than directly entered by funeral directors into a system with built-in error checks.

VRO officials frequently report that the most significant cause of death reporting delay is the medical certifier, whose responsibility includes documenting the cause of death. One of the challenges for medical certifiers is that these individuals are busy, and the decedent may not rise in importance for the certifier if there are sick patients to be tended to for whom a delay may mean the difference between life and death. By definition, the decedents do not present the same urgency.

Additional reasons for delayed medical certification include the wait for test results in the case of any accidental or violent death, such as the wait for results of toxicology tests for a drug overdose, or the wait for ballistics tests or medical examiner determination in a homicide. One VRO official also noted that as many coroners are elected, they may not have medical qualifications, making the accurate filling of death data fields challenging.

VROs typically do not have authority over the medical certifier, and in most cases, there are no sanctions that can be applied even when there are statutory deadlines for the certification of death. One VRO noted while they do have the authority to level financial fines for failure to meet timelines for death reporting, they have not done so in 15 years. More commonly, states have timelines but no enforcement mechanism.

---

<sup>80</sup> Internal SSA FY 2021 EDR report.



## Chapter 3: Social Security Administration

The purpose of this Chapter is to provide background information on SSA that will serve as context for the findings and analysis discussed in subsequent chapters of this report. It details SSA's use of state death data, as well as the types of death data file compilations and extracts it produces. This Chapter also describes SSA's process for receiving death data from state and jurisdictional vital records offices, its internal mechanisms for processing that data, and its dissemination of death data to other federal agencies. Last, it describes SSA's eligibility requirements, procedures, and the pre- and post-CAA reimbursement requirements for the distribution of state death data.

### 3.1 Social Security Administration and its use of State Death Data

SSA collects and maintains death data in its records to administer the OASDI and SSI programs. Death data is maintained as part of SSA's Numerical Identification Master Database (Numident) records, which contain the Social Security Numbers, names, dates of birth, and other information for SSN-holders. SSA uses death data to prevent the improper payment of benefits to deceased individuals and to identify individuals who are potentially eligible for survivor benefits. Death data helps prevent over \$50 million in Social Security and SSI improper payments per month.<sup>81</sup> As described below, SSA receives death data from multiple sources, including state vital records offices, funeral home directors, family members, other federal agencies, and financial institutions. As this report focuses on state-owned death data, other sources and uses of death data will be discussed minimally.

As discussed in Chapter 1, the primary purpose for which SSA collects death data is to administer its programs; however, SSA also provides two versions of the death data to be shared with external organizations, as authorized by law: the public Death Master File that it shares with NTIS, which does not contain state data, and the public plus state file, also known as the "full file," which can only be shared as authorized under Section 205(r). SSA shares the public DMF with NTIS as a result of a FOIA lawsuit filed in 1978. Since 1992, SSA has contracted with the Department of Commerce's National Technical Information Service to sell the public DMF to other agencies and private organizations such as banks and credit companies. NTIS refers to this file as the Limited

---

<sup>81</sup> SSA provided the Academy with its responses to the Office of Management and Budget's (OMB) Payment Integrity Information Act of 2019 report questions on June 24, 2021.

Access Death Master File.<sup>82</sup> Please refer to the next subsection of this Chapter for more information on SSA’s full file of death information and the public, or “Limited Access,” DMF.

Pursuant to Section 205(r) of the Social Security Act, SSA distributes state death data to qualifying federal and state agencies as authorized by the Act. This includes providing state death data to federal or state agencies administering federally funded benefits, state agencies administering programs wholly funded by the State, and research and statistical activities conducted by federal and state agencies.<sup>83</sup> As will be discussed later in this Chapter, federal and state agencies must provide the proposed use for state death data that would make them eligible to receive state death data from SSA under Section 205(r). More recently, the CAA includes a requirement for SSA to provide access to state death data with DNP for a period of three years beginning three years after enactment and also requires recipient agencies (including DNP) to fully reimburse SSA for the cost of both obtaining and sharing death data.<sup>84</sup>

### **3.2 SSA’s Full File of Death Information, Death Indicators, and the Limited Access Death Master File**

This report uses the term “standard death data elements” to describe the data fields that SSA disseminates to comply with Section 205(r) of the Act (as explained above), “ensuring proper payment of those benefits with respect to such individuals...”.<sup>85</sup> These data elements are:<sup>86</sup>

- First Name, Middle Name, Surname (full name)
- Social Security Number
- Date of Birth (DOB)
- Date of Death (DOD)

---

<sup>82</sup> The Continuing Appropriations Resolution, 2014 (Bipartisan Budget Act, 2013), which became law on December 26, 2013, added a three-year delay to the release of non-state death data for the public DMF (also known as the Open Access DMF) and created the “Limited Access DMF”, which is not subject to the three-year delay. Neither contain state death data. The legislation also directed NTIS to create a certification program through which persons or entities may become eligible to obtain access to the LADMF. Please see the following link for more information on NTIS’ final rule, “Certification Program for Access to the Death Master File”:

<https://www.federalregister.gov/documents/2016/06/01/2016-12479/certification-program-for-access-to-the-death-master-file>. Most of the NTIS subscribers that purchased the public DMF prior to 2013 were later certified by NTIS to purchase the LADMF. Therefore, for the purposes of this report, the LADMF is functionally the same as the public DMF as it is available to the public, but with the requirement that entities must be certified to receive it before purchase.

<sup>83</sup> SSA provides state death data and non-state death data to these agencies via a file it refers to as the “full file” of death information.

<sup>84</sup> Until the enactment of the Consolidated Appropriations Act, 2021 (P.L. 116-260), on December 27, 2020, SSA did not have legal authority to share its full file of death information (which includes state-reported deaths) with the Treasury’s DNP portal, a centralized hub that would permit access by numerous federal agencies.

<sup>85</sup> “Compilation of the Social Security Laws,” Social Security Administration, accessed 11 May 2022, [https://www.ssa.gov/OP\\_Home/ssact/title02/0205.htm](https://www.ssa.gov/OP_Home/ssact/title02/0205.htm).

<sup>86</sup> “Requesting SSA’s Death Information,” Social Security Administration, accessed 11 May 2022, [https://www.ssa.gov/dataexchange/request\\_dmf.html](https://www.ssa.gov/dataexchange/request_dmf.html).



## ***Social Security Number Verification***

Generally speaking, SSN Verification is a process through which an agency or entity provides data (for example, name or SSN) to SSA for it to compare against its records.<sup>87</sup> The SSN Verification process can include a death indicator, but it is not the primary purpose of verifying the information.

Twenty-eight federal agencies and programs have agreements with SSA for SSN Verifications that include a death indicator (see Appendix H). Death indicators do not return standard death data elements or otherwise disclose state death information (for example, date of death). A death indicator only informs the recipient agency if SSA records indicate the individual may be deceased. SSN Verifications that contain a death indicator include a “yes” or “no” result as a part of the response. Because death indicators are not confirmation of death, recipient agencies must independently verify death information before taking adverse action. SSA does not provide any state death information or data elements through SSN Verification. Rather, SSA uses all death information in the Numident, including state death information, to generate the death indicators that it provides. Federal agencies may submit inquiries about individuals through the SSN Verification service one at a time or through batch processing. Individual agreements between SSA and federal agencies on SSN Verification only provide data elements stipulated in those agreements.<sup>88</sup>

### **3.3 SSA Organization and Process for the Collection and Dissemination of State Death Data**

As described earlier in this report, state death data is first collected by 57 VROs throughout the United States. Fifty-three of the 57 jurisdictions contract directly with SSA to send their data to the Agency.<sup>89</sup> While not all of the jurisdictions have contracts with SSA, all 57 send their death data to SSA. After SSA records state death data on its Numident, it extracts the necessary data elements from the Numident, prepares, and delivers the full file of death information to subscribing federal benefits-paying agencies as prescribed in Section 205(r) of the Social Security

---

<sup>87</sup> SSN Verifications do not serve as verification of identity; they are only an indication that the data provided by another agency or entity matches the data on SSA’s records.

<sup>88</sup> For example, SSA will only provide a death indicator if stipulated in an SSN Verification agreement with a federal agency, but will not provide any other data elements, such as date of birth. Once data exchange agreements for SSN Verification are established, agencies provide the full name, date of birth, and SSN of an individual, and those data elements are matched against SSA’s Numident records.

<sup>89</sup> As of this report, Guam, American Samoa, and the U.S. Virgin Islands VROs do not have data sharing contracts with SSA.

Act.<sup>90</sup> This subsection provides more detail on that process, as well as the SSA organizational units involved and their respective roles.

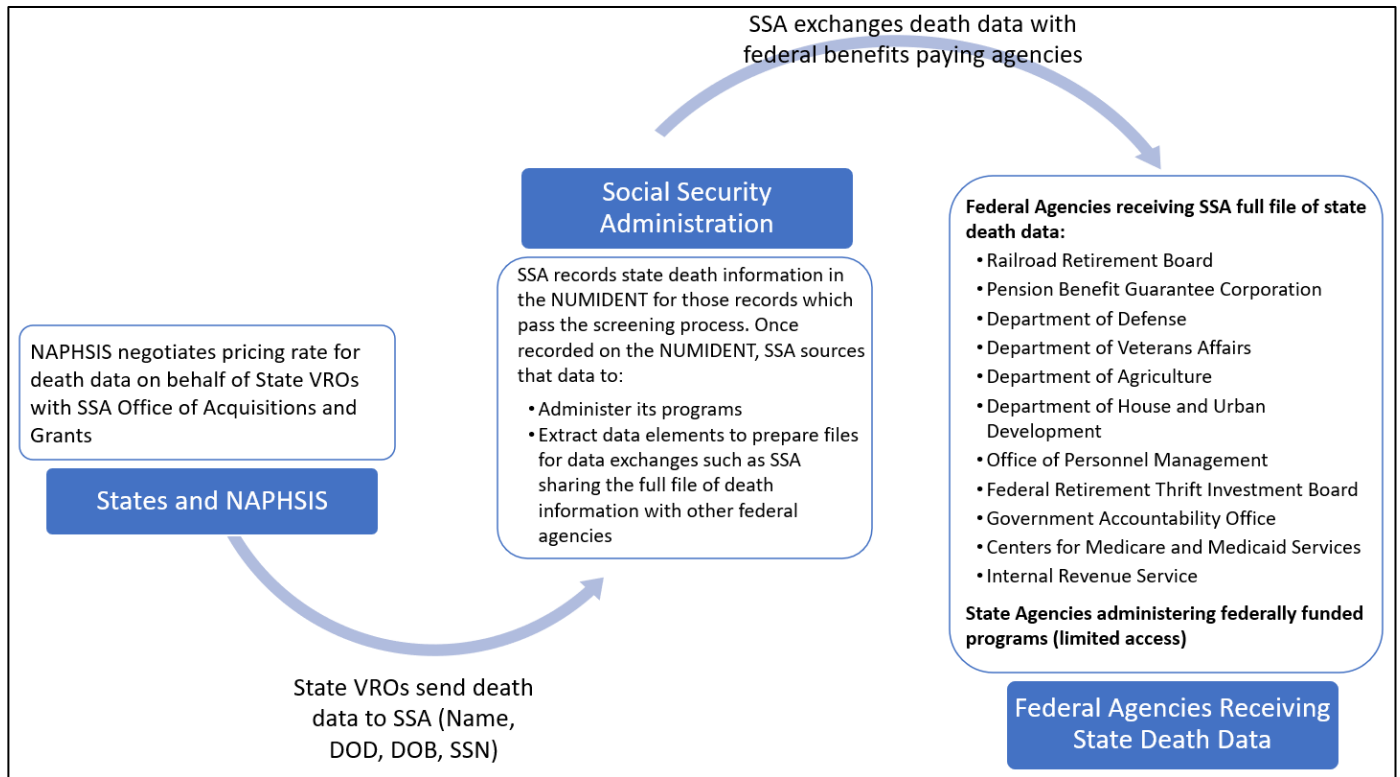


Figure 4: State Death Data Sharing with the Federal Government. Figure created by the National Academy of Public Administration. (Sources: Congressional Research Service, Social Security Administration).<sup>91</sup>

Figure 4 above illustrates the current arrangement for the collection of state death data by the vital records jurisdictions and subsequent dissemination to federal agencies by SSA. VROs provide their death data to SSA. NAPHSIS negotiates a pricing rate with SSA on behalf of the jurisdictions.

<sup>90</sup> SSA also “provides electronic data to the states for use in determining entitlement and eligibility for federally funded benefit programs... as well as other federally funded, state administered benefit programs...” and provides extracts of the full file which do not contain state death data to the Department of Commerce National Technical Information Service (please refer to Social Security Administration, *State Agreements: Electronic Data Exchanges with the States*. <https://www.ssa.gov/dataexchange/stateagreements.html>). This report does not provide the same level of detail on those processes, as the scope of analysis is limited to federal agencies and their use, or potential use, of state death data.

<sup>91</sup> U.S. Library of Congress, Congressional Research Service, *The Social Security Administration’s Death Data: In Brief, 2021*, by Paul S. Davies (December 15, 2020), <https://crsreports.congress.gov/product/pdf/R/R46640/2>. As of May 2022, two federal benefits paying agencies did not renew their data exchange agreements with SSA to receive the full file of standard death data elements, citing potential increases in cost resulting from the Consolidated Appropriations Act, 2021: the Federal Retirement Thrift Investment Board and U.S. Railroad Retirement Board. Though, the latter requested access to state death data once more in June 2022.

## **Office of Retirement and Disability Policy (ORDP)**

- **Office of Data Exchange, Policy Publications and International Negotiations (ODEPPIN)** – NAPHSIS and SSA typically renegotiate contracts every five years. Federal agencies submit data exchange requests via an SSA-157 (Data Exchange Request Form) for state death data through SSA as the standard death data elements (defined in Chapter 3, Section 2, above) to this office. ODEPPIN also works with state data exchange coordinators when a state agency requests that file.
- **Office of Income Security Programs (OISP)** – “provides SSA-wide leadership and direction to the development, coordination and promulgation of Retirement and Survivors Insurance and Supplemental Social Security Income policies and procedures.”<sup>92</sup>

**Office of Systems (DCS), Office of Enterprise Information Systems, Division of Enumeration and Death Systems** – develops death management information application systems and performs data extracts. It produces automated solutions to capture, process, and share death information. DCS also provides leadership and oversight on information technology (IT) modernization.

**Office of Legislative and Congressional Affairs (OLCA)** – serves as the focal point for all legislative and regulatory activity in SSA.<sup>93</sup>

**Office of Budget, Finance, and Management (BFM)** – responsible for SSA’s payment operations and for the planning, development, and execution of SSA budgetary operations, including those related to IT. The Office of Acquisition and Grants (OAG) under BFM is the principal office at SSA that liaises with NAPHSIS during negotiations.

Moving to the process for collection and dissemination of state death data itself, the VROs that use EDR systems first pre-verify the full name and SSN they entered into their EDR against SSA’s Numident in real-time using OVS. Some states also register deaths through a paper-based system or non-EDR system, which do not use OVS as a pre-verification process. Both EDR and non-EDR death records are then submitted to SSA. Death reports and information sent to SSA by VROs are classified as “verified” or “un-verified” depending on whether they match the information in the Numident through OVS when they are submitted. Death reports submitted to SSA by third-parties, including families and non-Social Security program beneficiaries, are coded as non-EDR reports. EDR participating states can also submit non-EDR death reports when they do not attempt verification through OVS.

After SSA receives a death report file from the VROs that has been attempted to be pre-verified through OVS, the Death Information Processing System (DIPS) Batch processes each state file.<sup>94</sup> DIPS Batch receives and reviews multiple death reports and sources of death information in order

---

<sup>92</sup> “SSA Organizational Manual,” Social Security Administration, accessed 11 May 2022, <https://www.ssa.gov/org/orgDCRDP.htm>.

<sup>93</sup> “Office of Legislation and Congressional Affairs,” Social Security Administration, accessed 11 May 2022, <https://www.ssa.gov/legislation/>.

<sup>94</sup> Social Security Administration, *POMS: Processing Reports of Death using the Death Information Processing System*. <https://secure.ssa.gov/poms.Nsf/lrx/0202602051>

to identify duplication and errors and subsequently “choose” the most complete, accurate, and reliable death information to match and integrate, or not integrate, with SSA’s Numident. For example, death reports submitted through EDR are given preference for processing through DIPS over death reports not submitted through EDR. When a death record is first created by a VRO and pre-verified with OVS, that death record is not necessarily completed. Commonly, more information is added to a death record in the days following its creation, but such changes should be re-verified through OVS prior to sending the death report to SSA. States can contact SSA field offices to update death information, but that method does not use the EDR process. DIPS identifies and accounts for information added to death records after their initial creation and submission. If a death report did not become verified through OVS and is submitted to SSA, DIPS makes a second attempt to verify the record against the Numident. It processes death information on a daily basis during the evening.

After processing death reports or information in DIPS Batch, DIPS attempts to match that death information with SSA’s Numident using the name, date of birth, and sex on each of those death reports. A Numident record is a computer extract of Form SS-5 [the form used to apply for a Social Security Card] and subsequent applications for replacement SSN cards that contains information about an SSN holder, including name, SSN, and DOB.

If a death report does not match the Numident after DIPS’ second attempt at verification, that death report is not processed. If a death report in DIPS does match critical elements on the Numident (for example, Name, SSN, DOB), it is posted to the Numident. After new records are saved to the Numident, SSA creates extracts of the Numident. Two extracts contain the standard death data elements: the full file with state death data that SSA provides to federal benefits-paying agencies and the LADMF, the latter of which does not contain state death data and is sent to NTIS. NTIS sells the LADMF to a list of subscribers made up of federal agencies and other certified entities.<sup>95</sup> These extraction and delivery processes are both performed automatically for recipient agencies that have existing data exchanges established with SSA to receive the data. The frequency at which SSA’s full file and updates to that file are sent to federal benefits-paying agencies are determined through consultation between the respective agency and SSA and is stipulated in their individual data exchange agreements with SSA, which is typically on an annual basis for the full file and on a weekly or monthly basis for updates.

### **3.4 SSA’s Current Procedures for State Data Distribution and Current and CAA Cost Structure**

Federal agencies interested in entering into a data exchange agreement with SSA to receive state death data must complete a data exchange request form requesting that information data from

---

<sup>95</sup> For more information on the certification program for access to the LADMF, as well as certified entities, please refer to NTIS’ website and <https://ladmf.ntis.gov/> and notice of final administrative rulemaking on the certification program in the Federal Register: <https://www.federalregister.gov/documents/2016/06/01/2016-12479/certification-program-for-access-to-the-death-master-file>.

SSA.<sup>96</sup> Requests must be sent to SSA’s Office of Retirement and Disability Policy/Office of Data Exchange, Policy Publications, and International Negotiations. In order to complete the form, the requesting agency must detail in the application:

- “Why [the agency] is requesting the full file [state death data],
- What legal authority under Section 205(r) of the Social Security Act supports [the agency’s] request,
- The anticipated frequency of [the agency’s] request,
- What security measures and safeguards [the agency has] in place to protect the data [it] receives from [SSA], and
- If [the] agency currently has, or previously had, a data exchange agreement with SSA to receive the full file [state death data].”

In order to determine whether a given federal agency is eligible to receive access to the state death data, SSA compares the purpose for which the agency states it needs the data with the provisions and requirements detailed in Section 205(r) of the Social Security Act to determine if it has the legal authority to share the state data. If SSA makes a determination that the agency is eligible to receive the data for that specific purpose, and the agency agrees to reimburse SSA as required by law (as outlined below), it will enter into a data exchange agreement with that agency that details the purpose for which the data may be used, the data elements that SSA will provide, the frequency with which it will provide that file and subsequent updates, and what security safeguards the agency must implement to protect the information. According to SSA’s website, “The safeguards must provide a level and scope of security that is not less than the level and scope of security established by the Office of Management and Budget, which sets guidelines for protecting and managing federal information resources in OMB Circular No. A-130, Appendix I – Responsibilities for Protecting and Managing Federal Information Resources.”<sup>97</sup>

Under the Social Security Act and prior to the enactment of the CAA, “Agencies obtaining death data from SSA must reimburse SSA for the reasonable cost of providing such information, which has been interpreted by SSA to cover only the cost of sharing the data, not the cost of purchasing the data from the states.”<sup>98</sup> SSA also notes that “...reimbursement for developing and maintaining the exchange is generally required.”<sup>99</sup>

SSA provides the factors it uses to estimate reimbursement costs on its website: “...reimbursement for developing and maintaining the exchange is generally required... we calculate costs based on the implementation and maintenance of the data exchange, how your agency will receive the file,

---

<sup>96</sup> “Requesting SSA’s Death Information,” Social Security Administration, accessed 6 June 2022, [https://www.ssa.gov/dataexchange/request\\_dmf.html](https://www.ssa.gov/dataexchange/request_dmf.html).

<sup>97</sup> Ibid.; Office of Management and Budget, *Circular No. A-130 – Managing Information as a Strategic Resource*. <https://www.federalregister.gov/documents/2016/07/28/2016-17872/revision-of-omb-circular-no-a-130-managing-information-as-a-strategic-resource>.

<sup>98</sup> Congressional Research Service (CRS), *The Social Security Administration’s Death Data: In Brief*.

<sup>99</sup> “Requesting SSA’s Death Information,” Social Security Administration.

and the frequency with which you will receive the information... we will recoup all costs (computer program development costs and ongoing processing costs) associated with your service. The costs are subject to change to reflect actual costs in subsequent years).”<sup>100</sup>

The requirements for SSA’s reimbursement have permanently changed under the provisions of the CAA. Unlike the requirement for SSA to share death data with the Treasury’s Do Not Pay portal, the new reimbursement requirements continue after the three-year period for sharing directed under the CAA:

“The enactment of the [CAA] requires recipient agencies (including DNP) to fully reimburse SSA for the cost of both obtaining and sharing death data. The act requires reimbursements to SSA to include the recipient agency’s share of SSA’s payments to the states to obtain the data, the cost to SSA of establishing death data contracts with the states, and the cost to SSA of carrying out a new study on options for obtaining and distributing death data... The act also requires the recipient agency to reimburse SSA for the full cost to SSA of transmitting death data to the recipient agency.”<sup>101</sup>

---

<sup>100</sup> Ibid.

<sup>101</sup> CRS, *SSA Death Data: In Brief*. Please note that the new study on options for obtaining and distributing data that CRS references is the study that culminated in this National Academy of Public Administration report.



## Chapter 4: Federal Use of State Death Data

Death data is essential to the federal government’s ability to reduce improper payments and enhance program administration. This Chapter outlines a series of findings and observations related to SSA’s death data collection and dissemination efforts, the roles and responsibilities of the Treasury’s DNP portal, and the use of death data by federal benefits paying agencies. Additionally, the Panel presents its assessment of unmet needs for state death data among federal agencies and its research on federalism and utilizing a non-governmental data clearinghouse.

### 4.1 Social Security Administration

The preceding Chapter reviews SSA’s current processes for collecting, maintaining, using, and disseminating state death data. This section summarizes the Panel’s key findings regarding SSA’s processes, roles, and responsibilities. These findings inform the Panel’s development and analysis of potential options for providing federal agencies access to state death data in Chapter 5.

*Death Data Dissemination is not part of SSA’s core mission.*

SSA was established by the Social Security Act in 1935 to administer Social Security benefit programs. In its most recent Agency Strategic Plan, SSA’s mission statement is “Ensure equity and accessibility in delivering Social Security services by improving the customer experience and addressing systemic barriers to participation in our programs.”<sup>102</sup>

To carry out this core mission of administering Social Security benefits, SSA is authorized to collect death data directly from state vital records offices. As part of the government-wide effort to reduce improper payments, under the Social Security Act Section 205(r), SSA has the legal authority to share state death data with a limited set of agencies for the purpose of administering federally funded benefits programs.<sup>103</sup> SSA officials emphasize that death data collection and dissemination are separate processes. While collecting death data from states is critical to its core mission, the sharing of death data with other federal agencies is “non-core mission work” because it does not support or relate to the administration of Social Security programs.

While the CAA amended the Social Security Act to grant SSA the authority to require reimbursement from agencies that receive state death data for the costs of purchasing that data from the states, SSA has repeatedly expressed concern that death data sharing activities represent an increasingly heavy workload and affect its ability to focus on its core mission (SSA cannot provide specific data on the workload and costs of death data sharing activities).<sup>104</sup> According to SSA officials, SSA does not have staff dedicated to collecting and disseminating state death data.

---

<sup>102</sup> Social Security Administration, “Agency Strategic Plan: Fiscal Years 2022-2026,” accessed 3 June 2022, [https://www.ssa.gov/agency/asp/materials/pdfs/SSA\\_Agency\\_Strategic\\_Plan\\_Fiscal\\_Years\\_2022-2026.pdf](https://www.ssa.gov/agency/asp/materials/pdfs/SSA_Agency_Strategic_Plan_Fiscal_Years_2022-2026.pdf).

<sup>103</sup> SSA also has the authority to share state death data with federal and state agencies for research and statistical purposes.

<sup>104</sup> SSA Responses to the Academy’s Questions on CAA State Death Data Report and SSA Response Treasury Fiscal Service Questions on Social Security Advisory Board DMF Recommendation.

More than 40,000 employees and contractors work on state and nonstate death records;<sup>105</sup> however, their employees/contractors also have other duties, and they do not rack the hours spent on death data collection and dissemination. As a result, it is not clear how many resources are devoted to activities related to death data.

In addition to dissemination of state death data to federal benefits-paying agencies, SSA also shares state death data upon request and reimbursement with state agencies and with federal agencies for statistical or research purposes. Consistent with this study's scope, the study has not examined these activities of SSA.

*The pre-verification of state death data via the Online Verification System (OVS) verification provides an important tool to improve the accuracy of states' death data, irrespective of which agency/organization collects and/or distributes death data.*

Since 2001, SSA has worked with VROs to develop and implement EDR systems that allow states to submit death reports to SSA electronically. As of January 2022, EDR has been implemented to some extent in all 50 states.<sup>106</sup> The OVS verification is the first step of the EDR process and has consistently been identified as the key to limiting data errors. Prior to issuing death certificates, state agents (for example, funeral directors and medical examiners) use the OVS, which is controlled by NAPHSIS, to verify the decedent's name and SSN against SSA's database (i.e., Numident). Due to this real-time verification process, the state death data submitted through the EDR process are generally considered highly accurate.<sup>107</sup> SSA currently does not charge VROs for the OVS verification. Per SSA, universal EDR implementation "has the potential to virtually eliminate death reporting errors."<sup>108</sup> SSA officials state that the error rate of EDR reports very low (the rate of erroneous reports—a living person recorded as deceased—is below 1 percent). Accordingly, to ensure the quality of state death data, the pre-verification process should remain in place irrespective of which agency/organization is tasked with disseminating state death data.

*The Panel's research has affirmed the need for SSA to continue receiving death information directly from the states, irrespective of which agency/organization provides death data access to other federal agencies.*

The need for SSA to continue receiving death information directly from the states is predicated on several factors. First, SSA plays an important role in death data verification and erroneous death reports (i.e., a living person recorded as deceased) correction. As discussed earlier, SSA has established the EDR process to verify and collect state death data. SSA needs to maintain its current EDR process to collect state data because the front-end OVS verification is essential to improving the accuracy of state data and hinges on SSA's database (Numident). In other words, if another agency/entity were to take over the dissemination of state data, the states would need

---

<sup>105</sup> SSA Responses to Treasury FS Questions on SSAB DMF Recommendation.

<sup>106</sup> States vary in their levels of implementation of EDR.

<sup>107</sup> Social Security Advisory Board, *Social Security and the Death Master File*, (Washington, DC: SSAB, June 2019), <https://www.ssab.gov/wp-content/uploads/2019/06/2019-DMF-v10-2019-06-17-Accessible.pdf>.

<sup>108</sup> SSA Responses to the Academy's Questions on CAA State Death Data Report.



to maintain their front-end connection to SSA to enable SSN Verification. Additionally, SSA corrects erroneous death reports and resolves issues with death records in its field offices (in-person visits). DNP or NAPHSIS would still need to rely on SSA's processes, structure, and expertise to correct erroneous death records.<sup>109</sup>

Second, the death data collected from the states help prevent approximately \$50 million in improper Social Security and SSI payments each month.<sup>110</sup> Receiving uninterrupted death information directly from the states is essential to the administration of SSA's benefits programs. SSA emphasizes that if another federal agency or external entity were to take on responsibility for the collection and dissemination of state death data, SSA would still need to maintain its existing connections to the states to continue to administer its programs and prevent improper benefits payments to deceased individuals.<sup>111</sup>

A third factor for consideration is the capacity of other entities to ensure that federal agencies have continuing access to complete state death data during the transition period. If another agency/entity were to be charged with collecting and/or disseminating states' death data, federal agencies would still rely on SSA for data access in the short term. Interviewees noted that an agency charged with this responsibility, such as DNP or NAPHSIS, would need additional funding and time to enhance its service and systems to meet the data needs of federal agencies and increase awareness of its data services within the federal government.

Certain federal agencies expressed concerns about NAPHSIS's capacity to handle the heavy transaction volumes that would occur if more agencies were to access state death data through NAPHSIS directly. Additionally, EVVE FOD currently provides access to the death records of only 44 out of 57 jurisdictions. It is unclear as to if and when the remaining jurisdictions will participate. Indeed, while some states would require amendments to current statutes as a precondition to entry, others have stated that they would prefer to negotiate data exchanges with federal agencies outside of the EVVE FOD platform. A second NAPHSIS platform, STEVE, was set up as an interstate data exchange platform to send data files between states. Currently, all 57 jurisdictions participate in STEVE; however, STEVE does not guarantee access to state death data, as it requires that federal agencies negotiate individual contracts with 57 jurisdictions, and states/jurisdictions have the authority to decide whether they share data with the federal government.

*SSA does not monitor agencies' use of state death data.*

VROs emphasized that federal agencies should use their data in accordance with states' restrictions and that the current death data-sharing arrangement—SSA acquires states' death data and shares data with benefits-paying agencies—does not provide much visibility into data usage and further dissemination among federal agencies.

For its part, SSA only releases data in accordance with the restrictions of 205(r) of the Social Security Act and requires an Information Exchange Agreement (IEA) with each recipient

---

<sup>109</sup> SSA currently does not share erroneous death record corrections with states.

<sup>110</sup> SSA responses to the Academy's Questions.

<sup>111</sup> SSA Responses to OMB Questions.

agency.<sup>112</sup> The IEA is a legal agreement but does not require a recipient agency to track and report the number of times state death data is used.<sup>113</sup> There is a provision in the IEA requiring the recipient agency to provide a list of contractors, agents, and auditors who have access to SSA's full death data upon SSA's request. However, it is not clear how this requirement is monitored once the IEA is in place. Several agency interviewees stated that they only interact with SSA when their data-sharing agreements are up for renewal.<sup>114</sup> SSA officials noted that while SSA generally does not monitor agencies' use of death data, if SSA were to learn that an agency improperly disclosed state death data for purposes other than those specified in the agreements, they would be in violation of the legal agreement, and SSA would require the recipient agency to cease such disclosures immediately. Additionally, increasing monitoring of agencies' use of state death data would further divert SSA resources away from core-mission work. Finally, SSA posits that recipient agencies are subject to the same laws that govern the receipt and disclosure of data/information, and as such, there is no need for SSA to monitor its federal partners.

*SSA will continue collecting and providing non-state death data to the Department of Commerce's National Technical Information Service, regardless of which agency/organization collects and disseminates state death data.*

SSA collects death data from a variety of state and non-state sources, such as family members, funeral home directors, financial institutions, and other federal agencies. SSA provides non-state death data to NTIS (the LADMF), which in turn sells the data to authorized users. Many agencies and private entities<sup>115</sup> rely on the LADMF as their main source of death data. It would be nearly impossible for another agency or entity to replicate SSA's infrastructure (for example, systems, processes, policies, and working relationships with various non-state data sources) to collect and disseminate non-state death data.

It is important to note that the usefulness of the LADMF is decreasing.<sup>116</sup> Over time, non-state data have been shrinking as a proportion of SSA's full death data file due to the increased reliance on EDR. According to SSA, in FY 2019, approximately 5 percent of the 2.9 million death reports posted to SSA's records came from non-state sources.<sup>117</sup> The proportion of state death data is expected to continue growing as more states will submit their death data to SSA through EDR.

## **4.2 Treasury's Do Not Pay (DNP)**

Treasury's DNP has been identified by many stakeholders as a potential platform for providing federal agencies access to state death data. Established by OMB in 2011 and administered by the

---

<sup>112</sup> In addition to IEA, SSA executes an annual financial agreement with recipient agencies that documents the obligation of funds by the recipient agency to reimburse SSA.

<sup>113</sup> Section 205(r) of the Social Security Act does not require SSA to track the number of times state death data is used by either SSA or agencies receiving death data from SSA.

<sup>114</sup> Most standard IEAs are renewed every five years.

<sup>115</sup> Some researchers also rely on the death index available through the CDC.

<sup>116</sup> SSA Responses to OMB PIIA.

<sup>117</sup> Ibid.

Treasury’s Fiscal Service, DNP provides multiple data matching and analytics services to allow federal agencies access to existing databases, including a number of death data sources, to verify payment eligibility to prevent and detect improper payments. According to DNP, 46 federal agencies have enrolled to access death data (Online Search, Batch Matching, Continuous Monitoring, and Payment Integration services).

*DNP provides centralized access to relevant data sources to help agencies detect and prevent improper payments.*

DNP is governed by the Payment Integrity Information Act of 2019 (PIIA) to “assist agencies to make informed decisions in the identification, mitigation, and elimination of improper payments.”<sup>118</sup> Agencies are required to review available databases, including the death information maintained by SSA, to determine payment/award eligibility before releasing any federal funds.<sup>119</sup> DNP was established to improve the accuracy of all types of federal payments, including, but not limited to, federally funded benefit payments.

DNP describes its role as a “data source aggregator.”<sup>120</sup> It has access to multiple data sources, including a number of death databases, such as American InfoSource (AIS) obituary death data, death data from federal agencies (for example, U.S. Departments of Defense (DoD), State (DOS), General Services Administration (GSA), Veterans Affairs (VA), etc.), and the LADMF (through NTIS). Prior to the CAA, SSA did not have the authority to share state death data with DNP because DNP is not a federal benefit-paying agency. There has been some congressional support for authorizing DNP to receive access to state death data, and related proposals have been included in the President’s Budget for years. The CAA grants SSA authority to share state death data with DNP for three years beginning in December 2023. More recently, OMB has designated NAPHSIS’ EVVE FOD for inclusion in the DNP system, and DNP is in the final stage of implementing the pilot project to access data through EVVE FOD.

DNP officials stated that DNP does not directly collect, maintain, or verify any data. DNP is not the owner of any death data.<sup>121</sup> DNP offers data query service options with different data matching speeds varying from daily to near real-time responses. Interviewees noted that the DNP portal is rated as a FISMA high system, and DNP is authorized to save agencies’ queries on its server for up to seven years.<sup>122</sup> DNP has established an enrollment process to verify agencies’ eligibility to use the DNP portal, and agencies are not allowed to use DNP for purposes other than payment integrity. DNP is currently funded by Treasury appropriations and does not receive reimbursement from agencies for data access.

---

<sup>118</sup> “About Do Not Pay,” Bureau of the Fiscal Service, accessed 6 June 2022, <https://fiscal.treasury.gov/dnp/about.html>.

<sup>119</sup> 31 U.S.C. § 3354 (a).

<sup>120</sup> Internal DNP document provided by the Bureau of the Fiscal Service to the Academy on December 6, 2021.

<sup>121</sup> Internal DNP document provided by the Bureau of the Fiscal Service to the Academy on December 6, 2021.

<sup>122</sup> FISMA: the Federal Information Security Management Act. There are three FISMA compliance levels—low, moderate, and high. High provides the strictest level of control to ensure the protection of critical and sensitive data.

Treasury posits that DNP does not have the resources and expertise to establish a death data infrastructure similar to SSA's EDR process (including relevant policies, systems, contracts with states, reporting and verification processes, correcting erroneous reports, etc.). Treasury pointed out that the transition would entail substantial costs, affect the quality of death data, and require a significant change to DNP's mission and operations.<sup>123</sup>

*Some federal agencies are not aware of the data services available through DNP.*

DNP is viewed by many stakeholders as an alternative option for providing federal agencies access to state death data.<sup>124</sup> However, the Study Team's interviews with federal agencies indicate that some agencies are not familiar with the types of data matching services offered by DNP. For example, the DNP portal provides multiple data matching options, such as online search, batch matching, continuous monitoring, etc. However, interviewees from one agency did not realize that DNP provides a batch matching option and, as a result, noted concerns about DNP's ability to handle high-volume transactions. Another agency noted that they do not use DNP because their transaction volume exceeds the system limit of the DNP portal. However, DNP has emphasized that its system has never neared its maximum capacity. DNP officials noted that, over the years, they have made considerable improvements to its system capacity.<sup>125</sup>

In discussion with DNP, the Study Team was told that DNP conducts outreach to federal agencies to raise awareness of DNP services and hosts events to share best practices and lessons learned to reduce improper payments. For example, DNP participates in various conferences to promote its services and new enhancements to the DNP portal. DNP officials noted that they conduct an annual review of agency financial reports and publicly available audit materials to develop a more targeted outreach plan. In addition, DNP provides a variety of agency support services to help incorporate DNP into agencies' existing operations and select the services/tools that best fit agencies' needs.<sup>126</sup>

---

<sup>123</sup> Internal DNP document provided by the Bureau of the Fiscal Service to the Academy on December 6, 2021.

<sup>124</sup> SSAB, *Social Security and the DMF*, 2019.

<sup>125</sup> DNP provided some examples of its system improvement in the past five year, including: offering data matching service through an Application Program Interface system, rearchitecting the Portal User Interface making the portal easier to use for batch and single search uses, and migrating DNP data from the legacy on-premises appliance to a more robust cloud-based database.

<sup>126</sup> According to DNP, it has offered individualized consultative services to 47 federal agencies across 186 program programs and 28 federal state administered programs and provided support to over 2,500 portal and analytical users. DNP hosts regular touch base meeting with portal users to discuss their current usage and new service offerings.

### 4.3 Federal Benefits-Paying Agencies

Under the authority granted by the Social Security Act, 205(r)<sup>127</sup>, SSA shares state death data with the following federal benefits paying agencies which receive an annual data file with weekly or monthly updates from SSA to administer their benefit programs.

- Pension Benefit Guaranty Corporation
- Department of Defense
- Department of Veterans Affairs
- Department of Agriculture
- Department of Housing and Urban Development
- Office of Personnel Management
- Centers for Medicare and Medicaid Services
- Internal Revenue Service
- Federal Retirement Thrift Investment Board (FRTIB)\*
- Railroad Retirement Board (RRB)\*

\* As of May 2022, FRTIB and RRB were no longer receiving state death data through SSA.<sup>128</sup>

The Study Team contacted all ten benefits paying agencies that receive SSA's state death data from SSA and completed interviews with nine agencies. These agencies have varying needs for accessing death data in terms of what data elements they need to perform their official duties, what data formats they prefer, and how often they receive data updates. They also identified data affordability as a major issue.

*Increased reimbursement costs under the CAA are a concern for agencies receiving state-owned death data.*

Prior to the enactment of the CAA, SSA was only reimbursed by recipient agencies for the costs to extract state death data from its Numident and transmit it, which accounted for a small portion of SSA's total costs of purchasing, maintaining, and transmitting states' data. In FY 2020, SSA paid states about \$9 million for state death records, and the total reimbursement SSA received from recipient agencies was approximately \$99,000.<sup>129</sup> According to SSA, the states have demanded higher data prices each time the contract is up for renewal, partly because SSA shares data with other federal agencies. SSA paid for the increased costs of sharing state data from its Trust Funds but did not have the authority to pass on any of the costs to recipient agencies.<sup>130</sup> In

---

<sup>127</sup> Pursuant to Section 205 (r) of the Social Security Act, SSA has the authority to share state death data with federal benefits paying agencies, state agencies administering federally funded benefits, state agencies administering programs wholly funded by the State, and federal or state agencies to carry out statistical and research activities; and SSA makes state death data available to HHS under Section 205 (r) and other authority. This Section focuses on SSA's data sharing with federal benefits-paying agencies.

<sup>128</sup> RRB requested to receive state death data from SSA again in June 2022.

<sup>129</sup> SSA Responses to the Academy's Questions on CAA State Death Data Report.

<sup>130</sup> Social Security Trust Funds are financial accounts managed by the U.S. Treasury and funded primarily by payroll taxes. Trust funds are used to pay retirement and survivor benefits and disability benefits.

other words, sharing state death data with other agencies has posed an undue burden on the Trust Funds.

The CAA expands SSA's authority to receive reimbursement from recipient agencies for both obtaining and sharing states' death data. Several agencies expressed concerns about the significant increase in the costs of accessing state death data through SSA due to the new reimbursement requirements. Agency interviewees emphasized that this new reimbursement provision of the CAA is an "unfunded" requirement. Agencies were not aware of this requirement when they prepared their budget proposals for FY 2023 and will have to request additional appropriations to cover the increased reimbursement costs.<sup>131</sup> At the time of this report, FRTIB and RRB<sup>132</sup> confirmed they no longer receive state death data from SSA due to the increased costs. Because CAA requires recipient agencies, including SSA, to pay a proportionate share of the costs to purchase the data from the states, it is unclear how the costs of the agencies that dropped from the prior arrangement agencies will be redistributed to the remaining recipient agencies.<sup>133</sup> Additionally, some of the agencies interviewed stated that as a result of increased costs, they are reconsidering their data-sharing arrangements with SSA.

*Federal benefits paying agencies vary in their needs for accessing state death data.*

The Study Team's research reveals the diverse data needs of federal benefits paying agencies, determined in part by their internal processes, resources, system capabilities, and types of benefit payments, as well as legal authority and data privacy requirements. For example, while most of the agencies interviewed noted that the standard death data elements (i.e., SSN, full name, date of birth, and date of death)<sup>134</sup> fulfill their needs, some said that a "cause of death" data element is also needed and that it would be helpful to have access to a more integrated database.

Most agency interviewees prefer to continue to receive death data files, while a few agencies noted that data matching/query services would be sufficient. Some agencies articulated concerns about the potential data security risks of using data query services, as agencies send out data queries to an external entity. Some stakeholders acknowledged that it would be difficult for those agencies receiving state data from SSA to switch to a query system. Indeed, as some interviewees noted, their internal processes and systems were built to align with SSA's data-sharing platforms. Switching to a data query process would require a substantial transition of their current systems.

Similarly, views on the value of more frequent data updates vary across recipient agencies. While certain agencies stated that more frequent death data updates, such as daily updates/real-time access, would be helpful, others felt that more frequent updates would not make much of a

---

<sup>131</sup> SSA noted that they provided recipient agencies advance notice of the expected effects of the CAA as early as possible; however, these requirements were not in place and/or had barely been enacted when agencies were creating their FY 2023 budget request.

<sup>132</sup> RRB requested to receive state death data from SSA again in June 2022.

<sup>133</sup> SSA has not increased the proportionate share for the remaining agencies (as of June 2022).

<sup>134</sup> SSA does not have legal authority to collect additional data elements, as it does not require such information to administer its programs.



difference, given the agencies' resources and internal processes. One agency noted that it does not have the system capacity to handle more frequent data updates.

The diverse data needs of federal agencies highlight the need to increase flexibility and agility in the way they obtain/access data. One factor to consider when assessing potential options is the extent to which an option allows agencies to access data based on their specific needs and environment.

#### **4.4 Unmet Needs**

The CAA required the Academy to examine options for providing federal agencies with limited access to state death data and to identify potential unmet needs among those agencies. It is important to note that federal agencies that are denied their requests to SSA for state death data are not precluded from requesting state death data directly from individual VROs or working with NAPHSIS to obtain access through its platforms (for example, EVVE FOD and STEVE). Where possible, this Section and Appendix G provide SSA's explanation of why certain federal agencies were ineligible to receive state death data through SSA. In addition, not all federal agencies discussed in this report requested state death data from SSA between FY 2012 and FY 2022, the ten-year period of data that the Study Team requested. In all other instances, the Study Team requested SSA's rationale for deeming those agencies ineligible to receive state death data from SSA. SSA stated that the uses proposed by the requesting agencies did not fall under the authorized purposes for which SSA may share state death data under Section 205(r) of the Social Security Act.

In order to assess potential unmet needs among federal agencies, the study focused on those agencies that have advocated the need for access to state death data for program administration and payment integrity purposes but do not currently have access to state death data from SSA. With regard to the term "program administration," the Study Team adopted NAPHSIS's definition of administrative use, which "means of or relating to the management of a government agency to assist [it] solely in the conduct of performing its official duties. Such government agency administrative use excludes medical or health research uses, where such research is defined as a systematic study to gain information and understanding with the goal of findings ways to improve human health and/or is designed to develop or contribute to generalizable scientific knowledge."<sup>135</sup>

This definition is also consistent with the definition of administrative use in a 2018 report of the National Committee on Vital and Health Statistics (NCVHS).<sup>136</sup> This report does not make a determination as to whether the potential unmet needs of federal agencies constitute unmet needs as defined by those use purposes laid out in Section 802 of the CAA. Instead, it provides the maximum amount of information possible for decision-makers to make a determination as to whether unmet needs exist and whether or not to provide such federal agencies with limited access to state death data through SSA or another source.

---

<sup>135</sup> "EVVE," NAPHSIS.

<sup>136</sup> Parrish, *Vital Records and Vital Statistics in the United States*, NCVHS.

The Study Team requested interviews with, and information from, 23 such federal agencies.<sup>137</sup> Please refer to Appendix K for a full list of agencies that participated in interviews or provided information in writing. Additionally, the Study Team conducted outreach to federal agency offices of inspector general, which are responsible for oversight activities that could potentially impact federal benefits payments to individuals.

The Study Team applied rigorous criteria in its analysis. Federal agencies were asked to: state their intended use for the death data; provide any research, statistics, or other empirical evidence that demonstrates the benefit they would expect to receive as a result of accessing state death data in addition to non-state death data; and explain why their current access to death data or death data indicators is not sufficient. For the discussion on potential unmet needs for state death data, the Study Team presumed that these federal agencies would receive data via SSA in the same manner as the federal benefit paying agencies per 205(r). Such discussion is not meant to preclude the consideration of the other options detailed in Chapter 5 of this report.

The Study Team also considered the incremental costs and workload that would arise from the expansion of data sharing. The analysis was limited as SSA was unable to provide the actual dollar amounts and staff resources involved in each step of the death data collection, management, and dissemination process. Prior to the enactment of the CAA, the provision of SSA's full file to one additional federal agency could have added significant costs to SSA. Although its process for disseminating state death data to federal agencies is fully automated once data-sharing agreements are established, such data-sharing agreements can take 9-12 months to finalize with a federal partner. In addition, SSA requires a viable IT systems option with the requesting agency to provide the data, which could amount to significant costs. Differing reimbursement requirements resulting from changes in the CAA as well as the renegotiation of compensation rates to state and jurisdictional VROs for their data may change costs to SSA in the future. Currently, SSA's compensation to the state and jurisdictional VROs is not variable based on the number of federal agencies that receive the state death data from SSA.

### ***Supporting Rationale and Empirical Evidence for Access to State Death Data***

*Certain federal agencies and their offices of inspector general were able to provide supporting rationale for the potential benefits of their gaining access to state death data.*

Federal agencies' intended use for state death data varied based on their mission, roles, and responsibilities. The intended uses offered by the full set of agencies included: terminating

---

<sup>137</sup> The 23 federal agencies that the Study Team requested interviews with do not include federal agency offices of inspector general, as OIGs were approached through a separate method of outreach, as explained in the Offices of Inspector General subsection of Chapter 4, Section 4.; In order to identify federal agencies with potential unmet needs for state death data, the Study Team surveyed one set that requested access to SSA's full file between fiscal years 2012 and 2022, and second set that currently receive non-state death data through the LADMF made available by NTIS. The Study Team also reviewed information on federal agencies involved in benefits payments on the Office of Management and Budget's payment accuracy website. Nine of the agencies that responded submitted data exchange request form for access to SSA's full file and four currently receive the LADMF.



federally funded benefits payments to deceased individuals; federal oversight of private sector benefits payments; providing payments to multifamily units for federal housing programs; preventing fraudulent activity that could, in turn, improve payment integrity across the federal government; and performing quality control for jury pools. Please see Appendix G for a list and short description of agencies with unmet needs related to payment integrity and program administration issues.

Among the various agencies interviewed, the Panel found that the following five federal agencies exhibited potential unmet needs for state death data that aligned most closely with maintaining payment integrity and purposes of program administration:

- Department of Labor (DOL), Division of Coal Mine Workers' Compensation Benefits (Federal Black Lung Program)
- Department of Labor, Employee Benefits Security Administration (EBSA)
- Department of Health and Human Services, Office of Child Support Enforcement (OCSE)
- Department of State, Bureau of Consular Affairs (CA)
- Department of Agriculture, Rural Development program (USDA RD)

Following on the next two pages are descriptions of two potential unmet needs:

## Department of Labor Federal Black Lung Program

*The Department of Labor's Division of Coal Mine Workers' Compensation Benefits (the Federal Black Lung Program), which administers federal and private benefits payments related to black lung disease, receives death certificates from claimants and beneficiaries and has a process for reclaiming improper payments. DOL administered \$149 million for black lung benefits in FY 2021. It has administered about \$24.6 billion since it began to do so in FY 1974. If an improper payment is not identified by the Agency within a certain length of time, it must conduct a formal overpayment retrieval process. If the Federal Black Lung Program had access to a more timely and efficient process for accessing state death data, the federal government could potentially save money on improper benefits payments, as well as the resources spent on the administrative burden of payment recovery. While federal agencies do not typically terminate benefits payments without corroborating sources, access to state death data through a timelier source could help this agency identify potentially deceased beneficiaries and initiate the process of terminating those benefits sooner. The Federal Black Lung Program in the Department of Labor administers federally funded benefits, which may be a purpose for which SSA is authorized to share state death data under 205(r) of the Social Security Act and for the purposes detailed in Section 802 of the CAA setting out the requirements of this report. Though DOL requested state death data through SSA in 2011, SSA advised the Study Team that the two agencies did not complete the process to finalize a data exchange agreement for SSA to provide DOL that data. SSA observed that DOL would be eligible to receive state death data to administer this benefit program under current law.*

*Text Box 1: Division of Coal Mine Workers' Compensation<sup>138</sup>*

---

<sup>138</sup> Black lung disability benefits are either funded by mine operators or the Black Lung Disability Trust Fund when responsible employers cannot be identified or do not pay. According to GAO, "Black Lung Disability Trust Fund Revenue is primarily obtained from mine operators through the coal tax... To a lesser extent, the Trust fund also receives other miscellaneous revenue from interest payments, and various fines and penalties paid by mine operators, among other sources... Coal tax revenue is collected from mine operators by [the IRS] and then transferred to the Trust Fund where it is then used by DOL officials to pay black lung benefits and the costs of administering the program." Please refer to: U.S. Government Accountability Office, *Black Lung Benefits Program: Options for Improving Trust Fund Finances*, GAO-18-351, 30 May 2018, accessed 3 June 2022, <https://www.gao.gov/products/gao-18-351>.

## Department of State Bureau of Consular Affairs

*The Department of State’s Bureau of Consular Affairs suggested it would use state death data to prevent individuals from obtaining fraudulent passports. The Department of State website lists the “common reasons criminals commit passport fraud: concealing identity; illegally entering the United States or avoiding deportation from the United States; committing financial crimes; and facilitating other criminal activity such as drug trafficking or alien smuggling.”*

*Text Box 2: Bureau of Consular Affairs<sup>139</sup>*

As noted in Chapter 4, Section 2, 46 federal agencies are currently enrolled with DNP to receive access to death data through sources other than SSA, including AIS obituary death data, death data from federal agencies (for example, DoD, DOS, GSA, VA, etc.), and the LADMF (through NTIS). While those agencies do not make benefits payments, they use DNP’s aggregated death data for purposes of payment integrity. Examples of agency use cases related to preventing federally-funded improper payments that are not considered federally-funded benefits payments include federal agencies that provide loans and insurance subsidies.

*As a matter of stewardship, federal agencies cross-check multiple sources of death data prior to terminating benefits for, or making decisions about, individual recipients.*

Some agencies collect state death data from other sources, such as death certificates provided by federal benefits program claimants or beneficiaries, obituaries, or family members. However, these agencies do not necessarily view these sources as alternatives to the state death data from VROs. First, sources of state death data vary in their timeliness, completeness, accuracy, and format. For example, while an individual’s obituary might be published before their death is registered by a VRO, that obituary will not provide an SSN. Second, federal agencies that currently receive state death data from SSA stated that they check multiple sources of death data prior to terminating benefits for an individual recipient. In fact, SSA’s data exchange agreements with federal agencies stipulate that the agencies will independently verify the fact and date of death of any beneficiary for whom SSA supplies a date of death before it takes action affecting payments on the record of such beneficiary. The purpose of such procedures is to minimize the number of times that benefits payments for individuals are terminated in error. In a similar way, federal agencies that do not currently have access to state data provided through SSA check multiple sources of death data prior to making decisions about individuals.

A small selection of federal agencies access state death data through NCHS’ National Death Index (NDI). However, the data elements included in the NDI are different than in the state data provided by SSA, as it includes the names of states in which deaths occurred, date of death, death

---

<sup>139</sup> “Passport and Visa Fraud,” Bureau of Diplomatic Security, accessed 3 June 2022, <https://www.state.gov/passport-and-visa-fraud/>.

certificate numbers, and cause(s) of death. NCHS releases updates to the NDI approximately once a year and has recently started “early release” updates on a quarterly basis.<sup>140</sup>

As discussed in Chapter 3, Section 2, 28 federal agencies and programs have agreements with SSA for SSN Verifications that include a death indicator (see Appendix H). Because death indicators are not confirmation of death, recipient agencies must independently verify death information before taking adverse action. SSA does not provide any state death information or data elements through SSN Verification. Rather, SSA uses state death information in the Numident to generate the death indicators that it provides. Federal agencies may submit inquiries about individuals through the SSN Verification service one at a time or through batch processing. Individual agreements between SSA and federal agencies on SSN Verification only provide data elements stipulated in those agreements.<sup>141</sup>

*Some federal agencies were either not utilizing all the sources of state death data they have access to or were unaware of other existing sources detailed above in Chapter 4 of this report.*

*In other instances, federal benefits-paying departments and agencies that currently have access to state death data provided by SSA are not authorized to share that data with other agencies or programs within their own departments.*

As noted earlier in this Chapter, the interviews with federal agencies indicate that some agencies are not familiar with the types of data matching services offered by DNP. One agency was unaware that DNP has the capability to provide a batch death information matching query system. Other agencies were unaware that they could acquire some death data through agreements with NAPHSIS for the use of the EVVE FOD or STEVE platforms.

In some instances, the needs of the agency interviewed were already met by a parent or partner agency that currently has access to state death data. For example, the needs of an agency within DoD to maintain payment integrity were already met because DoD’s Defense Manpower Data Center has access to state death data provided by SSA for purposes of maintaining payment integrity throughout DoD. In other instances, a federal department (or agency within that department) currently has access to state death data as the standard death data elements provided by SSA, but other cohort agencies within that same department do not. Some examples are the Departments of State, Health and Human Services, Agriculture, and the Treasury. In such instances, the parent department or cohort agency does not have the authority to share the data with other agencies and programs within their own department, and expanded use or sharing of the data would likely require additional compensation to the states and SSA.

While many agencies expressed interest in receiving access to state death data provided by SSA, some of them expressed concerns about their ability to use it effectively. This is due to the fact that some existing databases, like the NDI, were not designed to collect and use all of the same

---

<sup>140</sup> “About the National Death Index,” Centers for Disease Control and Prevention, accessed 3 June 2022, <https://www.cdc.gov/nchs/ndi/about.htm>.

<sup>141</sup> For example, SSA will only provide a death indicator if stipulated in an SSN Verification agreement with a federal agency, but will not provide any other data elements, such as date of birth. Once data exchange agreements for SSN Verification are established, agencies provide the full name, date of birth, and SSN of an individual, and those data elements are matched against SSA’s Numident records.

data elements (the NDI was created for health research purposes). In other words, it is difficult to integrate data from the state data provided by SSA with data from the NDI because they include some data elements that are different from one another. In addition, some agencies stated that an application programming interface (API), or a “query-system,” for data matching could satisfy their needs without requiring copies of and updates to SSA’s full file. These agencies noted that real-time access to updates through a query system would allow for more timely identification of potential improper payments. For agencies that found the idea of receiving real-time updates to be overwhelming, it is worth noting that a query system would allow agencies to acquire updates at their desired interval.

*The CAA amendment to Section 205(r) expands state death data access to some agencies through DNP for purposes of preventing improper payments beginning December 27, 2023.*

*However, if Congress does not remove CAA’s sunset provision on DNP’s access before December 27, 2026, agencies that gain access to state death data will lose it before December 27, 2026.*

SSA denies requests for state death data that do not align with the purposes for which it is authorized to share state death data described in Section 205(r) of the Social Security Act. Those only include purposes related to federally paid benefits and research and statistical activities that relate to decisions about individuals. They do not include preventing improper payments at large. The CAA amendment to Section 205(r) that allows SSA to temporarily share state death data with DNP will, by extension, expand access to the data to federal agencies for purposes of preventing any type of improper payment.

As noted earlier in this Section, 46 federal agencies are currently enrolled to receive access to death data through DNP in the form of databases and sources like AIS obituary death data, death data from federal agencies (for example, DoD, DOS, GSA, and VA), and the LADMF (through NTIS). While those agencies do not make benefits payments, they use the death data that DNP aggregates and disseminates for purposes of maintaining payment integrity and preventing fraud. While the provisions of the CAA will expand access to the state death data for those agencies, fulfilling a need for a period of three years, those same unmet needs will resurface after the provision sunsets. It is notable that even for agencies whose needs will be met by this three-year expansion of access, they may not find it feasible or worthwhile to pivot to the DNP service for such a short and finite period of time.

*While a CAA amendment to Section 205(r) will expand state death data access to some agencies through DNP for purposes of preventing improper payments, other agencies that would use the data for other kinds of administrative purposes, such as oversight of non-federal payments and preventing the issuance of fraudulent passports, may still have an unmet need.*

Drawing from DNP’s authorizing statute, the definition of the term “improper payments” refers to federally funded payments only. This definition excludes both privately funded benefits

payments and other types of privately funded payments.<sup>142</sup> As such, agencies whose activities fall outside of “improper payments” are not eligible to use DNP to access state death data. For example, the Employee Benefits Security Administration (EBSA) is charged with enforcing the requirements for private-sector, employer-sponsored retirement and welfare benefit plans under Title I of the Employee Retirement Income Security Act of 1974.<sup>143</sup> EBSA ensures plans are operated in accordance with the law and benefit plans’ operating documents, as well as ensuring that those benefits are paid in a timely manner pursuant to reasonable claims procedures.

Another example is HHS’s Office of Child Support Enforcement. OCSE is responsible for operating the National Directory of New Hires and the Federal Case Registry of Child Support Orders. It currently has an SSN Verification agreement that includes death indicators in order to assist in maintaining the integrity and accuracy of those databases. While OCSE oversees child support payments made by private individuals, those payments are not federally funded.<sup>144</sup> Though EBSA, OCSE, and other federal agencies use their own federal budgets and resources to support the public interest, they are not eligible to receive access to state death data in SSA’s full file of standard death data elements under Section 205(r) of the Social Security Act or the provisions of CAA amending Section 205(r).

## **Offices of Inspector General**

While federal benefit paying agencies are provided access to the state death data through SSA, most of the OIGs that perform oversight of these agencies cannot, according to those OIGs, actually gain access to the same data.<sup>145</sup> As these oversight activities could potentially impact federal benefits payments to individuals, the inability of certain OIGs to access the full death file to support those activities might constitute an unmet need according to the Panel’s definition.

In a 2015 letter to the Senate Homeland Security and Governmental Affairs Committee, the Council of Inspectors General on Integrity and Efficiency (CIGIE) explained that access to state

---

<sup>142</sup> 31 U.S.C. § 3351(4).

<sup>143</sup> SSA also determined it was not authorized to share state death data with EBSA under the purposes stipulated in Section 205(r) of the Social Security Act. SSA made this determination as EBSA requested the data for purposes of investigating civil and criminal matters under Title 18 of the United States Code.

<sup>144</sup> OCSE requested access to state death data through SSA in 2014. OCSE cited 42 U.S.C. § 653 (the Federal Parent Locator Service) as applicable authority, calling out sections and subparagraphs therein on the National Directory of New Hires and the Federal Case Registry of Child Support Orders, among others. OCSE would use state death data to oversee child support obligations generally, including carrying out its responsibilities to operate the Federal Parent Locator Service as detailed in that statute. OCSE was denied access because it is not eligible for state death data from SSA, given its intended use does not fall under Section 205(r) - to ensure proper payment of a federally-funded benefit. SSA also explained that OCSE already has access to SSN Verification with death indicators.

<sup>145</sup> Section 205(r) of the Social Security Act provides for the HHS Inspector General to receive access to SSA’s full file of death data. The SSA OIG also maintains access to the full file. SSA has advised its understanding that OIGs of federal benefit-paying agencies that have access to state death data through SSA can obtain the data through the agency that they oversee. Further, that when SSA provides state death data to another federal agency, the agency’s IG is authorized under Section 6(a)(1) of the Inspector General Act of 1978 to “have timely access” to the data that is “available” to the agency, and that access is generally “notwithstanding any other provision of law”. 5 U.S.C. appendix. However, according to interviews and surveys conducted in this study, most OIGs are not provided full access to the state death data file for investigative purposes as the agencies they oversee told them that the intended usage is not consistent with the data sharing restrictions in Section 205(r) of the Act and the data exchange agreements between the agencies and SSA as well as SSA and the states.



death data is “extremely valuable” for OIGs’ oversight.<sup>146</sup> This same letter also argued that requiring an OIG to pay for access to SSA’s data would be duplicative if a component of the agency is already paying for the data, and, moreover, the cost of access to the data might be prohibitive for some smaller OIGs.<sup>147</sup>

Over the years, individual OIGs have also recognized the need to access state death data for audit and investigative purposes. During the period extending FY 2017 to FY 2022, three OIGs and CIGIE formally requested SSA to provide access. While the DHS OIG request is still pending, all prior requests to SSA were denied.<sup>148</sup>

To better understand how the OIG community might use state death data in performing its oversight role, the Study Team interviewed several OIGs, including the HHS OIG, which receives access to state death data by statute. Interviews with other OIGs confirmed the utility of receiving the state death data to assist with identifying improper payments, investigating fraud, enhancing program efficiency, and evaluating agency compliance with the Improper Payments Elimination and Recovery Act of 2010 (IPERA).<sup>149</sup> OIG interviewees further confirmed that the data elements shared in SSA’s death file were sufficient to perform their oversight, provided they had direct access to the file rather than on a query basis.

## 4.5 Federalism

*The federal government has limited power to impose mandates on states but can encourage states to cooperate in carrying out national policies by providing federal grants or information such as tax return information.*

Federalism represents an institutional relationship and a distribution of political powers/responsibilities between the federal government and the states.<sup>150</sup> Generally, the authority of the national government is mostly limited to areas such as national defense, foreign policy, and economic policy, while most other powers are reserved for the states. Broad federalism principles are deeply embedded in the U.S. Constitution and codified in Supreme Court decisions. Article 1, Section 8 of the Constitution specifies a set of enumerated powers of the federal

---

<sup>146</sup> Kathy A. Buller, Chair, Legislation Committee Council of the Inspectors General on Integrity and Efficiency to the Chairman and Ranking Member of the Senate Homeland Security and Governmental Affairs Committee, July 27, 2015, <https://www.ignet.gov/sites/default/files/files/CIGIE%20views%20S%201073%20July%2027.pdf>.

<sup>147</sup> It bears mention that the additional use by the OIGs might prompt the states to request additional compensation for their data and potentially the renegotiation of SSA’s data sharing agreements with the states.

<sup>148</sup> SSA provided the Study Team with a list of federal agencies that requested access to state death data between FYs 2012 and 2022 on December 14, 2021.

<sup>149</sup> OMB Circular A-123 specifies that each agency’s inspector general annually review improper payment reporting in the agency’s Performance and Accountability Report or the Agency Financial Report (AFR) and issue a report on the agency’s compliance with IPERA.

<sup>150</sup> U.S. Library of Congress, Congressional Research Service, *Federalism-Based Limitations on Congressional Power: An Overview*, by Andrew Nolan, Kevin M. Lewis, Jay B. Sykes, and Kevin J. Hickey, CRS Report R45323 (27 September, 2018).

government/Congress.<sup>151</sup> The Supreme Court has also imposed explicit limitations on the authority of the federal government (federalism doctrines). For example, Congress does not have the authority to mandate that a state/local government implement federal policies or administer a federal law on its behalf (i.e., the anti-commandeering doctrine).

Cooperative federalism has become the dominant view of federalism in the U.S. since the mid-20th century and represents a more dynamic, “cooperative” intergovernmental relationship through the expansion of federal aid to states. While Congress has the authority to require states to carry out federal policies to receive federal grants, the states’ participation must be voluntary.<sup>152</sup> Federal grant conditions have come under increased scrutiny, and the Court has specified requirements on federal grant conditions to ensure that states’ choice to participate is voluntary.<sup>153</sup>

As previously discussed, in the United States, death data collection and dissemination are based on a federated system, where the primary authority over public health and vital records rests with the states. Federal agencies use the states’ death data to administer federal benefits programs and reduce improper payments. The states have established data-sharing agreements with SSA to support federal data needs pursuant to federal law.<sup>154</sup>

Some VROs expressed concern with the loss of potential revenue from the expanded sharing of death data among federal agencies and, as a result, may be less willing to share those data without compensation that reflects the use and value of their data. States, the stewards of vital records, are not required to share their data with the federal government. The federal government has the authority to require states to follow certain mandates as a condition of receiving federal funding or data or other federal services/assistance, but the states have the authority to choose not to participate.<sup>155</sup> There are tools that the federal government can leverage to encourage states to cooperate in carrying out national policies. For example, Section 6103(d)(4) of the Internal Revenue Code of 1986 forbids disclosure of federal tax return information to a state unless the state has entered into a satisfactory contract with SSA to furnish state death data to SSA. SSA has not had occasion to exercise the legal authority under Section 6103(d)(4) to prevent a state from

---

<sup>151</sup> U.S. CONST. art. I, § 8, cl. 3. Congress’ enumerated powers include: the Spending Clause, the Commerce Clause (the authority to “regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes), the Treaty Power (the authority to implement a treaty ratified pursuant to Article II of the Constitution), the power to enforce Civil War Amendments (to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion), Necessary and Proper Clause (“make all Laws which shall be necessary and proper for carrying into Execution the powers enumerated in Article I of the Constitution), as well as all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

<sup>152</sup> *Massachusetts v. Mellon*, 262 U.S. 447 (1923); *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012)

<sup>153</sup> CRS, *Federalism-Based Limitations on Congressional Power: An Overview*. See also *South Dakota v. Dole*, 483 U.S. 203, 207 (1987): (1) Congress’ spending power must be exercised in pursuit of the general welfare (2) Congress must clearly state grant conditions (i.e., Clear Notice), (3) grant conditions must be related to a federal interest, (4) Independent Constitutional Bar—Congress does not have the authority to “induce states to engage in activities that would themselves be unconstitutional”, and (5) the “anti-coercion” doctrine—federal grants conditions “cannot be so coercive as to pass the point at which pressure turns into compulsion.”

<sup>154</sup> As discussed in Chapter 4 Section 2, some federal agencies access death data through the DNP portal.

<sup>155</sup> See, for example, *Massachusetts v. Mellon*, *NFIB v. Sebelius*



receiving federal income tax data because all states have maintained satisfactory contracts to provide death data, and this provision has important implications for the federal government's ability to access state data.<sup>156</sup>

## 4.6 Utilizing a Non-Governmental Death Data Clearinghouse

*Engaging third-party, non-governmental entities in performing government functions entails both advantages and disadvantages.*

The federal government is increasingly interested in forming partnerships with non-governmental entities to implement public policies and deliver public services. Many scholars have highlighted the collaborative nature of this new form of governance and the interdependence between the government and its non-governmental partners in the public administration literature.<sup>157</sup> The modern government is described as “a web of multi-organizational, multi-governmental, and multi-sectoral relationships.”<sup>158</sup>

Some issues the government needs to address are complex and transcend sectoral boundaries. Collaborating with non-governmental organizations allows the government to leverage external resources and expertise to carry out its responsibilities. This is particularly important in a resource-constrained environment.<sup>159</sup>

Accountability is one of the challenges associated with relying on non-governmental entities to deliver public services. The government does not have direct “command and control” authority,<sup>160</sup> and its relationship with external partners is developed through extensive negotiations.<sup>161</sup> Non-governmental entities have their own organizational interests and priorities, and there is no guarantee that they always act in the best interests of the government.<sup>162</sup> A growing concern emphasized in the literature is the ability of the government to monitor external service providers and hold them accountable.<sup>163</sup>

As discussed in earlier chapters, state death data collection and dissemination rely on a highly decentralized system. Death data are collected and owned by state vital records offices, which vary

---

<sup>156</sup> Congress could legislatively alter the circumstances under which state death data is exempt from FOIA.

<sup>157</sup> B. Guy Peters and John Pierre, “Governance Without Government? Rethinking Public Administration,” *Journal of Public Administration Research and Theory: J-PART*, 8, no. 2 (April 1998): 223–243,

<https://doi.org/10.1093/oxfordjournals.jpart.a024379>; Lester M. Salamon, “The New Governance and the Tools of Public Action: An Introduction,” *Fordham Urban Law Journal*, 28, no. 5 (2001): 1611,

<https://ir.lawnet.fordham.edu/ulj/vol28/iss5/4>; Carolyn J. Heinrich, Laurence E. Lynn, and H. Brinton Milward, “A state of agents? sharpening the debate and evidence over the extent and impact of the transformation of governance,” *Journal of Public Administration Research and Theory*, 20, no. suppl\_1, (January 2010): i3–i19,

<https://doi.org/10.1093/jopart/mup032>.

<sup>158</sup> Stephen Goldsmith and William D. Eggers, *Governing by Network: The New Shape of the Public Sector* (Brookings Institution Press, 2004), 8.

<sup>159</sup> Ibid

<sup>160</sup> Salamon, “New governance and the tools of public action: An introduction.”

<sup>161</sup> Christopher J. Koliba et al., *Governance Networks in Public Administration and Public Policy* (New York, NY: Routledge, 2019).

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

significantly in their processes, resources, staff expertise, and system capabilities. As described in Chapter 2, NAPHSIS was created to represent the interests of state vital records offices and has established electronic systems (for example, EVVE FOD and STEVE) to facilitate access to state death data.

While certain stakeholders identified a non-governmental death data clearinghouse, such as NAPHSIS, as a potential platform for providing state death data, many federal agency interviewees expressed a preference for federally controlled data access due to the potential risks of relying on a non-governmental platform (for example, data security, service reliability and stability, system capacity, etc.) and preferred to receive state death data through a federal agency. As the Congressional Research Service (CRS) points out in its report, the federal government relies on state death data to perform a critical federal function (i.e., reducing improper payments), and serving as the central death data source for federal agencies represents a significant amount of responsibility.<sup>164</sup> Some interviewees caution that it is unclear whether a non-government organization has the capability and resources to ensure reliable and secure data access to the entire federal government. One potential challenge is whether and how the federal government develops an effective mechanism to hold the non-governmental entity accountable if it fails to meet agreed-upon performance standards.

---

<sup>164</sup> CRS, *SSA Death Data: In Brief*.

## Chapter 5: Findings, Analysis, and Options for Consideration

In developing and analyzing potential options, the Panel examined the history and current state of the collection and dissemination of state death data, reviewed relevant laws and legislations, public administration literature, and past studies, combined with extensive discussions with states, NAPSHIS, SSA, Treasury/DNP, other federal agencies, and a variety of stakeholders and experts. This Chapter highlights the study's key research findings, describes a range of potential options for providing federal agencies the access to state death data, develops an analytical framework that guides the Panel's assessment of potential options, and presents the Panel's analysis of the strengths and limitations of each option.

### 5.1 Summary of Major Findings

*Finding One: The inherent complexity of collecting and disseminating state death data for federal use results in economic, governance, and practical conflicts.*

Issues related to state death data collection and dissemination have been around for over a decade. The sharing of state death data with the federal government is inherently intergovernmental, and the diverse interests of different stakeholders, including the states and federal agencies, have made it difficult to resolve this issue.

Death data is initially documented locally by funeral directors and medical certifiers in hospitals and in the offices of coroners and medical examiners. That data is then collected by states (and sometimes counties or regional offices as intermediaries) and processed, reviewed, and only when registered by the state does it become an official government record.

Death data is shared by states with SSA through NAPHSIS. Based on interviews with VROs and with SSA, the lack of trust among the parties is a significant challenge. This is exacerbated by a lack of transparency on both sides about how the other is using, storing, and sharing the data. The Study Team finds that VROs do not collect cost data at each step of data collection, management, protection, and transmission process for death data (activity-based costing is not a common practice in government). The reimbursement rate that SSA pays to the states for each death record shared is based on an amount negotiated between the parties and does not involve any standard costing formula or methodology. There is a single rate paid to all 54 vital records offices that contract with SSA, regardless of their underlying costs to produce and manage the data. Due to the lack of costing formulas, it leaves both parties with an ability to impute unfairness into the resulting rate of reimbursement.

The lack of visibility into how states' data is used and shared among federal agencies has been repeatedly identified as an issue by the states. The current death data-sharing arrangement (i.e., SSA acquires states' death data and shares data with benefits-paying agencies) does not provide visibility into data usage and dissemination among federal agencies. SSA stresses that it shares state death data and receives reimbursement in accordance with relevant laws (for example,

Social Security Act Section 205(r)). On the other hand, states express a lack of knowledge about how federal agencies use their data and for what purposes. They are also unaware of the reimbursement rates SSA receives for access to state data. There has been a long-standing debate between the federal government and states over how to account for multiple uses/re-disclosure of states' death data (i.e., data sharing by SSA with other agencies). Stakeholders noted that the contract negotiations between SSA and NAPHSIS have been contentious. According to SSA, the states have raised their prices each time they renew the contracts, partly due to SSA's subsequent sharing of death data with other federal agencies.<sup>165</sup>

From the federal perspective, the cost of accessing state death data also represents a key factor for consideration. There is broad agreement that the states are the custodians of death records and should receive fair compensation. However, it is important to recognize that the federal government's ability to reduce improper payments largely depends on the availability and affordability of critical data, including state death data. To ensure proper stewardship of federal funds and protect public interests, the federal government must have reliable and secure access to timely, accurate, and complete state death data.

SSA is in the process of negotiating new contracts with the states through NAPHSIS to implement the new CAA provisions. Under the CAA, SSA is temporarily allowed to share state death data with DNP, which, as detailed in the report, provides data access to other federal agencies to reduce improper payments. Among the major concerns of the states is the loss of potential revenue from DNP's expanded sharing of death data among federal agencies. As discussed in Chapter Two, the sale of paper certificates of vital records to the public represents the main funding source for many VROs. The states are concerned that as the need for physical certificates declines and as digital transactions increase along with increased sharing among federal agencies, they will be unable to financially support their operations unless the digital exchange of their data (for example, sharing death data with SSA under Section 205(r)) comes with reimbursement similar to amounts received from the public for paper certificates. Some states believe that they should be paid for all usage of their data<sup>166</sup> and are concerned that they are not properly compensated for the expansion of data sharing among federal agencies.

Sharing state death data with other federal agencies is outside SSA's core mission, and SSA stresses that the Trust Funds should not be used to pay for the costs associated with increased death data sharing. As discussed in Chapter 4, the reimbursement SSA received from recipient agencies has been a fraction of what SSA has paid the state for the data.<sup>167</sup> The CAA authorized SSA to share the costs of obtaining state data with recipient agencies, and as a result, these agencies' reimbursement costs have increased significantly, and the burden on the Trust Funds has decreased commensurately. This new reimbursement requirement generated serious concerns among agencies receiving state death data from SSA.

---

<sup>165</sup> SSA response to OMB PIIA.

<sup>166</sup> According to congressional stakeholders, the purpose of the fee structure changes in the CAA is to ensure that states are appropriately compensated.

<sup>167</sup> As discussed in Chapter 4, according to SSA, in FY 2020, agencies reimbursed SSA \$99,000 for the cost of transmitting states' death data, while SSA paid the states \$9 million for the data.

*Finding Two: Despite their extensive variation in state legal requirements, conditions, and preferences, all VRO jurisdictions furnish death data directly or through regions to SSA. VROs in all the states have contracts that allow their death data to be redisclosed and used in a range of ways by federal agencies and others.*

VROs in different states are subject to the extensive variation of state legal requirements, conditions, and preferences that affect the collection, management, and disclosure of death data. Notwithstanding this variation, all 57 VRO jurisdictions furnish death data to SSA, and 54 maintain contracts with SSA, allowing their state death data to be redisclosed and used in a range of ways by federal agencies and others. Section 6103(d)(4) of the Internal Revenue Code seems to be a significant incentive for states to agree to this standardized approach to making death data available, as non-participating states would lose access to FTI.

*Finding Three: Some VRO officials expressed substantial concerns arising from state legal provisions and have indicated that their VROs might therefore decide not to continue providing death data to SSA under certain circumstances. However, if the States were to discontinue sharing death data with SSA, under Federal law, SSA could refuse to share FTI with those states.*

Although VROs now provide death data for use and distribution under SSA's current Section 205(r), some VRO officials have expressed substantial concerns arising from state legal provisions and have said their VROs might decide not to participate under certain circumstances. These concerns are exacerbated by uncertainty and distrust surrounding the anticipated redisclosure of state death data to DNP and, through it, to other agencies beginning on December 27, 2023, under amendments to Section 205(r) in the CAA.

VROs' state-law-related concerns under Section 205(r) – particularly regarding receiving adequate payment, maintaining confidentiality and security of the data, and entering data-sharing agreements to establish the commitments of data recipients – may be affected under alternative options. For example:

- Under Section 205(r), if VROs seek greater transparency about which agencies and other entities are granted possession of, or access to, state death data, and for what purposes and extent the data is actually used, and if such transparency is provided, VROs may gain some greater assurance about the ways in which the data is safeguarded and about whether the amount of payment provided for it is fair.
- State death data, when it is redisclosed by SSA to DNP and accessed through DNP's portal, should be at least as secure as such data redisclosed and used through SSA's other data exchanges. DNP would also be capable of providing as much or more transparency about the usage of the data as could be provided under the current program.
- If state death data were made available for use by federal agencies through EVVE FOD or STEVE rather than through SSA, the effect on the level of protection of privacy and security of the data or on the amount of payment for the data is not certain. However, VROs could insist on transparency and on contractual arrangements tailored to their individual priorities.

*Finding Four: Certain federal agencies and their offices of inspector general were able to provide supporting rationale for the potential benefits of their gaining access to state death data.*

Among the various agencies interviewed, the Panel found that the following five federal agencies exhibited potential unmet needs for state death data that aligned most closely with maintaining payment integrity and purposes of program administration:

- Department of Labor, Division of Coal Mine Workers' Compensation Benefits<sup>168</sup>
- Department of Labor, Employee Benefits Security Administration<sup>169</sup>
- Department of Health and Human Services, Office of Child Support Enforcement
- Department of State, Bureau of Consular Affairs
- Department of Agriculture, Rural Development program

The intended uses offered by the full set of agencies included: terminating federally funded benefits payments to deceased individuals; federal oversight of private sector benefits payments; providing payments to multifamily units for federal housing programs; preventing fraudulent activity that could, in turn, improve payment integrity across the federal government and; performing quality control for jury pools. It should be noted that these agencies could request state death data from individual VROs, as discussed in Chapter 4 Section 4.

As noted in Chapter 4, Section 2, 46 federal agencies are currently enrolled with DNP to receive access to death data through databases and sources AIS obituary death data, death data from federal agencies (for example, DoD, DOS, GSA, VA), and the LADMF (through NTIS). While those agencies do not make benefits payments, they use DNP's aggregated death data for purposes of payment integrity. Examples of agency use cases related to preventing federally funded improper payments that do not relate to federally-funded benefits payments include federal agencies that provide loans and insurance subsidies.

*Finding Five: As a matter of good stewardship, federal agencies cross-check multiple sources of death data prior to terminating benefits for, or making decisions about, individual recipients.*

Some agencies collect state death data from other sources, such as death certificates provided by federal benefits program claimants or beneficiaries, obituaries, or family members. However, these agencies do not necessarily view these sources as substitutes for the state death data provided to SSA by VROs for inclusion in SSA's full file of death data. First, sources of state death

---

<sup>168</sup> The Federal Black Lung Program in the Department of Labor administers federally funded benefits, which may be a purpose for which SSA is authorized to share state death data under 205(r) of the Social Security Act and for the purposes detailed in Section 802 of the CAA setting out the requirements of this report. Though DOL requested state death data through SSA in 2011, SSA advised the Study Team that the two agencies did not complete the process to finalize a data exchange agreement for SSA to provide DOL that data. SSA observed that DOL would be eligible to receive state death data to administer this benefit program under current law.

<sup>169</sup> SSA determined it was not authorized to share state death data with EBSA under the purposes stipulated in Section 205(r) of the Social Security Act. SSA made this determination as EBSA requested the data for purposes of investigating civil and criminal matters under Title 18 of the United States Code.



data vary in their timeliness, completeness, accuracy, and format. Second, federal agencies that currently receive SSA's full file stated that they check multiple sources of death data prior to terminating benefits for an individual recipient. In fact, SSA's data exchange agreements with federal agencies stipulate that the agencies will independently verify the fact and date of death of any beneficiary for whom SSA supplies a date of death before they take action affecting payments on the record of such beneficiary.

*Finding Six: While a CAA amendment to Section 205(r) will expand state death data access to some agencies through DNP for purposes of preventing improper payments, other agencies that would use the data for other kinds of administrative purposes, such as oversight of non-federal payments and preventing the issuance of fraudulent passports, may still have an unmet need.*

Drawing from DNP's authorizing statute, the definition of the term "improper payments" refers to federally funded payments only. This definition excludes both privately funded benefits payments and other types of privately funded payments.<sup>170</sup> As such, agencies whose activities fall outside of "improper payments" will not be eligible to use DNP to access state death data. Though EBSA, OCSE, and other federal agencies use their own federal budgets and resources to support the public interest, they are not eligible to receive access to state death data from SSA under Section 205(r) of the Social Security Act or the provisions of CAA amending Section 205(r).

## **5.2 Options Development**

This Section presents a description of potential options for providing federal agencies with access to state death data. In formulating and assessing options, the Panel considered the varying needs and interests of the states, federal agencies, and other key stakeholders discussed in the preceding chapters, as well as the provisions of the CAA and other relevant legislation.

Based on this analysis, the Panel identified five options for consideration, including the status quo, designating another agency as the distributor of state death data, establishing a non-governmental data clearinghouse, designating an agency (not SSA) as the federal repository of death data, and allowing federal agencies to contract directly with individual states. In examining the strengths and limitations of each option, the Study Team concluded that the latter two options (Options 4 and 5 in Table 2 below) were not feasible and did not warrant further detailed analysis. The rationale for excluding these two options is provided in Chapter 5, Section 3.2.

---

<sup>170</sup> 31 U.S.C. § 3351(4).



### **5.2.1 Key Assumptions**

In developing and analyzing potential options, the Panel adopted three overarching assumptions:

1. SSA will continue to receive death information directly from the states, irrespective of which agency/organization is selected to provide state death data access to federal agencies.
2. The potential options presented in this document focus on providing federal agencies access to state-owned death data. SSA will continue to collect non-state data and provide the LADMF through NTIS, regardless of which agency/organization collects and disseminates states' death data.
3. Regardless of the option, the states receive a negotiated amount of compensation. The Panel has identified the following factors for consideration:
  - 1) the costs of collecting, maintaining, and transmitting death data
  - 2) the costs of ensuring the completeness, timeliness, and accuracy of death records; and
  - 3) the costs of using states' death data, including subsequent sharing of data

### **5.2.2 Potential Options**

Table 2 below describes the three components of each potential option considered by the Panel: the entity or entities responsible for collecting and disseminating state death data; the tools, mechanisms, or technology platforms by which those data are collected and distributed; and the corresponding cost and reimbursement structures.

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA’s data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
<b>Data Sources</b>	State vital statistics from all jurisdictions.	DNP receives state death data from SSA.	EVVE FOD	STEVE	State vital statistics from all jurisdictions.	State vital statistics from all jurisdictions.
			State vital statistics from 44/57 jurisdictions	State vital statistics from all jurisdictions (subject to state decision) <sup>173</sup>		

<sup>171</sup> DNP maintains its current authority to provide federal agencies the access death information to reduce improper payments.

<sup>172</sup> DNP currently accesses state death data through EVVE FOD. Under Option 2, DNP only receives state data from SSA, because: 1) not all states participate in EVVE FOD; and it is not clear when and if the remaining states will participate 2) under Option 2, federal benefits paying agencies have the option to receive data files if they prefer, but EVVE FOD only provides data matching services. DNP would not be able to share data files if it were to access data through EVVE FOD; 3) Option 2 represents a “federal” approach (for example, SSA collects data from states and DNP serves as the data distributor), which is the preference of many federal agency interviewees.

<sup>173</sup> STEVE was set up as an interstate data exchange platform to ensure that data can go across state lines. All states currently participate in STEVE. However, STEVE does not guarantee access to state death data, as it requires that federal agencies negotiate individual contracts with 57 jurisdictions, and states/jurisdictions have the authority to decide whether they share data with the federal government.

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA’s data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
<p><b>Data Elements</b></p>	<ul style="list-style-type: none"> <li>• Name</li> <li>• DOB</li> <li>• Date of Death</li> <li>• SSN</li> </ul>	<ul style="list-style-type: none"> <li>• Name</li> <li>• DOB</li> <li>• Date of Death</li> <li>• SSN</li> </ul>	<p>EVVE FOD</p>	<p>STEVE</p>	<ul style="list-style-type: none"> <li>• Name</li> <li>• DOB</li> <li>• Date of Death</li> <li>• SSN</li> </ul>	<ul style="list-style-type: none"> <li>• Name</li> <li>• DOB</li> <li>• Date of Death</li> <li>• SSN</li> </ul>
			<ul style="list-style-type: none"> <li>• Name</li> <li>• DOB</li> <li>• Date of Death</li> <li>• SSN</li> </ul> <p>Additional elements</p> <ul style="list-style-type: none"> <li>• State of Death</li> <li>• State of birth</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>• The data matching response from the state/jurisdiction always includes the date of death and state of death.</li> <li>• The jurisdictions have control over what</li> </ul>	<ul style="list-style-type: none"> <li>• Name</li> <li>• DOB</li> <li>• Date of Death</li> <li>• SSN</li> </ul> <p>Additional elements</p> <ul style="list-style-type: none"> <li>• Cause of Death</li> <li>• Other information provided on death certificates</li> </ul> <ul style="list-style-type: none"> <li>• STEVE is a highly configurable system that allows jurisdictions and users to determine which data elements are to be shared.</li> </ul>		

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>Under Option 1, DNP does not have access to SSA's data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>DNP provides data matching services to agencies to reduce improper payments.</li> <li>DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs.</li> <li>Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>	<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA's to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>	
			EVVE FOD	STEVE		
			additional data elements they provide.			
<b>Data Collection</b>	<p>EDR</p> <ol style="list-style-type: none"> <li>OVS-Numident verification</li> <li>the States submit death records to SSA</li> </ol> <p>Non-EDR</p> <ul style="list-style-type: none"> <li>states use DIPS online to submit death reports to SSA</li> </ul>	<ol style="list-style-type: none"> <li>SSA collects data directly from the states (as with option 1).</li> <li>DNP receives the full death data file from SSA (starting from 2023).</li> <li>DNP maintains access to EVVE FOD until 2023</li> </ol>	EVVE FOD distributes queries to each participating jurisdiction's electronic vital records registration systems to search for matching death records.	Participating jurisdictions upload their data to STEVE, which distributes data to authorized users.	DNP establishes a data infrastructure that is similar to SSA's to collect data from states.	Federal agencies negotiate with the states directly to establish individual data-sharing agreements.

**Table 2: Potential Options**

	<b>Option 1</b> <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b> <ul style="list-style-type: none"> <li>Under Option 1, DNP does not have access to SSA's data.</li> </ul>	<b>Option 2</b> <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b> <sup>171</sup> <ul style="list-style-type: none"> <li>DNP provides data matching services to agencies to reduce improper payments.</li> <li>DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<b>Option 3</b> <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs.</li> <li>Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<b>Option 4</b> <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA's to receive and disseminate state death data)</b> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>	<b>Option 5</b> <b>Federal agencies contract directly with individual states for data access</b> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>
			EVVE FOD	STEVE		
<b>Data Verification</b>	EDR 1) OVS verification 2) DIPS verification checks (Duplicate record check, death reports, and OVS verification data mismatches, data edits, and identity verification check)  Non-EDR <ul style="list-style-type: none"> <li>DIPS verification checks</li> </ul>	SSA conducts data verification (OVS & DIPS)	OVS verification	OVS verification	OVS verification	OVS verification
<b>Erroneous Death Records Identification and Correction</b>	<ul style="list-style-type: none"> <li>SSA corrects erroneous death records.</li> <li>States have their own processes to correct</li> </ul>	<ul style="list-style-type: none"> <li>SSA corrects erroneous death records.</li> <li>States have their own processes to correct erroneous death records.</li> </ul>	<ul style="list-style-type: none"> <li>SSA corrects erroneous death records.</li> <li>Requires that SSA share corrected</li> </ul>	<ul style="list-style-type: none"> <li>SSA corrects erroneous death records.</li> <li>Requires that SSA share corrected</li> </ul>	<ul style="list-style-type: none"> <li>SSA corrects erroneous death records.</li> <li>Requires that SSA share corrected erroneous death</li> </ul>	<ul style="list-style-type: none"> <li>SSA corrects erroneous death records.</li> <li>Requires that SSA share corrected</li> </ul>

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA’s data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
	erroneous death records.		erroneous death records with states. <ul style="list-style-type: none"> <li>• States have their own processes to correct erroneous death records.</li> </ul>	erroneous death records with states. <ul style="list-style-type: none"> <li>• States have their own processes to correct erroneous death records.</li> </ul>	records with states. States have their own processes to correct erroneous death records.	erroneous death records with states <sup>174</sup> States have their own processes to correct erroneous death records.
<b>Data Dissemination</b>	<p><b>Mode of Access</b></p> <ul style="list-style-type: none"> <li>• Sharing death data files</li> </ul> <p><b>Frequency</b></p> <ul style="list-style-type: none"> <li>• SSA shares weekly/monthly data</li> </ul>	<p><b>Mode of Access</b></p> <ul style="list-style-type: none"> <li>• DNP provides data query services.</li> <li>• DNP shares death data files with federal benefits paying agencies (Benefits paying agencies can choose to receive data files or use data query services)</li> </ul> <p><b>Frequency</b></p>	<p><b>Mode of Access</b></p> <ul style="list-style-type: none"> <li>• NAPHSIS operates a data query system (EVVE FOD)</li> </ul> <p><b>Frequency</b></p>	<p><b>Mode of Access</b></p> <ul style="list-style-type: none"> <li>• Authorized users receive data files from the states through STEVE.</li> </ul> <p><b>Frequency</b></p>	<p><b>Mode of Access</b></p> <ul style="list-style-type: none"> <li>• DNP provides data query services.</li> </ul> <p><b>Frequency</b></p> <ul style="list-style-type: none"> <li>• Different data matching speeds</li> </ul>	<p><b>Mode of Access</b></p> <ul style="list-style-type: none"> <li>• States share their data directly with federal agencies based on their data sharing agreements</li> </ul>

<sup>174</sup> Under Options 3a, 3b, 4 and 5, a core assumption is that SSA shares corrected erroneous death records with states. This assumption does not represent SSA’s current practices (SSA currently does not share erroneous death reports with states). Under these options, SSA does not disseminate state data, and its death record corrections are not sent to other agencies automatically. The Panel believes that, under these options, it is important for SSA to share corrected records with the states to ensure that the federal government has access to accurate death data. The CAA allows SSA to notify a state about an erroneous state death record when an individual provides a SSA with the necessary documentation to correct it. SSA is in the process of determining the feasibility of implementing this provision.

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA’s data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
	<p>file updates with authorized agencies.</p> <p><b>Who has the authority to access state data?</b></p> <ul style="list-style-type: none"> <li>• Federally funded benefits paying agencies (Social Security Act § 205(r))</li> </ul>	<ul style="list-style-type: none"> <li>• DNP provides different data matching speeds varying from daily to real-time responses.</li> <li>• DNP shares weekly/monthly data file updates with authorized agencies.</li> </ul> <p><b>Who has the authority to use access data?</b></p> <ul style="list-style-type: none"> <li>• DNP provides data query services <b>for the purpose of reducing improper payments.</b></li> <li>• DNP shares death data files with federal benefits-paying agencies (agencies currently receiving state death data from SSA).</li> <li>• Agencies that need death data for purposes other than improper payments do not have the authority to access data through DNP.</li> </ul>	<p>EVVE FOD</p> <ul style="list-style-type: none"> <li>• users receive real-time responses</li> </ul> <p><b>Who has the authority to use EVVE FOD?</b></p> <ul style="list-style-type: none"> <li>• Federal agencies that need access to state data to perform their official duties</li> </ul>	<p>STEVE</p> <p>Authorized users receive push notifications as the states upload their records to STEVE.</p> <p><b>Who has the authority to use STEVE?</b></p> <ul style="list-style-type: none"> <li>• Each jurisdiction determines what data are to be shared and with whom.</li> </ul>	<p>varying from daily to real-time responses.</p> <p><b>Who has the authority to access data?</b></p> <ul style="list-style-type: none"> <li>• DNP provides data query services to agencies <b>for the purpose of reducing improper payments.</b></li> <li>• Agencies that need death data for purposes other than improper payments do not have the authority</li> </ul>	<p><b>Frequency</b></p> <ul style="list-style-type: none"> <li>• Subject to the data-sharing agreements between the states and federal agencies.</li> </ul> <p><b>Who has the authority to access data?</b></p> <ul style="list-style-type: none"> <li>• Each jurisdiction determines what data are to be shared and with whom</li> </ul>



**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>Under Option 1, DNP does not have access to SSA's data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.<sup>171</sup></b></p> <ul style="list-style-type: none"> <li>DNP provides data matching services to agencies to reduce improper payments.</li> <li>DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs.</li> <li>Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA's to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>
			EVVE FOD	STEVE	to access data through DNP.	
<b>Data Pricing/ States' Compensation</b>	<ul style="list-style-type: none"> <li>Data price is set by SSA and the states (through NAPHSIS) by negotiation and agreement.</li> </ul>	<ul style="list-style-type: none"> <li>Data price is set by SSA and the states (through NAPHSIS) by negotiation and agreement.</li> </ul>	<ul style="list-style-type: none"> <li>A usage-based pricing strategy</li> <li>Data price was set by NAPHSIS based on its market analysis.</li> </ul>	<ul style="list-style-type: none"> <li>Users pay for the full price of death certificates</li> <li>Data price is set by the states.</li> </ul>	<ul style="list-style-type: none"> <li>DNP negotiates contracts with the states through NAPHSIS</li> </ul>	<ul style="list-style-type: none"> <li>Data price is determined through negotiation between states and federal agencies.</li> </ul>

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA’s data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
<p><b>Costs to the agency/org that provides data access</b></p>	<ul style="list-style-type: none"> <li>• Costs of maintaining SSA’s infrastructure to collect, maintain, and disseminate data</li> <li>• SSA’s costs of renegotiating data sharing agreements with the states.</li> </ul>	<ul style="list-style-type: none"> <li>• SSA’s costs to maintain its infrastructure to collect, maintain, and share state death data<sup>175</sup></li> <li>• DNP’s costs of modifying its process and systems to share data files with benefits-paying agencies</li> <li>• DNP’s costs of upgrading and maintaining its infrastructure to provide data query services</li> <li>• DNP’s costs of establishing service agreements with federal agencies to provide data access</li> </ul>	<p>EVVE FOD</p> <ul style="list-style-type: none"> <li>• Costs of upgrading EVVE FOD and maintaining ongoing operation.</li> <li>• Costs of negotiating and implementing new data exchange agreements between NAPHSIS and federal agencies</li> </ul>	<p>STEVE</p> <ul style="list-style-type: none"> <li>• Costs of upgrading STEVE and maintaining the ongoing operation</li> <li>• Costs of facilitating the negotiation between federal agencies and jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>• DNP’s cost to establish a data infrastructure similar to SSA’s to collect state death data.</li> <li>• DNP’s cost to negotiate new data exchange agreements with states</li> <li>• DNP’s costs of upgrading and maintaining its system to provide data matching</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies’ cost to establish their own systems to receive and maintain state data</li> <li>• Agencies’ cost to negotiate individual agreements with the states.</li> </ul>

<sup>175</sup> SSA currently is in the process of negotiating contracts with states to implement CAA requirements, so Option 2 does not require additional costs to negotiate new contracts with states.

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA's data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.<sup>171</sup></b></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA's to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
			<p>EVVE FOD</p>	<p>STEVE</p>	<p>services to federal agencies</p> <ul style="list-style-type: none"> <li>• DNP's cost of establishing service agreements with federal agencies</li> </ul>	
<p><b>Implementation costs to Recipient Agencies</b></p>	<ul style="list-style-type: none"> <li>• No additional implementation cost</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits-paying agencies' cost of establishing new policies, processes, and systems to access data through DNP</li> <li>• Federal agency users' cost to establish data-sharing agreements with DNP.</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits-paying agencies' cost of switching to an inquiry-based system</li> <li>• Benefits-paying agencies' cost of establishing new processes, policies, and systems to access data through NAPHSIS</li> <li>• Federal agency users' cost to negotiate</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits-paying agencies' cost of establishing new policies, processes, and systems to access data through NAPHSIS (STEVE)</li> <li>• Federal agency users' cost to negotiate individual data-sharing agreements with 57 jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits-paying agencies' cost of switching to an inquiry-based system</li> <li>• Benefits-paying agencies' cost of establishing new policies, processes, and systems to access data through DNP</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies' cost to establish their own systems to receive and maintain state data</li> <li>• Agencies' cost to negotiate individual agreements with the states.</li> </ul>

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>Under Option 1, DNP does not have access to SSA's data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>DNP provides data matching services to agencies to reduce improper payments.</li> <li>DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs.</li> <li>Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA's to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>
			<p>EVVE FOD</p>	<p>STEVE</p>		
<p><b>Reimbursement from recipient agencies (any secondary users)</b></p>	<p>SSA is reimbursed by benefit-paying agencies for:</p> <ul style="list-style-type: none"> <li>Their proportional share of the cost of obtaining death information from the states</li> <li>the costs of data dissemination (cost for developing cooperative arrangements and transmitting death information to federal agencies)</li> </ul>	<p>SSA is reimbursed by DNP for the costs of:</p> <ul style="list-style-type: none"> <li>DNP's proportional share of the cost of obtaining death information from the states.</li> <li>the costs of data dissemination (cost for developing cooperative arrangements and transmitting death information to DNP)</li> </ul> <p>SSA still pays for its own use of state death data.</p> <p>DNP does <b>not</b> receive reimbursement from other agencies.</p> <p>This option shifts costs from recipient agencies to Treasury/DNP.</p>	<p>individual data-sharing agreements with NAPHSIS</p>	<p>N/A</p>	<p>DNP does <b>not</b> receive reimbursement from other agencies.</p> <p>This option shifts costs from recipient agencies to Treasury/DNP.</p>	<p>N/A</p>

**Table 2: Potential Options**

	<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>Under Option 1, DNP does not have access to SSA's data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>DNP provides data matching services to agencies to reduce improper payments.</li> <li>DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs.</li> <li>Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA's to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>SSA collects data from states to administer its programs</li> </ul>
			EVVE FOD	STEVE		
<b>Funding Source</b>	Social Security Trust Fund  Agencies' appropriations	Treasury's appropriation Social Security Trust Fund	Agencies' appropriations	Agencies' appropriations	Treasury's appropriation	Agencies' appropriations
<b>Legislative Changes</b>	<ul style="list-style-type: none"> <li>Repeals DNP's authority to access state death data through SSA</li> </ul>	<ul style="list-style-type: none"> <li>Provides DNP permanent authority to access state death data through SSA (i.e., repeals the sunset provision in CAA)</li> <li>Repeals SSA's authority to share state death data with federal benefit paying agencies to use for administrative purposes<sup>176</sup></li> </ul>	<ul style="list-style-type: none"> <li>Repeals SSA's authority to share state death data with benefit-paying federal agencies to use for administrative purposes</li> <li>Repeals DNP's authority to access</li> </ul>	<ul style="list-style-type: none"> <li>Repeals SSA's authority to share state death data with benefit-paying federal agencies to use for administrative purposes</li> <li>Repeals DNP's authority to access</li> </ul>	<ul style="list-style-type: none"> <li>Repeals SSA's authority to share state death data with benefit-paying federal agencies to use for administrative purposes</li> <li>Repeals DNP's authority to</li> </ul>	<ul style="list-style-type: none"> <li>Repeals SSA's authority to share state death data with benefit-paying federal agencies to use for administrative purposes</li> <li>Repeals DNP's authority to access</li> </ul>

<sup>176</sup> This report does not express any opinion about SSA's authority to share death data with state agencies administering federally funded benefits, state agencies administering programs wholly funded by the State, and federal or state agencies to carry out statistical and research activities, or SSA's authority to makes state death data available to HHS and its OIG under Section 205 (r) the Social Security Act. As discussed in previous chapters, SSA uses state death data in providing death indicators. The potential options in this report does not consider transferring SSA's SSN Verification systems away from SSA.

**Table 2: Potential Options**

<p><b>Option 1</b>  <b>SSA is responsible for collecting data from states to administer its programs and disseminating state death data among federal benefits paying agencies</b></p> <ul style="list-style-type: none"> <li>• Under Option 1, DNP does not have access to SSA’s data.</li> </ul>	<p><b>Option 2</b>  <b>Another Agency (for example, DNP) is responsible for distributing state death data among federal agencies to reduce improper payments.</b><sup>171</sup></p> <ul style="list-style-type: none"> <li>• DNP provides data matching services to agencies to reduce improper payments.</li> <li>• DNP shares death data files with federal benefits paying agencies (when the agency prefers to receive the file rather than just using the data matching services).</li> <li>• SSA collects data from states to administer its programs and shares the data with DNP.<sup>172</sup></li> <li>• SSA does NOT share death data files with other federal benefit-paying agencies.</li> <li>• This option represents the full implementation and continuation of the provisions of the CAA and transfers the data dissemination responsibility to DNP</li> </ul>	<p><b>Option 3</b>  <b>A third-party, non-governmental organization (NAPHSIS) serves as the death data clearinghouse.</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs.</li> <li>• Under this option, NAPHSIS serves as the sole source for federal agencies to access state death data. SSA or DNP does NOT serve as an optional/supplemental source.</li> </ul>		<p>EVVE FOD</p>	<p>STEVE</p>	<p><b>Option 4</b>  <b>Another agency (for example, DNP) serves as the federal repository of data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>	<p><b>Option 5</b>  <b>Federal agencies contract directly with individual states for data access</b></p> <ul style="list-style-type: none"> <li>• SSA collects data from states to administer its programs</li> </ul>
			<p>state death data through SSA<sup>177</sup></p>	<p>state death data through SSA</p>	<p>access state death data through SSA</p>	<p>state death data through SSA</p>	

*Table 2: Potential Options. Table created by the National Academy of Public Administration.*

<sup>177</sup> The CAA grants DNP the authority to access state death data through SSA for a period of three years.

## **5.3 Options Analysis**

The Panel's analysis of the strengths and limitations of potential options focuses on the first three options (Options 1, 2, 3a, and 3b in Table 5-1). As discussed later in Chapter 5, Section 3.2, below, Options 4 and 5 would require substantial implementation and maintenance costs and create unnecessary duplication of efforts, and therefore do not appear to be feasible options. These two options are excluded from further detailed analysis.

### ***5.3.1 Analytical Framework***

The Panel's review of potential options relies on a balanced approach that addresses the needs of both state and federal entities as equal partners; while acknowledging federalism and the appropriate roles of the relevant State and Federal entities, including States' role in recording vital records and the core mission and responsibility of any Federal agency involved.

Based on its interviews with stakeholders and documentary review, the Panel developed an analytical framework and evaluative criteria to guide the review of potential options. The Panel uses this analytical framework to analyze the strengths and limitations of potential options.

The Panel's Analytical Framework is provided in Appendix I.

### ***5.3.2 Options Analysis***

The options analysis utilizes a three-level rating scale (better, neutral, and worse) to convey the relative strengths and limitations of each potential option from the perspectives of various stakeholders. The ratings reflect the Panel and Study Team's best assessment based on the information collected from interviews and discussions with stakeholders and subject matter experts, as well as an extensive review of relevant documents. In some areas, such as data accuracy, timeliness, and completeness (the second category in Table 3 below), the states and the federal government share similar views; while in other areas (for example, data price, reimbursement costs, authorities of states vs. federal government, and roles/responsibilities), their views diverge, and the ratings indicate the specific interests and needs of the VROs and the federal government. Table 3 below provides an overview of the Panel's analysis. A detailed discussion of each category and factor rating follows the table.



**Table 3: Options Analysis-Overview**

Category		Factor		Options			
● Better   ● Neutral   ○ Worse				Option 1 (SSA)	Option 2 (DNP)	Option 3a (EVVE FOD)	Option 3b (STEVE)
Cost and Reimbursement	Data Price/State Compensation	States		○	○	●	●
		Federal Agencies		●	●	○	○
	Implementation costs to the agency that provides data access			●	●	○	●
	Implementation costs to recipient agencies			●	●	○	○
	Reimbursement from recipient agencies			●	●	N/A	N/A
Data	Accuracy			●	●	●	●
	Timeliness	Timeliness of data submission to SSA or NAPHSIS		●	●	●	●
		Timeliness of data sharing		○	○	●	●
	Completeness			●	●	○	●
	Security			●	●	●	●
	Data Usage/Transparency			○	●	●	●
	Flexibility	Data Elements		○	○	●	●
		Data Access Authority		○	●	●	●
Mode of Access			○	●	○	○	
Federalism, Roles and Responsibilities of Relevant Entities	Authorities of the states and the federal government	State Perspective		○	●	●	●
		Federal Perspective		●	●	○	○
	Roles and Responsibilities	State Perspective		●	●	●	●
		Federal Perspective		●	●	○	○

*Table 3: Options Analysis-Overview. Table created by the National Academy of Public Administration.*

**1. COST AND REIMBURSEMENT**

**1) Data pricing/state compensation**

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3a</b>	<b>Option 3b</b>
<b>State Perspective</b>	○	○	●	●
<b>Federal Perspective</b>	●	●	○	○

- **Under Options 1 and 2, the federal government has more price negotiation power, which may lead to a lower price for data. Options 3a and 3b would likely result in an increase in data price.**
  - The federal government has more negotiation power under Options 1 and 2, as there is a single negotiator (SSA) for the federal government.
  - Options 3a and 3b rely on individual agencies to negotiate with the states/NAPHSIS. Data price is established by the states. As the sole provider of death data to the federal government, the states/NAPHSIS have a greater incentive to demand higher prices.
- **Options that involve sharing data files (Options 1, 2, and 3b) face additional complexity in determining fair revenues and allocation of costs for potential expansion of data sharing within the federal government.**
  - The states demand higher prices for their data due to the concerns that they would lose potential revenue from other federal agencies.
  - In contrast, the pricing strategy of Option 3a (EVVE FOD) is usage-based. As EVVE FOD utilizes a data query system, it does not involve data sharing with secondary users and therefore helps address the states’ concern over potential expended sharing of data.
- **Under Options 1 and 2, data price is negotiated between SSA and NAPHSIS on behalf of the states, based on states’ costs of collecting, maintaining, and transmitting death data. The lack of standardized costing formula/ methodology and accurate cost data presents a challenge to the cost-based pricing strategy.**
  - VROs do not collect cost data at each step of the data collection, management, protection, and transmission process. Activity-based costing is not used in government.
  - Death data-specific costs are not recorded separately from the overall costs of VROs.
  - There isn’t a standardized template for states to report expenses.
  - SSA does not appear to have a formal method for establishing data price.
  - SSA cannot provide specific data on the workload and costs of death data sharing activities.
  - Without accurate data and standard costing methodology, the data price negotiated between SSA and states may not accurately reflect the cost of VROs.

## 2) Implementation Costs to the agency/entity that provides data access

	Option 1 (SSA)	Option 2 (DNP)	Option 3a (NAPHSIS)	Option 3b (NAPHSIS)
<b>Costs to the agency/entity that provides data access</b>	●	◐	○	◐

- **With the exception of Option 2, options largely rely on existing processes and systems to collect and disseminate data.** DNP will need to establish new policies and processes to share data files with federal benefits paying agencies.
- **The costs of negotiating and establishing new data-sharing agreements are higher under Option 3a.**
  - Option 1—SSA may need to renegotiate its new data-sharing agreements with the states.<sup>178</sup>
  - Option 2—DNP needs to establish new data-sharing agreements with federal benefits paying agency users (i.e., agencies that currently receive data from SSA).
  - Option 3a—NAPHSIS needs to negotiate and establish individual data-sharing agreements with federal agencies.
  - Option 3b—NAPHSIS facilitates the negotiation between federal agencies and individual states.

## 3) Costs to Recipient Agencies

	Option 1	Option 2	Option 3a	Option 3b
<b>Implementation Costs</b>	●	◐	○	○
<b>Reimbursement</b>	◐	●	N/A	N/A

- **Options 3a and 3b require higher implementation costs to recipient agencies.**
  - Under Option 2, 3a, and 3b, benefits paying agencies receiving state death data from SSA will need to establish new policies, processes, and systems to access data through DNP or NAPHSIS.
  - The implementation cost is higher under Option 3a because switching to an inquiry-based system requires significant changes to an agency's business process and systems to process queries.

---

<sup>178</sup> SSA is negotiating new data sharing agreements with the states to implement CAA provisions. If the Congress decides that SSA continues sharing data with other federal agencies and DNP does not have access to state death data through SSA, SSA will need to renegotiate its data sharing agreements with the states.

- Under Option 3a, federal agencies need to negotiate individual data-sharing agreements with NAPHSIS. The lack of working relationships between federal agencies and NAPHSIS/states may cause implementation delays.
- Option 3b entails high implementation costs, as it requires that federal agencies negotiate individual contracts with 57 jurisdictions. There isn't a single federal representative, and the lack of working relationships between federal agencies and NAPHSIS/states may cause implementation delays.<sup>179</sup>
- **Under Option 1, SSA receives reimbursement from recipient agencies for obtaining and sharing data.<sup>180</sup> Option 2 provides “free” data query services to recipient agencies. This option shifts costs from recipient agencies to Treasury/DNP.**

## 2. DATA

### 1) Accuracy

	Option 1	Option 2	Option 3a	Option 3b
Data Accuracy	●	●	◐	◐

- **SSA’s data verification process (Options 1 and 2) helps improve data accuracy.**
  - Options 1 and 2 have a two-step verification process (OVS verification and DIPS Batch Verification checks), while Options 3a and 3b only rely on the OVS verification.
  - DNP<sup>181</sup> and NAPHSIS do not conduct their own data verification.
- **Under all options, SSA corrects erroneous death reports and shares corrections with the states.**
  - SSA currently does not share corrected records with the states. CAA allows SSA to “notify the State of the error in the records so furnished,”<sup>182</sup> and SSA told the Study Team that they are in the process of determining the feasibility of implementing this statutory authority.

---

<sup>179</sup> Similarly, the negotiation of new contracts for each new federal agency would place a substantial burden on the smaller VROs.

<sup>180</sup> Reimbursement requirements under CAA.

<sup>181</sup> Under Option 2, SSA conducts data verification as a part of the EDR process.

<sup>182</sup> Social Security Act 205(r)(7).

## 2) Timeliness

	Option 1	Option 2	Option 3a	Option 3b
<b>Timeliness of data submission to SSA or NAPHSIS</b>	●	●	●	◐
<b>Timeliness of data sharing with authorized users</b>	○	○	●	●

- **Option 3a (EVVE FOD) offers the most current data relative to other options.**
  - **Timeliness of data submission to SSA or NAPHSIS** (after death registration)—generally speaking, the data in the SSA database (Options 1 and 2), EVVE FOD (Option 3a), and individual state databases are (approximately) equally current. This may not be the case with STEVE (Option 3b), as the timing of state updates depends on states’ policies (how quickly states upload their data to STEVE).
  - **Timeliness of data sharing** – Data provided under Options 1 and 2 are updated weekly or monthly; Option 3a (EVVE FOD) offers real-time responses; Option 3b provides real-time push notifications as states upload their data to STEVE.

## 3) Completeness

	Option 1	Option 2	Option 3a	Option 3b
<b>Completeness</b>	◐	◐	○	◐

- **Options 1 and 2 provide death data from all jurisdictions, while Option 3a currently provides access to the data of 44 out of 57 jurisdictions. Option 3b currently cover all jurisdictions. However, a potential risk is that STEVE does not guarantee access to state death data, as it requires that federal agencies negotiate individual contracts with 57 jurisdictions, and states have the authority to decide whether they share data with the federal government.<sup>183</sup>**
- **SSA’s current data collection and maintenance practices (Options 1 and 2) pose a risk to its data completeness.**

---

<sup>183</sup> As discussed in Chapter 4, it is unclear whether and when the remaining states will join EVVE FOD. It depends on a number of factors, such as data price/compensation, states’ control over their data, states’ statutory restrictions, etc.

- Several SSA OIG studies identify discrepancies between SSA and states' death records. For example, SSA OIG recommends that SSA enhance its EDR process to reduce the risk of rejecting EDR reports that have correct death information.<sup>184</sup>
- Death data for non-SSA beneficiaries are not in SSA's records. While such individuals do not receive benefits through SSA, some of them could potentially be beneficiaries of other federal government programs.

#### 4) Data security

	Option 1	Option 2	Option 3a	Option 3b
Data Security	●	●	●	●

- **Some states expressed concerns related to SSA's and other federal agencies' ability (due to antiquated systems) to maintain data confidentiality and integrity (Options 1, 2, and 3b).**<sup>185</sup>
  - During interviews, VRO officials emphasized their responsibility to protect deceased individuals' personal data privacy.
  - A number of states have statutory requirements to protect the confidentiality of death records. Some VRO officials raised concerns that they might be held accountable if federal agencies fail to follow states' confidentiality requirements when they use states' death data.
  - A data query system (Option 3a) provides the states more control over their data and therefore helps ensure data confidentiality and integrity.
  - On the other hand, SSA has described statutory and contractual mechanisms for maintaining data confidentiality and integrity and has stated that they do not know of any data breach involving state data provided under Section 205(r).
- **Federal agency users raised concerns about using data query services (Options 2 and 3a).**
  - Some agencies raised concerns about the potential data security risks associated with the use of data query services (for example, whether DNP or NAPHSIS can keep agency users' data queries secure).
  - NAPHSIS noted users' queries are not saved on its server.
- **FOIA related concerns**
  - The FOIA exemption that applies to state death data that has been submitted to SSA under Section 205(r) does not apply under Options 3a and 3b.
    - It is not clear whether this is a substantial concern under Option 3a, considering that EVVE-FOD administers a query system in which queries are not stored on a NAPHSIS server. However, the data that recipient agencies store on their servers would be subject to FOIA.

<sup>184</sup> SSA, Office of the Inspector General, *The Social Security Administration's Rejection of State Electronic Death Registration Reports*, A-08-18-50499 (September 2020), <https://oig-files.ssa.gov/audits/full/A-08-18-50499.pdf>.

<sup>185</sup> States also acknowledged data security issues and concerns within their own systems.

- Under Options 3a and 3b, state death data may arguably be exempt under other exemptions to FOIA.
- Congress could legislatively expand the circumstances under which state death data is exempt from FOIA.

## 5) Data Usage/Transparency

	Option 1	Option 2	Option 3a	Option 3b
<b>Transparency (state perspective)</b>	○	◐	●	◐

- **All options that involve sharing data files (Options 1, 2, and 3b) face similar challenges of the lack of visibility into data usage and dissemination among federal agencies.**
  - Compared to Option 1, Option 2 and 3b provide more transparency
    - Option 2—DNP’s data query service option allows DNP to track user activity. According to DNP officials, DNP is capable of compiling and providing data to show the number of times each state’s death data is accessed by which agencies.
    - Option 3—STEVE allows the states to determine which federal agencies receive their data and maintain contracts directly with recipient agencies.
- **A data query system (Option 3a) provides the states with more control over how their data is used/accessed by federal agencies.**

## 6) Flexibility

	Option 1	Option 2	Option 3a	Option 3b
<b>Data Elements</b>	○	○	◐	●
<b>Data Access authority</b>	○	◐	●	◐
<b>Mode of Access</b>	○	●	○	○

- **Option 3b provides customized data access** (more data elements are available)
  - Options 1 and 2 provide four basic data elements
  - Six data elements are available under Option 3a
  - More data elements are available under Option 3b (customized access).
- **Options 3a and 3b allow more agencies to access death data.**
  - Option 1: a limited set of agencies—federal benefits-paying agencies—are allowed to access state death data through SSA.
  - Option 2 allows a broader set of agencies have access to state death data (not limited to benefits-paying agencies).
  - Option 3a: all federal agencies are eligible to access state death data to perform their official duties.
  - Option 3b: all federal agencies are eligible to use STEVE; however, an agency’s eligibility to access data is subject to state decision.



- **Option 2 allows federal benefits paying agencies to choose whether they receive data files or use data matching services. Other options only offer one way to access data.**

### 3. FEDERALISM, ROLES, AND RESPONSIBILITIES

#### 1) Authorities of the states vs. the federal government

	Option 1	Option 2	Option 3a	Option 3b
State Perspective	○	◐	●	◐
Federal Perspective	●	●	○	○

- **States are the stewards of death data and are not required to share their data with the federal government. Option 3a provides the states with a higher incentive to share their data with the federal government.**
  - Options 1, 2, and 3b (i.e., the options that involve sharing death data files) face similar challenges. Some VROs may be less willing to share data with the federal government due to concerns about the loss of potential revenue that could result from additional benefits-paying agencies requesting access. It is difficult to monitor user activity under these options.
    - Compared to Option 1, Options 2 and 3b provide states with more control over their data (more details are discussed in Data Usage/Transparency).
  - By contrast, Option 3a (i.e., EVVE FOD), a data query system, provides the states more control over their data and helps address the concern with the expanded sharing of death data. Therefore, states may be more willing to share the data with the federal government.
- **The federal government has the authority to require states to follow certain mandates as a condition of receiving federal funding or data or other federal services/assistance. Options 1 and 2 provide the federal government leverage to encourage states to share their data.**
  - Under Options 1 and 2, Section 6103 (d) (4) of the Internal Revenue Code of 1986 provides IRS the authority to withhold federal tax return information unless the state has established “a satisfactory contract with SSA to furnish death data to SSA.”<sup>186</sup>
  - Under Options 3a and 3b, federal agencies (other than SSA) lose the leverage that SSA has to encourage states to share their death data (Section 6103(d)(4) of the Internal Revenue Code of 1986) for use by federal agencies to prevent improper payments. (Congress could legislatively modify the circumstances under which a state may receive federal income tax information under Section 6103(d)(4).)

---

<sup>186</sup> 26 U.S. Code § 6103.

## 2) Roles and responsibilities

	Option 1	Option 2	Option 3a	Option 3b
<b>State Perspective</b>	◐	◐	◐	◐
<b>Federal Perspective</b> <sup>187</sup>	◐	●	○	○

- **Options 2, 3a, and 3b remove a non-core mission workload (i.e., data sharing) from SSA.**
  - SSA has repeatedly expressed the concern that state death data sharing competes for agency resources and affects SSA’s ability to focus on its primary mission.
- **Providing access to death data is aligned with DNP’s mission.**
  - Agencies are required to review relevant databases as appropriate (including “the death records maintained by the Commissioner of Social Security”<sup>188</sup>) to verify the eligibility of the payment and award. DNP was established to ensure the accuracy of all federal payments by making existing databases available to federal agencies.
- **Options 3a and 3b rely on a non-governmental entity to provide death data access.**
  - Options 1 and 2 rely on federal agencies to provide access to state death data. Most federal agency interviewees prefer a federal approach to collecting and disseminating state death data due to concerns over service reliability and data security (in other words, many federal agency interviewees prefer to access state death data through a federal agency).
  - Options 3a and 3b rely on a non-governmental entity to provide state death data access to enable important federal functions. There isn’t a federal source for state death data. Potential risks arising from the third-party option include service stability and reliability.
- **Under Options 2, 3a, and 3b, federal benefits paying agencies need to switch to DNP, EVVE FOD, or STEVE to access state death data, which can result in disruptions to agencies’ data access and other unintended consequences (including impacts on those agencies’ ability to manage their benefit programs).**
  - Option 1 offers the advantage of risk avoidance. There is no disruption of federal benefits paying agencies’ access to state death data, provided that federal benefits agencies continue to enter into agreements with SSA and reimburse SSA as required by law.

<sup>187</sup> SSA, DNP, benefits paying agencies, and other federal agency users.

<sup>188</sup> Payment Integrity Information Act of 2019, Public Law No. 116-117, 134 STAT. 113 (2020).

- **The roles and responsibilities of the states do not change across the options.**

**Option 4. Another agency serves (for example, DNP) as the federal repository of death data (establishing a data infrastructure that is similar to SSA’s to receive and disseminate state death data)**

After the Panel’s initial assessment, this option does not appear to warrant further analysis. This approach establishes a single death data source for federal agencies and removes a non-core mission-related workload from SSA; however, as discussed in Chapter 4, irrespective of which agency/organization takes over the responsibility of disseminating death data within the federal government, SSA will maintain the EDR process to continue receiving death data directly from states. Replicating SSA’s current data infrastructure would lead to unnecessary duplication of effort. In addition, Option 4 would require excessive implementation costs. Due to the lack of cost information, this report does not provide a detailed estimate of the costs of establishing a data infrastructure that is similar to SSA’s. DNP provides centralized access to various data sources and currently does not have the systems and processes in place to collect or maintain any data. It would require substantial startup costs to have DNP build a new data infrastructure from scratch to serve as the federal repository of state-owned death data. DNP would need to negotiate and establish data-sharing agreements with the states. The lack of a working relationship between DNP and the states/NAPHSIS makes it more difficult and costly to implement this option.

Most of the stakeholders interviewed by the Study Team, including the states, SSA, and Treasury/Fiscal Service, highlighted the difficulty of implementing this approach and expressed strong opposition to replicating SSA’s data infrastructure at another agency. Treasury points out that DNP does not have the resources and expertise to take over the responsibility of collecting and disseminating state death data. SSA emphasizes that it would be impossible to replicate SSA’s infrastructure, as the new system would need to be connected with SSA’s systems/database for SSN Verification.

**Option 5. Federal agencies contract directly with individual states for data access**

This option is identified in the study mandate as a potential option for the Panel to consider.<sup>189</sup> However, Option 5 does not appear to be a feasible option. Under this option, each agency needs to independently negotiate its data-sharing agreements with 57 jurisdictions and establish similar policies, processes, and systems to receive and maintain state death data. This approach is costly and creates duplicative efforts, resulting in inefficiency and a fragmented approach to state death data collection and dissemination. None of the stakeholders interviewed by the Study Team supported this option.

## **5.4 Other Potential Options Not Considered**

While the options selected for examination in this report reflect the culmination of the research conducted throughout the study, they do not constitute an exhaustive list of every possible option

---

<sup>189</sup> Consolidated Appropriations Act, 2021, Public Law No. 116-260, 134 STAT. 3203 (2020).

that could be considered. Entities other than the three presented in this report (SSA, DNP, and NAPHSIS) could be considered for a role in the collection and dissemination of state death data to federal agencies. In selecting entities, the Study Team considered: the respective entity's role and mission, expertise with data and death data, technological and other forms of capacity, relationships with the states, as well as their general level of recognition and visibility among other entities involved in the current arrangement for the collection and dissemination of state death data.

Below is a list of entities that the Study Team reviewed but did not include as part of the selected options for consideration. Each entity is accompanied by a short explanation of the reasons for which they were not included. In general, the options below were deemed too limiting or involved too many complexities in implementation to be considered as primary options:

**Department of Commerce, National Technical Information Service**

NTIS makes the LADMF available to certified entities, federal agencies, and other organizations and individuals.<sup>190</sup> The LADMF only includes death data obtained from non-state sources. NTIS does not use the LADMF for any purposes outside of making it available to other entities as described in 15 CFR § 1110.2. If a subscriber reports data errors to NTIS, NTIS directs the subscriber to SSA for error correction. NTIS does not possess any expertise in managing state death data. Furthermore, according to NTIS, the process for the collection and broader dissemination of death data for purposes of program administration and payment integrity is outside the scope of NTIS' core competencies.

**Department of Health and Human Service, National Center for Health Statistics**

NCHS, the principal health statistics agency in the U.S., was established in 1960 to "provide statistical information that will guide actions and policies to improve the health of the American people."<sup>191</sup> NCHS has established standing contracts with all 57 jurisdictions to obtain their vital records, including death data (most states transmit data to NCHS through NAPHSIS's STEVE platform as part of the Vital Statistics Cooperative Program). NCHS compiles those data and produces national data files and other statistical products/reports to inform health programs and policies.<sup>192</sup>

NCHS is permitted to share health statistics data for some purposes by statute in the Health Services, Research, Health Statistics, and Medical Libraries Act of 1974.<sup>193</sup> NCHS officials state that NCHS, as a federal statistical agency, does not have the legal authority to share state death data with other agencies for administrative purposes. While NCHS could potentially play a role in

---

<sup>190</sup>15 CFR § 1110.2.

<sup>191</sup> "The NCHS Mission," Centers for Disease Control and Prevention, accessed 6 June 2022, <https://www.cdc.gov/nchs/about/mission.htm>.

<sup>192</sup> National Center for Health Statistics, "Strategic Plan: Fiscal Years 2022-2025," accessed 6 June 2022, <https://www.cdc.gov/nchs/about/NCHS-Strategic-Plan-FY22%E2%80%9325.pdf>.

<sup>193</sup> Health Services Research, Health Statistics, and Medical Libraries Act of 1974, Public Law No. 93-353, 88 STAT. 366 (1974).

disseminating the death data with legislative changes to its authority, it would require significant changes to NCHS' mission, funding, and data-sharing agreements with the states/jurisdictions.

## 5.5 Conclusion

This report examined the federal access to state-owned death data and discussed findings and observations on the practices, roles and responsibilities of relevant federal entities, including SSA, DNP, and federal benefits paying agencies. The Panel affirmed the need for SSA to continue receiving death data directly from the states, irrespective of which entity provides death data access to other federal agencies. State death data is critical to enhancing the federal government's ability to reduce improper payments and improve program administration. Under the authority granted by the Social Security Act Section 205 (r), SSA shares state death data with federal benefits paying agencies. Prior to the enactment of the CAA, the reimbursement SSA received from these agencies only accounted for a fraction of SSA's total costs of purchasing, maintaining, and transmitting states' death data. As the CAA expands SSA's authority to receive reimbursement from recipient agencies, a number of agencies expressed concerns about the increased costs and are reconsidering their data sharing arrangements with SSA. In addition, the Panel provided an analysis of VROs and identified key challenges they face. VROs are seldom prioritized in state budget processes, and state EDR systems are expensive to implement, require costly system maintenance, and pose cybersecurity risks. Moreover, this report also assessed unmet needs for state death data within the federal government, the mission and appropriate roles of Congress/the federal government and the states, and the benefits and limitations of utilizing a non-governmental data clearinghouse.

Building on the above analysis, the Panel assessed a set of potential options for providing federal agencies with access to state death data. In formulating those options, the Panel considered the varying needs of the states, federal agencies, and other key stakeholders, as well as the provisions of the CAA and other relevant legislation. There is no perfect solution when it comes to collecting and disseminating state death data. The Panel's analysis shows the advantages and disadvantages of each potential option, reflecting the diverse interests of different stakeholders.

As the CAA expands access to state death data by SSA next year, the options for consideration presented above offer opportunities for the federal government and the states to improve the process for collecting and disseminating state death data. With this expanded access, all stakeholders face the inherent complexities of collecting and disseminating state death data given that the data originates and is under the purview of localities and states for federal use. As a result, economic, governance, and practical conflicts arise. To address these conflicts, it is essential that VROs and federal agencies accurately account for the cost of producing and transmitting state data as part of the development of successful data-sharing agreements. States and agencies must navigate challenges arising from variations in state legal provisions. Together, VROs and the federal government should develop a solution that promotes the improvement in production and availability of this valuable data while ensuring data security and appropriate compensation for all parties and supports the federal government's efforts to reduce improper payments and improve program integrity as allowable by law.

## Appendices

### Appendix A: Related Legislation

Bills introduced in the 116 <sup>th</sup> Congress (2019-2020) to improve the collection, distribution, and use of death data within the federal government, largely for the goal of preventing improper payments	
S.4104, S.1333, H.R. 2543 <sup>194</sup>	The “Stopping Improper Payments to Deceased People Act” included provisions that would require SSA to share its full death-data file, including state-furnished data, with DNP. Also would require SSA to share its full death data file with other federal agencies for the purpose of tax administration or debt collection, IG oversight, or criminal or civil enforcement. <sup>195</sup> Includes a five-year sunset, after which SSA would no longer have the expanded requirement to share the death data.
S.4330 <sup>196</sup>	Provisions would require the agency that operates DNP to establish a program to contract with states to furnish their death data to DNP, so that the data would be made accessible through DNP.
Legislation in the 116 <sup>th</sup> Congress (other than the CAA) requiring studies and plans regarding the collection and utilization of death data within the federal government	
31 U.S.C. § 3354(e), as added by § 2(a) of Public Law No. 116-117. <sup>197</sup>	This statutory provision has required OMB, in conjunction with SSA and in consultation with states and other stakeholders, to conduct a study and to update its improper payments elimination plan, “for improving the quality, accuracy, and timeliness” of the death data maintained by SSA, including data that states furnish to SSA under Section 205(r).
S.4104, S.1333, H.R. 2543	The “Stopping Improper Payments to Deceased People Act” included provisions that would require SSA, in consultation with Treasury, to review potential alternative sources of death data maintained by nonfederal sources, “including sources maintained by State agencies or associations of State agencies,” for the use of federal agencies.

<sup>194</sup> S.4104 passed the Senate. S.1333 was placed on the Senate calendar after having been reported favorably by committee. H.R. 2543 was introduced in the House of Representatives and referred to committee.

<sup>195</sup> A provision of S.4104 would also require SSA, within 30 days, to share death data with Treasury to facilitate recovery of certain stimulus payments made to individuals deceased before January 1, 2020. (Note that SSA already provided the full death data file under its current authority to the IRS, which administers the stimulus program.)

<sup>196</sup> S.4330 was introduced in the Senate and referred to committee.

<sup>197</sup> Public Law No. 116-117 was enacted on March 2, 2020.



	<p>To improve the use of death data by federal agencies, the bills would require OMB to develop guidance for federal agencies regarding the use of death data and would require HHS and Treasury to jointly develop a plan to assist states, local agencies, and tribal organizations in providing death data to the federal government electronically, including recommendations to Congress for financial assistance.</p> <p>Would also require SSA to prepare and submit to Congress a plan to improve the accuracy and completeness of the death data that SSA maintains and distributes.</p>
<p>House Appropriations Committee’s explanatory statement for the CAA<sup>198</sup></p> <p>Senate Appropriations Committee’s Explanatory Statement for its Financial Services and General Government Appropriations Bill, 2021<sup>199</sup></p>	<p>The statements included language directing Treasury’s Bureau of the Fiscal Service (Fiscal Service) to report to the Appropriations Committees “on the feasibility of shifting responsibility for the collecting and dissemination of death data from SSA to Treasury’s DNP portal.” That report must include projected costs, including which costs would need to be funded by direct appropriations.</p>
<p><b>The Consolidated Appropriations Act, 2021 (CAA)</b></p>	
<p>The CAA mandated this present study.</p>	<p>The CAA calls for “an independent study of the current and potential sources for, and provision of access to, State-owned death data for limited use by Federal agencies and programs for purposes of program administration and payment integrity.”</p> <p>The study must include analysis of sources, owners, and quality of death data, laws that may affect access to and protections for the state-owned death data, appropriate roles of relevant governmental entities (considering federalism and other factors), costs, unmet needs among federal agencies, and options for providing federal agencies with limited access to state-owned death data (including corresponding reimbursement structures) and assessment of the strengths and limitations of these options.</p>
<p>The CAA amended Section 205(r) of the Social Security Act to revise the requirements for fees and other cost-sharing arrangements.</p>	<p>Under the amendments, the SSA’s payment to the states is made mandatory, and the rules for determining the amount of required payments are specified in greater detail.</p> <p>The requirement that other federal and state agencies to which SSA transmits state-furnished death data must provide payment to SSA is clarified, and the rules for determining the amount of those payments are specified in greater detail. (Prior to the</p>

<sup>198</sup> The statement was printed in the Congressional Record on page H8436 (December 21, 2020).

<sup>199</sup> The committee released and published this statement on its website on Nov. 10, 2020. <https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-advance-process-produce-bipartisan-results> ; <https://www.appropriations.senate.gov/imo/media/doc/FSGGRept.pdf> (at page 15).



	CAA, SSA had legal authority to collect reimbursement for the cost of providing state-furnished death data to authorized agencies, but not for the cost of purchasing the data.)
The amendments made by the CAA to Section 205(r) also establish that SSA shall provide its full file of death information, including data provided by states, to the DNP working system.	Congress made this amendment subject to both a delayed effective date and a sunset, so that it will not go into effect until three years after the CAA’s effective date (i.e., until December 27, 2023) and then will remain in effect for three years after that date (i.e., until December 27, 2026). (Congress did not provide an explanatory statement for the limited effective period under the CAA, but Congress sometimes enacts limited effective periods together with requirements for studies in order to present an opportunity for Congress to reconsider the provision in light of the study’s results.)
An amendment to Section 205(r) should also facilitate the correction of certain errors.	If an individual is erroneously identified as deceased, SSA may provide information to the individual about the state that furnished the erroneous information, and SSA may inform the state that the information is erroneous.

## Appendix B: Section 205(r) Showing Amendments Made by the Consolidated Appropriations Act, 2021

Amendments to the language of Section 205(r) made by the CAA are shown here as follows:

- Deleted language is shown by ~~strike-through~~.
- Language inserted is shown by ***bold italics***.

Footnotes show –

- The specific provisions of the CAA making the amendments. All of these CAA provisions are subsections of Section 801 of division FF (CAA § 801).
- The language of CAA § 801 that establishes a delayed effective date of the requirement that SSA provide state death data to DNP.
- The full names of statutes that are referred to in Section 205(r).

At the end of this Appendix are the references on which this Appendix is based.

---

### SEC. 205. EVIDENCE, PROCEDURE, AND CERTIFICATION FOR PAYMENTS

\* \* \* \* \*

(r) USE OF DEATH CERTIFICATES TO CORRECT PROGRAM INFORMATION—

(1) The Commissioner of Social Security shall undertake to establish a program under which—

(A) States (or political subdivisions thereof) voluntarily contract with the Commissioner of Social Security to furnish the Commissioner of Social Security periodically with information (in a form established by the Commissioner of Social Security in consultation with the States) concerning individuals with respect to whom death certificates (or equivalent documents maintained by the States or subdivisions) have been officially filed with them; and

(B) there will be (i) a comparison of such information on such individuals with information on such individuals in the records being used in the administration of this Act,<sup>200</sup> (ii) validation of the results of such comparisons, and (iii) corrections in such records to accurately reflect the status of such individuals.

(2) ~~Each State~~ ***(A) Each State***<sup>201</sup> (or political subdivision thereof) which furnishes the Commissioner of Social Security with information on records of deaths in the State or subdivision under this subsection ~~may~~ ***shall***<sup>202</sup> be paid by the Commissioner of Social Security ~~from amounts available for administration of this Act~~ the reasonable costs (established by the Commissioner of

---

<sup>200</sup> “this Act” refers to the Social Security Act.

<sup>201</sup> Amended by subsection (a)(1)(A) of CAA § 801.

<sup>202</sup> Amended by subsection (a)(1)(B) of CAA § 801.

~~Social Security in consultations with the States) for transcribing and transmitting such information to the Commissioner of Social Security.~~ **for the following:**

**(i) A fee, to be established pursuant to subparagraph (B), for the use of such information by—**

**(I) the Commissioner; and**

**(II) any other agency that receives such information from the Commissioner and is subject to the requirements of subparagraph (3)(A).**

**(ii) The full documented cost to the State of transmitting such information to the Commissioner, including the costs of maintaining, enhancing, and operating any electronic system used solely for transmitting such information to the Commissioner.**

**(B) The fee for the use of such information shall be established by the Commissioner of Social Security in consultations with the States, and shall include—**

**(i) a share of the costs to the State associated with collecting and maintaining such information; ensuring the completeness, timeliness, and accuracy of such information; and maintaining, enhancing, and operating the electronic systems that allow for the transmission of such information; and**

**(ii) a fee for the right to use such information.**

**(C) The Commissioner of Social Security shall not use amounts provided for a fiscal year in an appropriation Act under the heading “Limitation on Administrative Expenses” for the Social Security Administration for the amounts under paragraph (3)(A), except as the Commissioner determines is necessary on a temporary basis and subject to reimbursement under such paragraph.** <sup>203</sup>

(3) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency other than under this Act, the Commissioner of Social Security shall to the extent feasible provide such information through a cooperative arrangement with such agency, for ensuring proper payment of those benefits with respect to such individuals if—

(A) under such arrangement the agency provides reimbursement to the Commissioner of Social Security ~~for the reasonable cost of carrying out such arrangement, and~~ **for—**

**(i) the agency's proportional share (as determined by the Commissioner in consultation with the head of the agency) of—**

---

<sup>203</sup> Amended by subsection (a)(1)(C) of CAA § 801.

**(I) the payments to States required under paragraph (2)(A);**

**(II) the costs to the Commissioner of developing the contracts described in paragraph (1); and**

**(III) the costs to the Commissioner of carrying out the study required under Section 802 of division FF of the Consolidated Appropriations Act, 2021;<sup>204</sup> and**

**(ii) the full documented cost to the Commissioner of developing such arrangement and transmitting such information to the agency; and<sup>205</sup>**

(B) such arrangement does not conflict with the duties of the Commissioner of Social Security under paragraph (1).

(4) The Commissioner of Social Security may enter into similar agreements with States to provide information for their use in programs wholly funded by the States if the requirements of subparagraphs (A) and (B) of paragraph (3) are met.

(5) The Commissioner of Social Security may use or provide for the use of ~~such records as may be corrected under this Section~~ **all information regarding deceased individuals furnished to or maintained by the Commissioner under this subsection<sup>206</sup>**, subject to such safeguards as the Commissioner of Social Security determines are necessary or appropriate to protect the information from unauthorized use or disclosure, for statistical and research activities conducted by Federal and State agencies **by a Federal or State agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met<sup>207</sup>.**

(6) Information furnished to the Commissioner of Social Security under this subsection may not be used for any purpose other than the purpose described in this subsection and is exempt from disclosure under Section 552 of title 5, United States Code,<sup>208</sup> and from the requirements of Section 552a of such title.<sup>209</sup>

**(7) In the event an individual is incorrectly identified as deceased in the records furnished by a State to the Commissioner of Social Security under this subsection and the individual provides the Commissioner with the necessary documentation to correct such identification, the Commissioner may—**

**(A) notify the State of the error in the records so furnished; and**

**(B) inform the individual of the source of the incorrect death data.<sup>210</sup>**

---

<sup>204</sup> Section 802 of division FF of the CAA requires that SSA carry out this study.

<sup>205</sup> Amended by subsection (a)(2) of CAA § 801.

<sup>206</sup> Amended by subsection (a)(3)(A) of CAA § 801.

<sup>207</sup> Amended by subsection (a)(3)(B) of CAA § 801.

<sup>208</sup> The term “Section 552 of title 5, United States Code” refers to the Freedom of Information Act.

<sup>209</sup> The term “Section 552a of such title” refers to the Privacy Act of 1974.

<sup>210</sup> Amended by subsection (a)(4) of CAA § 801.

~~(7)~~ **(8)** <sup>211</sup> The Commissioner of Social Security shall include information on the status of the program established under this Section and impediments to the effective implementation of the program in the 1984 report required under Section 704 of this Act.

~~(8)~~ **(9)** <sup>212</sup> (A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002—

(i) enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and

(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.

(B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

(C) The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.

(D) For purposes of this paragraph—

(i) the term “applicable information” means information regarding whether –

(I) the name (including the first name and any family forename or surname), the date of birth (including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

(II) such individual is shown on the records of the Commissioner as being deceased; and

(ii) the term “State driver's license agency” means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

(E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

(F) Applicable information provided by the ~~Commission~~ **Commissioner** <sup>213</sup> pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this

---

<sup>211</sup> Amended by subsection (a)(4) of CAA § 801.

<sup>212</sup> Amended by subsection (a)(4) of CAA § 801.

<sup>213</sup> Amended by subsection (a)(5) of CAA § 801.

paragraph. Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in Section 208 of this Act.

~~(9)~~ **(10)**<sup>214</sup> (A) The Commissioner of Social Security shall, upon the request of the Secretary or the Inspector General of the Department of Health and Human Services—

(i) enter into an agreement with the Secretary or such Inspector General for the purpose of matching data in the system of records of the Social Security Administration and the system of records of the Department of Health and Human Services, **provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to such agreement**<sup>215</sup>; and

(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any information disclosed.

(B) For purposes of this paragraph, the term “system of records” has the meaning given such term in Section 552a(a)(5) of title 5, United States Code.

**(11) During the 3-year period that begins on the effective date of this paragraph, the Commissioner of Social Security shall, to the extent feasible, provide information furnished to the Commissioner under paragraph (1) to the agency operating the Do Not Pay working system described in Section 3354(c) of title 31, United States Code, to prevent improper payments to deceased individuals through a cooperative arrangement with such agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to such arrangement with such agency.**<sup>216</sup>

---

#### References:

1. The full text of CAA § 801 is available here: <https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf#page=2022>
2. The text of Section 205(r), as amended, and historical references to all statutes that have amended it, are available in the preliminary version of the United States Code, title 42, Section 405, available here: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section405&num=0&edition=prelim>

---

<sup>214</sup> Amended by subsection (a)(4) of CAA § 801.

<sup>215</sup> Amended by subsection (a)(6)(B) of CAA § 801.

<sup>216</sup> This new paragraph (11) was added by section 802(a)(7) of the CAA. The effective date of that amendment was established by section 802(b)(2) of the CAA, 42 U.S.C. § 405 note, which is set forth here:

“(b) EFFECTIVE DATES.— (1) IN GENERAL.—Subject to paragraph (2), the amendments made by this Section shall take effect on the date of enactment of this Act.

“(2) DELAY.—The amendment made by paragraph (7) of subsection (a) shall take effect on the date that is 3 years after the date of enactment of this Act.”

The term “this Act” refers to the CAA, which was enacted on December 27, 2020.

## **Appendix C: Text of Section 6103(d)(4) of the Internal Revenue Code, and Section 7213(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004**

---

### **Section 6103(d)(4) of the Internal Revenue Code, 26 U.S.C. § 6103(d)(4)**

#### **§ 6103. Confidentiality and disclosure of returns and return information**

##### **(a) General rule**

Returns and return information shall be confidential, and except as authorized by this title –

\* \* \* \* \*

##### **(d) Disclosure to State tax officials and State and local law enforcement agencies**

###### **(1) In general**

Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in, the administration of such laws, including any procedures with respect to locating any person who may be entitled to a refund.

\* \* \*

\* \* \* \* \*

###### **(4) Availability and use of death information<sup>217</sup>**

###### **(A) In general**

No returns or return information may be disclosed under paragraph (1) to any agency, body, or commission of any State (or any legal representative thereof) during any period

---

<sup>217</sup> The effective date of Section 6103(d)(4), which was stated in the statute adding paragraph (4) to Section 6103(d), was as follows:

“(b) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) [i.e., the amendment that added paragraph (4) to Section 6103(d)] shall take effect on the date one year after the date of the enactment of this Act.

“(2) SPECIAL RULE.—The amendment made by subsection (a) shall take effect on the date 2 years after the date of the enactment of this Act in the case of any State if it is established to the satisfaction of the Secretary of the Treasury that—

“(A) under the law of such State as in effect on the date of the enactment of this Act, it is impossible for such State to enter into an agreement meeting the requirements of Section 6103(d)(4)(B) of the Internal Revenue Code of 1986 (as added by subsection (a)), and

“(B) it is likely that such State will enter into such an agreement during the extension period under this paragraph.”



during which a contract meeting the requirements of subparagraph (B) is not in effect between such State and the Secretary of Health and Human Services.<sup>218</sup>

**(B) Contractual requirements**

A contract meets the requirements of this subparagraph if-

(i) such contract requires the State to furnish the Secretary of Health and Human Services information concerning individuals with respect to whom death certificates (or equivalent documents maintained by the State or any subdivision thereof) have been officially filed with it, and

(ii) such contract does not include any restriction on the use of information obtained by such Secretary pursuant to such contract, except that such contract may provide that such information is only to be used by the Secretary (or any other Federal agency) for purposes of ensuring that Federal benefits or other payments are not erroneously paid to deceased individuals.

Any information obtained by the Secretary of Health and Human Services under such a contract shall be exempt from disclosure under Section 552 of title 5, United States Code, and from the requirements of Section 552a of such title 5.

**(C) Special exception**

The provisions of subparagraph (A) shall not apply to any State which on July 1, 1993, was not, pursuant to a contract, furnishing the Secretary of Health and Human Services information concerning individuals with respect to whom death certificates (or equivalent documents maintained by the State or any subdivision thereof) have been officially filed with it

\* \* \* \* \*

---

**Section 7213(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law No. 108-458 (2004), 42 U.S.C. § 405 note**

**SEC. 7213. SOCIAL SECURITY CARDS AND NUMBERS.**

(a) SECURITY ENHANCEMENTS. —The Commissioner of Social Security shall—

\* \* \* \* \*

(2) notwithstanding Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) and any agreement entered into thereunder, not later than 18 months after the date of enactment of this Act with respect to death indicators and not later than 36 months after the date of enactment of this Act with respect to fraud indicators, add death and fraud indicators to the social security number verification systems for employers, State agencies issuing driver's licenses and identity cards, and other verification routines that the Commissioner determines to be appropriate.

\* \* \* \* \*

---

<sup>218</sup> References in this statute to the Secretary of Health and Human Services are now deemed to refer to the Commissioner of Social Security. SSA was part of the Department of Health and Human Services when this statute was enacted.

## **Appendix D: Summary of Insights from Discussions with State Vital Records Offices**

***Theme 1: The 57 VROs are unique in how they are organized, the scope of their duties, their level of automation, and their processes for registering deaths.***

VROs, like the jurisdictions they serve, vary in size and funding. Some VROs are responsible for all vital events (birth, adoption, marriage, divorce, gender designation change, death), while in other jurisdictions, the courts handle marriage and divorce. Some VRO organizations register deaths and issue death certificates from both a central office and via either local state offices or municipal (city or county) registrars.

The process of collecting and managing vital records varies considerably and is inherently intergovernmental, driven by federal requirements, state laws, as well as local rules and culture. and each state has its own death certificate format. The number of users of an electronic death registration system is diverse. In one mid-sized state, an estimated 10,000 individuals have access to the death registration system, and while in this state, the login credentials are handled centrally, the VRO still needs three full-time staff to manage and maintain user accounts.

***Theme 2: VROs have been deeply negatively impacted by the pandemic, with increased workload, staff working in person while other jobs went remote, and increasingly facing impatient or impolite customers.***

VRO office staff were perhaps the government workers most directly connected to the pandemic, as most jurisdictions deemed them “essential workers” who had to come into the office when others were working remotely, creating additional stress at an already difficult time. The pandemic increased deaths which led to a larger volume of work, and at the same time, staff were dealing with new and evolving safety protocols such as sanitizing, distancing, wearing masks and so on, with the full range of customer responses to such restrictions.

Some VROs also face the same pandemic-era workforce challenges as other employers. With the general trend of consumer behavior during the pandemic of migrating from brick-and-mortar purchases to online ones, most VROs have seen an increase in their online orders for death records. VROs struggle to find and keep the right talent to make their organizations run smoothly. Others report losing staff to attrition or retirement and not being able to backfill their positions.

***Theme 3: VROs face many of the same challenges as other public sector leaders with technology implementation, and with the staffing to support it.***

In some cases, VRO technology purchases were fraught with delays or cost overruns, with one state abandoning a system implementation after more than a year with one vendor and having to start the process all over to seek a new vendor. Many current VRO systems are in need of modernization. VRO leaders expressed concerns about cybersecurity for their data systems as well as security concerns for the paper files they keep, and the microfiche storage they maintain. Many VROs report their systems are out of date and no VRO leader interviewed expressed confidence in their readiness to address a cyber-attack on their system or on statewide systems and infrastructure to which they connect or on which they rely.

Funding for technology purchases in VROs face considerable structural challenges as total system costs range from \$500K for in-house vital records system covering births and deaths to a \$20 million system for an integrated birth and death system. Typically, VROs must save multiple years of revenue in order to purchase a new system or a system upgrade. Staffing for technology needs in VRO offices is also a challenge. Some report that hiring staff with technical and data skills is difficult due to public sector salaries lagging private sector ones for data and technology skills, and the inflexibility of state salary ranges and raises.

***Theme 4: VRO officials are passionately committed to their mission and take personal responsibility for the integrity of the vital records data they maintain.***

VRO officials feel a proprietary sense of ownership and responsibility for the data in their record systems and they take seriously their role as stewards of the privacy of personal data about individuals whose families they feel protective of on behalf of the decedent. Many VROs mentioned the importance of carefully crafted data-sharing agreements that protect decedent data, and they also recognize the value of their data to others, “the list is endless of who wants it.” VRO leaders noted, “my role as registrar, I am legal custodian of the data under statute. Any data sharing agreement that I sign has explicit language that the data may not be reshared. The purpose and use of the data, my sharing of the data is something I take seriously.”

***Theme 5: VROs are primarily funded by members of the public who pay for death certificates for loved ones and their status as fee-funded entities poses unique challenges to VROs, including being reliant on the decisions of others for their financial survival.***

Being fee-funded struck one VRO official as unfair in where the burden of supporting their office falls, which is on the public, pointing out, “it’s unfair because the public is paying for the system when the agencies that are using the system (such as the cancer registry) are not kicking in their grant funds to support their use of the data. They expect us to raise costs for the public, but the federal government isn’t paying their fair proportion for what they’re using.”

With such a heavy reliance on certificate fees and fees from other government agencies, many VRO officials voiced concern about how the policy decisions of other government entities about what documentation they require impacts them. As one VRO noted, when their agency “gives data and certificates to other agencies, a lot goes into obtaining and preparing the data/certificates and we typically get no compensation from the requesting agencies.”

When asked to describe the ideal way for their offices to be funded, one of the key elements was to have stable funding year to year, and to have the flexibility to spend on self-defined priorities rather than federally mandated standards. Some noted that while costs are going up, reimbursements are flat, suggesting that a dynamic reimbursement based on inflation or the need to upgrade technology to keep pace with modernization would be helpful. Many VRO officials bemoaned the current rate of reimbursement from SSA as too low to cover costs, and as one pointed out, “it may pay for a full-time equivalent position, but it definitely doesn’t cover our system costs.” Being able to conduct long-term strategic planning would require stable future funding projections, but as one VRO official pointed out, “that’s not the reality.”

***Theme 6: VROs do not collect and were unable to share data at each step of the data collection, management, protection and transmission process for death data.***

When asked if they analyze the **costs incurred for each step of data collection, management, protection, and transmission process for death data, states uniformly said they do not collect data at this level of granularity.** One VRO official described the difficulty of breaking down cost for death certificate data staff roles - “They don’t do just death; they do all the vital records.”

***Theme 7: Accuracy, timeliness and completeness of death data are not entirely under control of VROs, but rather rely on other stakeholders such as medical certifiers and funeral homes. Accuracy of death data has been improved by the implementation of electronic reporting, yet timeliness and accuracy can lag when other stakeholders are not responsive to VRO requests.***

VRO officials universally bemoaned the challenges of sending their data to an SSA that is using “a mainframe and programs that were written in the 1980s.” VRO officials point out the accuracy issue of SSA not being able to support some hyphenated names, long names, or names with special characters from foreign languages, all causing workarounds for state data exchange and frequently causing errors.

Regarding timeliness, VRO officials frequently report that the most significant cause of death reporting delay is the medical certifier whose responsibility includes documenting the cause of death. VRO typically do not have authority over the medical certifier, and in most cases, there are no sanctions that can be applied even when there are statutory deadlines for the certification of death. Accuracy, completeness and timeliness of reporting can be a challenge in rural or low-income areas with limited broadband, making electronic reporting difficult or prohibitively expensive.

***Theme 8: VROs expressed concern with the idea of state death data being shared more widely via the DNP program: concerns relate both to the security of the data and to the ability of VROs to be adequately compensated for their labor in producing death data.***

States expressed concern with the future described in the CAA with SSA able to share state death data more widely via the DNP program. One VRO official noted, “A big concern is that SSA is going to become a de facto data broker, working outside of state statute. Releasing confidential data without following state rules is of concern, because we don’t know what security standards are in place, don’t know how they’re protecting identities. We are protective of that because it could be used for fraud. Policymakers may decide that it’s okay to give data to a federal agency that doesn’t really need it. An agency that doesn’t understand confidentiality and integrity and are not held to the same standards we are.” Many VROs are also concerned with a loss of revenue that could result from the distribution of their data via DNP, where their reimbursement may not reflect that they “do a lot of work to develop the data.”

# Appendix E: State Survey Questions

## Vital Records Office Annual Expense Survey

Name	JURISDICTION
<b>DIRECT</b>	
<b>Personnel</b>	
	<b>Salary</b>
	<b>Fringe</b>
	<i>Personnel Subtotal</i>
<b>Systems: In-House (If external add to Contractors Section)</b>	
	<b>Hosting</b>
	<b>Hosting/Maintenance/Support</b>
	<b>Upgrades/enhancements</b>
	<b>Equipment/Hardware</b>
	<i>Systems Subtotal</i>
<b>Other</b>	
	<b>Legal</b>
	<b>Staff Development/Training</b>
	<b>Phone Systems (if not included in Systems)</b>
	<b>Mail/Shipping</b>
<b>Other:</b>	
<b>Other:</b>	
<b>Other:</b>	
	<i>Other Subtotal</i>
<b>Contractors</b>	
	<b>Physical Document Storage</b>
	<b>Security/Certificate Paper</b>
	<b>Imaging/Digital Storage</b>
	<b>Fire suppression</b>
	<b>IT/Electronic Systems Vendors</b>
<b>Other:</b>	
<b>Other:</b>	
<b>Other:</b>	
	<i>Contractors Subtotal</i>
<b>INDIRECT</b>	
	<b>Admin Overhead/Shared Services</b>
	<b>Centralized IT</b>
	<b>Rent/Facilities</b>
	<b>Utilities/Internet/Wi-Fi</b>
<b>Other:</b>	<b>Agency Indirect</b>
<b>Other:</b>	<b>Division Indirect</b>
<b>Other:</b>	
	<i>Indirect Subtotal</i>

**Other  
"One  
Time"  
Costs  
Annualized**

	<b>Other Imminent/future costs physical space retrofit/security/renovation</b>	
<b>Other:</b>		
<b>Other:</b>		
	<i>Other "One Time" Costs Annualized Subtotal</i>	
	<b>GRAND TOTALS</b>	

	<b>YEAR IMPLEMENTED</b>	<b>COST</b>	<b># of years in Contract for hosting/support /maintenance</b>
EDRS			
EBRS			
OTHER			
	<b>COST Grand Total</b>		

SSA has drafted some additional elements to the SOW. They are:

1. The contractor shall fix and resubmit all death reports from the verified EDR category with the following error codes: 21, 22, 23, 24, and 29 listed on the Death Process Notices (DPNs).
2. The contractor shall fix and resubmit all death reports from the unverified EDR category with the following error codes: 13, 14, and 19 listed on the Death Process Notices (DPNs).
3. The contractor shall fix and resubmit all death reports from the non-EDR category with the following error codes: 02, 03, 04 and 09 listed on the Death Process Notices (DPNs).

Will your jurisdiction be able to meet the 3 new requirements above without additional financial resources? (Yes/No)

Please describe how fulfilling these new requirements may impact your expenses.

## Vital Records Office Annual Revenue Survey

<b>What is the approximate FY 2021 (or FY 2020 if that's easier) budget for your entire vital records agency? Please provide an approximate breakdown of revenue sources, including:</b>	<b>VRO Response</b>
Certificate revenue:	
Appropriations from state/local government:	
Grant or Contract Revenue from federal agencies (this would include SSA, NCHS, etc):	
EVVE/FOD Revenue:	
Revenue from other state agencies:	
Revenue from other sources not listed above (please list the source/s below to Grand total line)	
Grand Total:	

## Vital Records Office Legal Survey

This questionnaire asks about state legal provisions that may affect the provision of access to state-owned fact-of-death (FOD) data that may be used by federal agencies for purposes of program administration and payment integrity, and state legal provisions that may affect protections for that data. States' FOD data includes data indicating the date of death and the identity of the deceased, including date of birth and social security number. (The provision of data to federal agencies for statistical purposes, and the provision of data to state agencies, are outside the scope that Congress set for our study.)

### **Please enter the following information:**

Your name(s) and title(s) → [Click or tap here to enter text.](#)

Email address at which we can contact you if necessary: → [Click or tap here to enter text.](#)

Name and jurisdiction of the vital records office: → [Click or tap here to enter text.](#)

### **INSTRUCTIONS:**

- To identify a legal provision, please provide the complete citation and indicating where the provision may be found on the internet, or, if it is not on the internet, email a copy of the provision to the Study Team.

(NOTE: we are not asking for any confidential policies or strategies, such as those that might



guide the negotiation of data-sharing agreements.)

- Please also describe the effect or impact of each legal provision.
- If your state does not have a legal provision on a particular topic, please so indicate.

### **Topic 1. Provisions that authorize data access**

**Please identify and describe legal provisions that allow or deny access to state-owned death data for some or all federal agencies for purposes of program administration and payment integrity.** Program administration and payment integrity include prevention and recovery of improper payments and other official purposes other than statistical research. Some state legal provisions might authorize federal-agency access for certain of these purposes differently than for others.

1a. Please identify and describe any LEGISLATIVE PROVISIONS (for example, state, local, or tribal statutes and codes) that allow or deny such data access.

Please identify: → [Click or tap here to enter text.](#)

Please describe: → [Click or tap here to enter text.](#)

1b. Please identify and describe any REGULATORY PROVISIONS (for example, regulations, rules, orders, policies, or guidance) that allow or deny data access.

Please identify: → [Click or tap here to enter text.](#)

Please describe: → [Click or tap here to enter text.](#)

### **Topic 2. Provisions that require confidentiality and data security**

**Please identify and describe legal provisions that ensure – (a) that the death data not be intentionally shared as to compromise its confidentiality, or (b) that the data be kept secure against hacking and other data breach.** Some provisions might explicitly call for confidentiality or data security, and others may require the VRO to take particular steps to protect confidentiality or data security. Such provisions might, for example, require that particular terms be included in data-sharing agreements with federal agencies; or that a separate agreement be entered with each federal agency; or that federal agencies' access be limited to the ability to query a database, rather than their receiving a data file; or that different conditions apply for federal benefit-paying agencies than for other federal agencies.

2a. Please identify and describe any LEGISLATIVE PROVISIONS (for example, state, local, or tribal statutes and codes) to ensure confidentiality or data security.

Please identify: → [Click or tap here to enter text.](#)

Please describe: → [Click or tap here to enter text.](#)

2b. Please identify and describe any REGULATORY PROVISIONS (for example, regulations, rules, orders, policies, or guidance) to ensure confidentiality or data security.

→ Please identify: [Click or tap here to enter text.](#)

→ Please describe: [Click or tap here to enter text.](#)

2c. If any of these provisions are seen as necessary because of federal HIPAA<sup>219</sup> requirements, please describe.

→ Please describe: [Click or tap here to enter text.](#)

### **Topic 3. Provisions that require compensation**

**Please identify and describe any legal provisions that require that compensation be paid for the state-owned death data.** Some provisions may explicitly require payment of compensation, and others may require the VRO to take particular steps to ensure that compensation is paid. Some such provisions may be the same as or similar to those to protect confidentiality or data-security, such as those noted in the previous topic.

3a. Please identify and describe any LEGISLATIVE PROVISIONS (for example, state, local, or tribal statutes and codes) to ensure the payment of compensation.

→ Please identify: [Click or tap here to enter text.](#)

→ Please describe: [Click or tap here to enter text.](#)

3b. Please identify and describe any REGULATORY PROVISIONS (for example, regulations, rules, orders, policies, or guidance) to ensure the payment of compensation.

→ Please identify: [Click or tap here to enter text.](#)

→ Please describe: [Click or tap here to enter text.](#)

### **Topic 4. Provisions that require protection of data-ownership rights**

**Please identify and describe any legal provisions that require that state data-ownership rights to state-owned death data be protected.** Some provisions may explicitly require protection of data-ownership rights, and others may require the VRO to take particular steps to ensure data-ownership protection. Some such provisions may be the same as or similar to those to protect confidentiality, data-security, or compensation, such as those noted in the previous topics.

3a. Please identify and describe any LEGISLATIVE PROVISIONS (for example, state, local, or tribal statutes and codes) to ensure the protection of state data-ownership rights.

→ Please identify: [Click or tap here to enter text.](#)

→ Please describe: [Click or tap here to enter text.](#)

3b. Please identify and describe any REGULATORY PROVISIONS (for example, regulations, rules, orders, policies, or guidance) to ensure the protection of state data-ownership rights.

→ Please identify: [Click or tap here to enter text.](#)

→ Please describe: [Click or tap here to enter text.](#)

---

<sup>219</sup> “HIPAA” refers to the Health Insurance Portability and Accountability Act of 1996.

**Expense Survey**  
**Respondents**

Alaska  
California  
Florida  
Georgia  
Idaho  
Illinois  
Maryland  
Massachusetts  
Michigan  
Minnesota  
Mississippi  
Missouri  
Montana  
Nevada  
New Hampshire  
North Dakota  
Ohio  
Oregon  
Pennsylvania  
South Carolina  
Utah  
Vermont  
Virginia  
Washington

**Revenue Survey**  
**Respondents**

Alabama  
Alaska  
California  
Florida  
Georgia  
Idaho  
Iowa  
Kansas  
Kentucky  
Louisiana  
Massachusetts  
Michigan  
Minnesota  
Mississippi  
Missouri  
Nevada  
North Dakota  
Oklahoma  
Oregon  
Puerto Rico  
South Carolina  
South Dakota  
Utah  
Washington State

**Legal Survey**  
**Respondents**

Alaska  
Arizona  
Florida  
Georgia  
Iowa  
Idaho  
Kansas  
Massachusetts  
Minnesota  
Montana  
New Hampshire  
Oregon  
Virginia  
Washington

## Appendix F: Death Certificate Fees by Jurisdiction

<b>Jurisdiction</b>	<b>In-Person</b>	<b>Mail (Does not include shipping)</b>	<b>Online (Includes Processing Fees made publicly available)</b>	<b>Certificate Amendment</b>
Alabama	\$15.00	\$15.00	\$30.00	\$20.00
Alaska	N/A	\$30.00	\$30.00	\$30.00
American Samoa	N/A	\$5.00	N/A	\$7.00
Arizona	\$20.00	\$20.00	\$32.95	\$30.00
Arkansas	N/A	\$10.00	\$16.85	\$15.00
California	N/A	\$24.00	\$24.00	\$23.00
Colorado	N/A	\$20.00	\$20.00	N/A
Connecticut	N/A	\$20.00	N/A	\$0.00
Delaware	\$25.00	\$25.00	\$37.95 and \$32.00	\$0.00
District of Columbia	N/A	\$18.00	N/A	N/A
Florida	\$5.00	\$5.00	\$22.00	\$20.00
Georgia	\$25.00	\$25.00	\$33.00-\$37.95* depending on online vendor	\$10.00
Guam	N/A	\$5.00	N/A	N/A
Hawaii	N/A	\$10.00	N/A	\$3.00
Idaho	N/A	\$16.00	\$26.50	\$20.00
Illinois	\$19.00	\$19.00	\$34.50	\$15.00
Indiana	N/A	\$8.00	N/A	N/A
Iowa	\$15.00	\$15.00	\$28.00	\$15.00
Kansas	\$20.00	\$20.00	\$20.00	\$20.00
Kentucky	N/A	\$6.00	N/A	N/A
Louisiana	\$7.00	\$7.50	\$20.45	\$25.50
Maine	N/A	\$15.00	N/A	N/A
Maryland	N/A	\$10.00	\$11.75	\$10.00
Massachusetts	\$20.00	\$32.00	\$51.00	\$50.00
Michigan	N/A	\$34.00	\$46.50	\$50.00
Minnesota	N/A	\$13.00	N/A	\$40.00
Mississippi	\$17.00	\$17.00	\$17.00	\$28.00
Missouri	N/A	\$11-14 (First copy \$14, second copy for same decedent \$11)	\$23.50-26.50 (First copy \$26.50, second copy for same decedent \$23.50)	\$0.00
Montana	N/A	\$16.00	\$16.00	\$15.00

<b>Jurisdiction</b>	<b>In-Person</b>	<b>Mail (Does not include shipping)</b>	<b>Online (Includes Processing Fees made publicly available)</b>	<b>Certificate Amendment</b>
Nebraska	\$16.00	\$16.00	\$16.00	\$16.00
Nevada	\$25.00	\$25.00	N/A	\$45.00
New Hampshire	N/A	\$15.00	\$15.00	N/A
New Jersey	N/A	\$25.00	\$30.00	\$25.00
New Mexico	N/A	\$5.00	\$21.00	\$10.00
New York City	N/A	\$15.00	\$23.30	\$40.00
New York State	\$45.00	\$30.00	\$53.00	N/A
North Carolina	N/A	\$39.00	N/A	\$39.00
North Dakota	N/A	\$15.00	N/A	N/A
Northern Mariana Islands	N/A	\$20.00	N/A	\$15.00
Ohio	N/A	\$21.50	\$21.50	\$0.00
Oklahoma	N/A	\$20.00	N/A	\$20.00
Oregon	\$28.00	\$25.00	\$43.25	\$35.00
Pennsylvania	N/A	\$20.00	\$30.00	N/A
Puerto Rico	N/A	\$5.00	N/A	N/A
Rhode Island	\$22.00	\$25.00	\$45.00	\$10.00
South Carolina	\$12.00	\$12.00	\$25.75	\$15.00
South Dakota	\$15.00	\$15.00	\$26.50	\$8.00
Tennessee	\$15.00	\$15.00	\$26.25	\$15.00
Texas	N/A	\$20.00	N/A	\$15.00
US Virgin Islands	N/A	\$12.00	N/A	N/A
Utah	\$30.00	\$30.00	\$35.39	\$5.00
Vermont	\$10.00	\$10.00	\$12.00	\$0.00
Virginia	\$12.00	\$12.00	\$12.00	\$10.00
Washington	\$38.50	\$25.00	\$43.50	\$0.00
West Virginia	\$12.00	\$12.00	\$30.50	N/A
Wisconsin	\$20.00 first copy, \$3.00 each additional ordered at same time	\$20.00 first copy, \$3.00 each additional ordered at same time	Base certificate fee plus \$10.00 vendor service fee.	\$10.00-\$20.00 depending on type of amendment
Wyoming	\$25.00	\$25.00	\$26.00	\$20.00

(Source: NAPHSIS)

## Appendix G: Summaries of Potential Unmet Needs by Federal Agency

In order to assess unmet needs, the Study Team focused on agencies that advocated the need for state death data for payment integrity and program administration purposes. It requested a list of agencies that requested state death data from SSA between FY2012 and FY2022. It is important to note that federal agencies that are denied their requests to SSA for state death data are not precluded from requesting state death data directly from individual VROs. Where possible, this Appendix provides SSA’s explanation of why certain federal agencies were ineligible to receive state death data through SSA. In addition, not all federal agencies discussed in this report requested state death data from SSA during the ten-year period of data that the Study Team requested. In all other instances, the Study Team requested SSA’s rationale for deeming those agencies ineligible to receive state death data from SSA. SSA stated that the uses proposed by the requesting agencies did not fall under the authorized purposes for which SSA may share state death data under Section 205(r) of the Social Security Act.

With regard to the term “program administration,” the Study Team adopted NAPHSIS’s definition of administrative use, which “means of or relating to the management of a government agency to assist [it] solely in the conduct of performing its official duties. Such government agency administrative use excludes medical or health research uses, where such research is defined as a systematic study to gain information and understanding with the goal of findings ways to improve human health and/or is designed to develop or contribute to generalizable scientific knowledge.”<sup>220</sup> This definition is also consistent with the definition of administrative use in a 2018 report of the NCVHS.<sup>221</sup> This report does not make a determination as to whether the potential unmet needs of federal agencies constitute unmet needs as defined by those use purposes laid out in Section 802 of the CAA. Instead, it provides the maximum amount of information possible for decision-makers to make a determination as to whether unmet needs exist and whether or not to provide such federal agencies with limited access to state death data through SSA or another source.

**Department of Labor’s Division of Coal Mine Workers’ Compensation Benefits (Federal Black Lung Program)** – currently administers monthly federal benefits payments to individuals disabled from “[black lung disease] arising from their employment in or around the nation’s coal mines...”<sup>222</sup> DOL administered \$149 million in benefits in FY 2021 and about \$24.6 billion since it began to administer benefits related to black lung disease in FY 1974.<sup>223</sup> In this

---

<sup>220</sup> <https://www.naphsis.org/evve>

<sup>221</sup> Parrish, *Vital Records and Vital Statistics in the United States*, NCVHS.

<sup>222</sup> <https://www.dol.gov/agencies/owcp/dcmwc/regs/compliance/blbenact>; The Federal Black Lung Program in the Department of Labor administers federally funded benefits, which may be a purpose for which SSA is authorized to share state death data under 205(r) of the Social Security Act and for the purposes detailed in Section 802 of the CAA setting out the requirements of this report. Though DOL requested state death data through SSA in 2011, SSA advised the Study Team that the two agencies did not complete the process to finalize a data exchange agreement for SSA to provide DOL that data.

<sup>223</sup> <https://www.dol.gov/agencies/owcp/dcmwc/statistics/TotalBenefitsPayment>

instance, the Federal Black Lung Program receives death certificates from claimants and beneficiaries and has a process for reclaiming improper payments. If an improper payment is not identified past a certain length of time, it needs to conduct a formal overpayment retrieval process to do so. If the DOL agency had access to a more timely and efficient process for accessing state death data, the federal government could potentially save dollars on improper benefits payments, as well as the resources spent on the administrative burden of recovering them. The Federal Black Lung Program in the Department of Labor administers federally funded benefits, which may be a purpose for which SSA is authorized to share state death data under 205(r) of the Social Security Act and for the purposes detailed in Section 802 of the CAA setting out the requirements of this report. Though DOL requested state death data through SSA in 2011, SSA advised the Study Team that the two agencies did not complete the process to finalize a data exchange agreement for SSA to provide DOL with that data. SSA observed that DOL would be eligible to receive state death data to administer this benefit program under current law.

**Department of Labor’s Employee Benefits Security Administration (EBSA)** – charged with enforcing the requirements for private-sector, employer-sponsored retirement and welfare benefit plans under Title I of the Employee Retirement Income Security Act of 1974. EBSA ensures plans are operated in accordance with the law and benefit plans’ operating documents, as well as making sure those benefits are paid in a timely manner pursuant to reasonable claims procedures. EBSA has helped participants and beneficiaries begin to receive benefits of over \$5.6 billion. EBSA does not have access to SSN Verification with death indicators and does not receive state death data provided by SSA.<sup>224</sup> The state death data in SSA’s full file as the standard death data elements would provide EBSA assistance in ensuring those requirements in its Terminated Vested Participants Project (TVPP).

*TVPP has three key objectives for defined benefit pension plans. First, to ensure these plans maintain adequate census and other records necessary to determine (a) the identity and address of participants and beneficiaries’ due benefits under the plan, (b) the amount of benefits due under the plan, and (c) when participants and beneficiaries are eligible to commence benefits. Second, to ensure these plans have appropriate procedures for advising participants with vested accrued benefits (‘terminated vested participants’ or ‘TVPs’) of their eligibility to apply for benefits as they near normal retirement age and the date they must start required minimum distributions (RMDs) under federal tax law. Third, to ensure these plans implement appropriate search procedures for terminated participants and beneficiaries for whom they have incorrect or incomplete information.<sup>225</sup>*

**Department of Health and Human Services’ Office of Child Support Enforcement (OCSE)** – requested access to SSA’s full file in 2014. OCSE cited 42 U.S.C. 653 (the Federal Parent Locator Service) as an applicable authority, calling out sections and subparagraphs therein on the National Directory of New Hires and the Federal Case Registry of Child Support Orders, among others. OCSE would use state death data to oversee child support obligations generally, including

---

<sup>224</sup> SSA determined it was not authorized to share state death data with EBSA under the purposes stipulated in Section 205(r) of the Social Security Act. SSA made this determination as EBSA requested the data for purposes of investigating civil and criminal matters under Title 18 of the United States Code.

<sup>225</sup> <https://www.dol.gov/sites/dolgov/files/ebsa/employers-and-advisers/plan-administration-and-compliance/retirement/missing-participants-guidance/compliance-assistance-release-2021-01.pdf>



carrying out its responsibilities to operate the Federal Parent Locator Service as detailed in that statute OCSE was denied access because it is not eligible for state death data from SSA, given its intended use does not fall under Section 205(r) - to ensure proper payment of a federally-funded benefit. SSA also explained that OCSE already has access to SSN Verification with death indicators.

**Department of State’s Bureau of Consular Affairs (CA)** – requested access to SSA’s full file of standard death data elements in 2014. CA stated that it would use state death data to cross-check with other sources of death data to prevent individuals from obtaining fraudulent passports. CA stated that it had observed a type of fraud tactic in which a given individual will obtain a fraudulent passport, then use that passport to claim federal benefits for which they are not actually eligible. While CA currently has access to death indicators through SSA’s SSN Verification Service, it stated that access to state death data through SSA would allow it to identify fraud with greater confidence when used in conjunction with other sources of death data. The Department of State website also lists the “common reasons criminals commit passport fraud: concealing identity; illegally entering the United States or avoiding deportation from the United States; committing financial crime; and facilitating other criminal activity such as drug trafficking or smuggling.”<sup>226</sup>

**Department of Agriculture’s Rural Development program (RD)** – requested access to state death data through SSA in 2015. The data was initially sought for use by the multi-family programs. RD would use state death data to improve the accuracy of payments for multifamily units for federal housing programs. Some of the RD programs do not qualify as a health or income maintenance program for which SSA would provide SSN Verifications. Without legal authority for the SSN Verification purpose, SSA cannot provide a death indicator. At the time of the interview, RD was unaware that DNP currently provides batch query services against data sources other than state death data from SSA and stated that it would explore those services as an option to meet its future needs.

**The Department of Justice’s U.S. District Court for the Eastern District of New York (EDNY)** – if permitted to do so, would use access to state death data to perform cross-checks for quality control on its jury pool population. While EDNY would not remove anyone from the jury wheel due to a listing in state death data from a single source, it would be likely to flag individuals’ records as having been reported deceased. EDNY would also be able to gather statistics on expected response rates for jury calls and assess the quality of its primary data sources. EDNY’s primary data source is the jury wheel created every two years from a combination of voter rolls and the New York State Department of Motor Vehicles.

---

<sup>226</sup> <https://2017-2021.state.gov/passport-and-visa-fraud/index.html>

**Appendix H: List of Federal Agencies and Programs with Access to Death Indicators through SSN Verification**

<b>Department of Health and Human Services</b>
Office of Child Support Enforcement
Center for Medicare and Medicaid Services
<b>Corporation for National and Community Services</b>
<b>Department of Defense</b>
Defense Manpower Data Center
Defense Manpower Data Center – TRICARE
Defense Security Service
Military Casualties
Marine Corps
Naval Military Personnel
<b>Department of Education</b>
<b>Department of Veterans Affairs</b>
Veterans Health Administration
Veterans Benefits Administration
Veterans Insurance Administration
<b>Department of Treasury</b>
Internal Revenue Service
Internal Revenue Service – Employee Retirement Income Security Act program
<b>Department of Justice</b>
Federal Bureau of Investigation – Fugitive Felon
<b>Government Accountability Office</b>
<b>Department of Homeland Security</b>

United States Citizenship and Immigration Services
E-Verify
<b>Department of Interior</b>
<b>Office of Personnel Management</b>
<b>Social Security Administration</b>
Office of Systems, Office of Chief Actuary, OIG, Office of Personnel, Internal Applications
<b>United States Agency for International Development</b>
<b>Department of Housing and Urban Development</b>
<b>Railroad Retirement Board</b>
<b>Department of Labor</b>
<b>Department of State</b>
Bureau of Consular Affairs
<b>Department of Agriculture</b>
Food and Nutrition Service

## Appendix I: Analytical Framework for Options Assessment

Category	Evaluative Criteria		Potential Factors for Consideration
<b>Cost and Reimbursement</b>	<b>State Perspective</b>	Costs of collecting, maintaining, and transmitting death data	<ul style="list-style-type: none"> <li>• Costs of modifying and improving states' existing data infrastructure</li> <li>• Costs of ongoing system maintenance and upgrades</li> <li>• Costs of negotiating and implementing data exchange agreements</li> <li>• Costs of developing and implementing new policies and processes</li> <li>• Cost of building and retaining a skilled workforce</li> <li>• Cost of accommodating desired flexibilities that users want</li> </ul>
		States' compensation (i.e., data pricing) would states receive reasonable compensation?	<ul style="list-style-type: none"> <li>• Would states receive reasonable and adequate compensation for their death-data costs to support this function of state government and ensure sustainable vital records systems, including for:               <ul style="list-style-type: none"> <li>○ collecting and maintaining death records</li> <li>○ ensuring the completeness, timeliness, and accuracy of death records</li> <li>○ transmitting death information to the federal government</li> <li>○ the right to use states' death data, including subsequent sharing of data</li> <li>○ all of the costs listed in the box above and other factors that states may use to determine the value of the data</li> </ul> </li> </ul>
	<b>Federal Perspective</b>	Costs of establishing/enhancing, and maintaining the data infrastructure to receive, verify, maintain, correct and disseminate death data	<ul style="list-style-type: none"> <li>• Costs of establishing a new data infrastructure (relevant policies, processes, systems, and staff expertise)</li> <li>• Costs of enhancing the current data infrastructure (policies, processes, systems, and staff)</li> </ul>

Category	Evaluative Criteria		Potential Factors for Consideration
			<ul style="list-style-type: none"> <li>• Costs of negotiating and implementing new data exchange agreements, if needed</li> <li>• Costs of maintaining the infrastructure to receive, verify, maintain, correct, and disseminate death data</li> <li>• Costs of monitoring agencies' use of death data</li> </ul>
		Costs of the data itself, i.e., reimbursement to states	<ul style="list-style-type: none"> <li>• Costs of purchasing the data itself</li> </ul>
		Reimbursement from recipient agencies	<ul style="list-style-type: none"> <li>• Reimbursement from any secondary users of the data for               <ul style="list-style-type: none"> <li>○ obtaining death information from states</li> <li>○ sharing data with other federal agencies</li> </ul> </li> </ul>
<b>Data</b>	<b>State Perspective</b>	Data Security	<ul style="list-style-type: none"> <li>• Ability (for example, policies, procedures, statutes, systems, and staff expertise) to ensure data is used and shared in accordance with applicable law and as outlined in data-sharing agreements.               <ul style="list-style-type: none"> <li>○ Would this option provide insight and visibility to states into how their data is shared, how it will be used, and by whom?</li> </ul> </li> <li>• Ability (for example, policies, procedures, statutes, systems, and staff expertise) to protect data integrity and safeguard privacy</li> </ul>
		Data Accuracy and Completeness	<ul style="list-style-type: none"> <li>• States' ability (for example, policies, procedures, statutes systems, and staff expertise) to reduce and correct data errors, improve data accuracy and completeness, and correct inaccuracies</li> </ul>
		Timeliness	<ul style="list-style-type: none"> <li>• Timeframe of death reporting</li> <li>• States' ability (for example, policies, procedures, statutes systems, and staff expertise) to reduce death reporting delays and enforce reporting requirements</li> </ul>
		Flexibility	<ul style="list-style-type: none"> <li>• States' ability to provide customized data access; being flexible to address evolving data needs</li> </ul>
	<b>Federal Perspective</b>	Data Security	<ul style="list-style-type: none"> <li>• Ability (for example, policies, procedures, statutes, systems, and staff expertise) to protect data integrity and safeguard privacy</li> </ul>

Category	Evaluative Criteria		Potential Factors for Consideration
		Data Accuracy and Completeness	<ul style="list-style-type: none"> <li>• Ability (for example, policies, procedures, systems, and staff expertise) to ensure data accuracy (data verification and error identification &amp; correction) and to identify data gaps</li> </ul>
		Timeliness	<ul style="list-style-type: none"> <li>• Timeframe of data submission &amp; frequency of updates</li> <li>• Ability (for example, policies, procedures, systems, and staff expertise) to ensure that data are submitted and shared in a timely matter</li> </ul>
		Flexibility	<ul style="list-style-type: none"> <li>• The ability to provide customized data access; being flexible to address evolving data needs</li> <li>• The statutory ability to share death data with federal agencies that have a demonstrated need</li> </ul>
<b>Legal and Administrative Considerations</b>	<b>State Perspective</b>		<ul style="list-style-type: none"> <li>• State laws that may affect legal access to, and protections for, the state-owned death data</li> </ul>
	<b>Federal Perspective</b>		<ul style="list-style-type: none"> <li>• Relevant federal laws and regulations</li> </ul>
<b>Federalism</b>	<b>State Perspective</b>		<ul style="list-style-type: none"> <li>• Authorities of states (data owners)</li> <li>• States' willingness to share data with the federal government</li> <li>• The states' interest in maximizing the federal government's compensable use of state death data in order for states to obtain revenue.</li> <li>• The states' interest in satisfying any death-data-related conditions in federal programs that might offer access to grants or to federal tax-return data."</li> </ul>
	<b>Federal Perspective</b>		<ul style="list-style-type: none"> <li>• Limitations on the authority of Congress/Feds to impose mandates on states</li> <li>• The broad federal interest in states' abilities to continue producing complete and accurate vital records on which federal programs rely.</li> </ul>

Category	Evaluative Criteria	Potential Factors for Consideration
<b>Roles and Missions of Relevant Entities</b>	<b>State Perspective</b>	<ul style="list-style-type: none"> <li>• Roles of VROs in collecting, maintaining, and safeguarding vital records, including death data</li> </ul>
	<b>Federal Perspective</b>	<ul style="list-style-type: none"> <li>• SSA’s mission as a benefit-paying agency</li> <li>• SSA’s role in obtaining and using state death data to administer its programs</li> <li>• SSA’s role in sharing state death data with other federal agencies</li> <li>• DNP’s mission</li> <li>• DNP’s role in death data sharing</li> <li>• Reliance on a third-party, non-governmental entity for death data</li> <li>• Risks of disrupting the current functioning system</li> </ul>



## Appendix J: Panel and Study Team Member Biographies

### *Panel of Academy Fellows*

**Barbara Bovbjerg** (Panel Chair): Former Managing Director, Education, Workforce and Income Security, U.S. Government Accountability Office. Former positions at U.S. Government Accountability Office: Director, Retirement Income Security Issues; Assistant Director, Budget Issues. Former Chief, City-wide & Special Issues Analysis, Office of the Budget, District of Columbia Government; Research Associate, Public Finance Center, Urban Institute; Financial Analyst, Office of Institutional Analysis, Cornell University.

**Alan Balutis**: Director and Distinguished Fellow, Internet Business Solutions Group, Cisco. Former President and Chief Executive Officer, INPUT; President and Chief Operating Officer, Veridyne Inc.; Deputy Chief Information Officer, U.S. Department of Commerce. Former positions with the U.S. Department of Commerce: Director, Office of Budget, Management, and Information, and Acting Chief Information Officer; Director, Budget, Planning, and Organization; Director, Office of Management and Organization; Director, Office of Systems and Special Projects; Chief, Policy and System Staff; Senior Analyst, Office of Program Evaluation. Increasingly responsible positions with the U.S. Department of Health, Education, and Welfare in the areas of budget, personnel, policy, legislation, and management.

**Gary Glickman**: Former Managing Director, Health & Public Service Innovation, Accenture. Senior Policy Advisor, US Department of Treasury; Coordinator, Partnership Fund for Program Integrity Innovation, Office of Management and Budget (OMB), Executive Office of the President; President and CEO, Imadgen LLC; President and CEO, Giesecke and Devrient Cardtech; President and Chief Marketing Officer, Maximus; President, Phoenix Planning & Evaluation, Ltd.; Principal/ National Director, Federal Consulting, Laventhol & Horwath; Practice leader, Financial Institutions Division, Orkand Corporation; Senior Consultant, Deloitte Consulting, LLP.; Team Member, Office of the Secretary, US Department of the Treasury; Chief, Financial Management Division, Office of the Comptroller of the City of New York.

**Nick Hart**: President, Data Coalition; Adjunct Faculty, Trachtenberg School, George Washington University; Fellow, Bipartisan Policy Center. Former Director, Evidence Project, Bipartisan Policy Center; Policy and Research Director, U.S. Commission on Evidence-Based Policymaking; Senior Program Examiner, Education, Income Maintenance, and Labor, White House Office of Management and Budget; Special Assistant, White House Office of Management and Budget; Program Examiner, Natural Resources, White House Office of Management and Budget; Economic Research Analyst, Indiana Business Research Center.

**Barry Van Lare**: Independent Consultant, Management and Public Policy; Former Deputy Executive Director and Director of Management Consulting and Training, National Governors Association; Senior Vice President for Strategic Marketing, MAXIMUS Inc.; Executive Director, The Finance Project; Senior Manager, Deloitte & Touche Consulting; Special Administrator for Gasoline Rationing, U.S. Department of Energy. Deputy Assistant Secretary for Welfare Legislation and Associate Commissioner of Social Security, U.S. Department of U.S. Department of Health and Human Services. Former Commissioner, Erie County Department of Social Services

and Director, Division of Community Services, Washington State Department of Social and Health Services. Positions with State of New York: Executive Secretary, Health Planning Commission; Director, New York State Senate Task Force on Critical Problems; Executive Deputy and Acting Commissioner, Department of Social Services; Assistant Secretary to the Governor for Human Resources and Deputy Commissioner, Division of Human Rights.

## ***Study Team***

**Brenna Isman**, Director of Academy Studies: Director of Academy Studies. Ms. Isman has worked at the Academy since 2008 and oversees the Academy studies, providing strategic leadership, project oversight, and subject matter expertise to the project. Prior to this, Ms. Isman was a Project Director managing projects focused on organizational governance and management, strategic planning, and change management. Her research engagements have included working with the National Aeronautics and Space Administration, the Environmental Protection Agency, the Social Security Administration, the Department of Veterans Affairs, as well as multiple regulatory and Inspector General offices. Prior to joining the Academy, Ms. Isman was a Senior Consultant for the Ambit Group and a Consultant with Mercer Human Resource Consulting. Ms. Isman holds a Master of Business Administration (MBA) from American University and a Bachelor of Science (BS) in Human Resource Management from the University of Delaware.

**Mark Thorum**, Project Director: Dr. Thorum joined the Academy as a Senior Advisor and Project Director in May 2019. Dr. Thorum previously served as the Assistant Inspector General (AIG) for Inspections and Evaluations and the AIG for Management and Policy with the Office of Inspector General (OIG), Export-Import Bank of the United States. Dr. Thorum has more than 25 years of experience with independent evaluation, structured finance, risk mitigation, and capital markets advisory with both the federal government and international financial institutions. He holds a Ph.D. from the Virginia Polytechnic Institute and State University - School of Public and International Affairs. He received an M.A. from The Johns Hopkins University – School of Advanced International Studies and a D.E.A. from the Institut d'études politiques de Paris (Institute of Political Studies) Paris, France.

**Jane Wiseman\***, Senior Advisor: Ms. Wiseman is an Innovations in Government Fellow at the Ash Center for Democratic Governance and Innovation. She leads the Institute for Excellence in Government, a non-profit consulting firm dedicated to improving government performance. She has served as an appointed official in government and as a financial advisor and consultant to the government. Her current consulting, research, and writing focus on government innovation and data-driven decision-making. She is leading an effort to create a national network of urban Chief Data Officers to accelerate the use of analytics in local government. Her prior consulting work has included organizational strategy, performance management and Government strategy work for Accenture and Price Waterhouse. Selected clients include the National Governor's Association, the United States Department of Veterans Affairs, the National Criminal Justice Association, the Commonwealth of Massachusetts, the United States Postal Service, the State of Michigan, the United States Department of Housing and Urban Development, and the United States Department of Commerce. Ms. Wiseman has served as Assistant Secretary, Massachusetts Executive Office of Public Safety and as Assistant to the Director for Strategic Planning, National Institute of Justice, United States Department of Justice. Ms. Wiseman represented the Justice

Department on detail as a Staff Assistant for the US House of Representatives Appropriations Committee. Ms. Wiseman holds a Bachelor of Arts in Government from Smith College and a Master of Public Policy from the Harvard Kennedy School.

**Lawrence B. Novey**, Senior Advisor: Mr. Novey joined NAPA as a senior advisor in 2016 and has specialized in projects involving federal and state legislation, agency governance and management, environmental and regulatory policy, and international anti-corruption and human rights. Before that, Mr. Novey served for 17 years with the Senate Committee on Homeland Security and Governmental Affairs, including as Chief Counsel for Governmental Affairs, where he managed legislation and oversight on governmental management and operations and focused particularly on civil service and human capital management, regulatory policy, and government transparency and ethics. Previously, at the Environmental Protection Agency and the Office of Congressional Workplace Rights, he developed regulations on pollution control, employee rights, protections, and responsibilities, and expedited industrial permitting. Mr. Novey also practiced law, specializing in environmental compliance and in the settlement of disputes involving toxic-chemical exposure. He holds an A.B. from Harvard College and a J.D. from Columbia Law School.

**Yang (Chloe) Yang**, Senior Analyst: Ms. Yang is a Senior Research Analyst at the Academy. Since joining the Academy in 2009, she has worked on projects with a range of federal agencies, including the Office of Management and Budget Collaborative Forum Coordination and Facilitation project, the Government Printing Office Organizational Review, the Amtrak Office of Inspector General Organizational Assessment, the U.S. Coast Guard Financial Management and Procurement Review, and the Government Accountability Office Comptroller General Position Structure and Compensation Review. Before joining the Academy, Ms. Yang was a research intern at the Foundation for Environmental Security and Sustainability. She has also worked as an intern at the Woodrow Wilson Center for Scholars and a research assistant at George Mason University (GMU). Ms. Yang graduated from GMU with a Master's in Public Administration. She also holds a bachelor's degree in Financial Management from the Renmin University of China.

**Kate Connor**, Senior Research Analyst: Ms. Connor joined the Academy in 2018 and has served on several Academy studies, including work for the U.S. Department of Commerce Office of Inspector General and the Defense Nuclear Facilities Safety Board. Prior to joining the Academy, she served as a Public Policy and Government Relations Intern with the American Association of University Women and as an intern on the U.S. Senate Committee on the Budget. Ms. Connor taught high school social studies for several years before graduating from Georgetown University with a Master's in Public Policy. Ms. Connor also holds a Bachelor of Arts in History and Political Science and a Master's in Teaching from the University of North Carolina at Chapel Hill.

**Kyle Romano**, Senior Research Associate: Mr. Romano has provided research support for several Academy studies. Most recently, he has served on Academy projects assessing the value of a potential non-profit foundation for the Department of Energy and high-level directions for the National Marine Sanctuary System over the next 20 years. He graduated from the Indiana University School of Public and Environmental Affairs, where he earned a Master of Public Administration. He attended the University of Central Florida for his undergraduate studies, where he earned a B.A. in Political Science and a B.S. in Legal Studies.

**Sean Smooke**, Senior Research Associate: Mr. Smooke joined the Academy as a Research Associate in August of 2019. He has served on numerous Academy projects, including work for the National Nuclear Security Administration, National Park Service, United States Secret Service, and National Marine Fisheries Service, amongst others. Mr. Smooke also provides support to the Academy's Quarterly Working Capital Fund Symposium and is a member of the Intern Programming Team. Mr. Smooke holds a B.A. from Claremont McKenna College in Government and Legal Studies.

\* Academy Fellow

## Appendix K: List of Interviewees

*\*Names and titles of interviewees current as of the date of the interview*

### Congressional Staff

- U.S. Senate Committee on Finance
  - Tom Klouda, Senior Domestic Policy Advisor
  - Jeffrey Wrase, Deputy Staff Director/Chief Economist
  - Lincoln Foran, Health Policy
- U.S. House Committee on Ways and Means
  - Kathryn Olson, Staff Director
  - Elisa Walker, Professional Staff Member
  - Shaun Freiman, Chief Security Counsel
- U.S. House Committee on Oversight and Reform
  - Mark Stephenson, Director of Legislation
  - Ethan VanNess, Professional Staff Member
  - Christian Hoehner, Policy Director
  - Daniel Ashworth, Counsel
  - Nina Rostro, GAO Detailee
- U.S. Senate Finance Subcommittee on International Trade, Customs, and Global Competitiveness/Office of Senator Thomas Carper
  - Brian Papp, Staff Director
- U.S. Senate Homeland Security and Governmental Affairs Committee
  - Amanda Neely, General Counsel to Senator Rob Portman, Director of Governmental Affairs
  - Annika Christensen, Professional Staff Member

### Federal Agencies

- Congressional Budget Office
  - Matthew Pickford, Analyst, Natural and Physical Resources Cost Estimates Unit, Budget Analysis Division
  - Noah Meyerson, Analyst, Income Security and Education Cost Estimates Unit, Budget Analysis Division
- Congressional Research Service
  - Paul Davies, Specialist in Income Security, Domestic Social Policy Division
- Department of Agriculture, Rural Development Program
  - Jacki Ponti, Director, Innovation Center
  - James Barham, Chief Data Officer, Data Analytics Division, Innovation Center
  - John Delaney, Senior Policy Advisor, Data Analytics Division, Innovation Center
- Department of Commerce National Technical Information Service (provided written responses)
- Department of Defense
  - Paulny Yang, Defense Manpower Data Center
- Department of Health and Human Services

- Centers for Disease Control and Prevention
  - Paula Yoon, Director, Division of Health Informatics and Surveillance, Center for Surveillance, Epidemiology, and Laboratory Services
- Centers for Medicare and Medicaid Services
  - Alisha Sanders, Director, Division of Enrollment Operations
  - Angad Uppal, Statistician
  - Benjamin Moll, Deputy Director, Payment Accuracy and Reporting Group, Office of Financial Management
  - Chrissy Fowler, Director, Payment Accuracy and Reporting Group, Office of Financial Management
  - Jil Garver, Director, Comprehensive Error Rate Testing Division; Staff Attorney
  - Lauren Cannon, Director, Medicare Advantage and Dropped Error Rate Division
  - Nicholas Bonomo, Director, Division of Payment Error Rate Measurement
  - Office of Information Technology
  - Sarah Bochenick, Lead Health Insurance Specialist
  - Vani Annadata, Director (Acting), Division of Enrollment Systems
- Office of Child Support Enforcement (provided documentation)
- Office of Inspector General
  - Christian Schrank, Assistant Inspector General for Investigations
- National Institute for Occupational Safety and Health (provided written responses)
- Department of Homeland Security Office of Inspector General
  - Sarah Nelson, Deputy Inspector General for Innovations
- Department of Justice
  - Bureau of Justice Statistics
    - Doris James, Acting Director
    - Devon Adams, Acting Deputy Director for Planning, Policy and Operations Division
    - Kevin Scott, Deputy Director for Statistical Operations Division
    - Ann Carson, Statistician
    - Matt Durose, Statistician
  - Federal Bureau of Investigation
    - Catherine Bruno, Assistant Director, Chief Compliance Officer, Office of Integrity and Compliance
    - Doğan Perese, Section Chief, Enterprise Data Analytics Section, IT Applications and Data Division
    - Jose Fortuno, Assistant Section Chief, Enterprise Data Analytics Sections
    - Robert White, Technical Architect, Enterprise Data Analytics Section
    - Denielle Johnson, Temporary Assignment to the Office of Integrity and Compliance
  - U.S. District Court for the Eastern District of New York (provided written responses)

- Department of Labor
  - Employee Benefits Security Administration (provided written responses)
  - Division of Coal Mine Workers' Compensation (provided written responses)
- Department of State
  - Bureau of Consular Affairs
    - Madelynn McDonald, Acting Office Director, Office of Modernization and Systems Liaison
    - Courtney Massey, Division Chief, Data Sharing
    - Dwane Holland, Division Chief, Adjudication and Policy Division
    - Regina Ballard, Division Chief, Office of Records Management
    - Emelia Hepper, Program Analyst, Data Sharing
    - John Ibarra, National Fraud Division Chief, Office of Fraud Prevention Programs
- Do Not Pay Business Center, Bureau of Fiscal Service
  - Marshall Henry, Director
  - Frank Supik, Senior Attorney, Office of Chief Counsel
  - Derek Pachla, Management and Program Analyst, Data Acquisition Research
  - Dominique McCreary, Manager, Agency Outreach
- Federal Retirement Thrift Investment Board
  - Kenneth Warford, Branch Chief, Legal Processing, Death Benefits Processing and Account Security
  - Karelia Daniel-Perez, Benefits Specialist, Legal and Death Processing
- Government Accountability Office
  - Beryl Davis, Director, Financial Management and Assurance
  - Diana Lee, Information Assurance Security Manager
  - Elizabeth Curda, Director, Education, Workforce, and Income Security
  - James McTigue, Jr., Director, Tax Policy and Administration, Strategic Issues
  - Jason Kirwan, Deputy Assistant General Counsel for Financial Management and Assurance
  - Lisa Motley, Assistant General Counsel for Financial Management and Assurance
  - Mariana Calderon, Senior Analyst Forensic Audit and Investigative Services
  - Matthew Valenta, Assistant Director, Financial Management and Assurance
  - Phillip Reiff, Assistant Director, Forensic Audits and Investigative Services
  - Rebecca Shea, Director, Forensic Audits and Investigative Service Team
  - Seto Bagdoyan, Director, Forensic Audits and Investigative Service Team
  - Stephanie Adams, Senior Auditor
  - Tracy Abdo, Staff Member on Forensic Audit and Investigative Services
- Internal Revenue Service
  - Bill Haddad, Senior Intergovernmental Policy Analyst
  - Dick Prosser, Chief, Program Evaluation and Improvement, Wage and Investment Decision
  - Gary Patino, Tax Analyst
  - James Jacob, Chief, Post Processing
  - Kenneth Kim, Developer, IRS Entity Database



- Peggy Bryant, Lead Information Technology Specialist
- Phen Ing, Supervisor of IT Specialist
- Office of Management and Budget
  - Jennifer Hanson, Chief, Income Maintenance Branch, Executive Office of the President
  - Brian Hanson, Program Examiner, Income Maintenance Branch, Executive Office of the President
  - Mariam Ghavalyan, Treasury Branch
  - Regina Kearney, Office of Federal Financial Management, Payment Integrity
- Office of Personnel Management
  - Lori Amos, Deputy Associate Director, Retirement Services
  - Quinta Spear, Deputy Assistant Director, Retirement Services
  - Frazella Brookins, Program Manager, Retirement Services
  - Ellen Linehan, Group Chief of Retirement Policy
- Pension Benefit Guaranty Corporation
  - Jennifer Messina, Acting Director, Corporate Finance and Restructuring
- Social Security Administration
  - Richarde Graham, Director, Office of Data Exchange and International Agreements
  - Vivian Adebayo, Branch Chief, State and Private Industry Agreements Branch
  - Anthony Mathison, Program Analyst, State and Private Industry Agreements Branch
- Social Security Advisory Board
  - Kim Hildred, Former Chair; President, Hildred Consulting, LLC
  - Diane Brandt, Research Director
  - Jenn Rigger, Senior Advisor
- Veterans Affairs
  - Kevin Friel, Deputy Director, Pension and Fiduciary Service
  - Michelle Tensley, Assistant Director, Pension and Fiduciary Service
  - Jennifer Copeland, Chief, Administration Staff, Pension and Fiduciary Service

### **National Association for Public Health Statistics and Information Systems**

- Shawna Webster, Executive Director
- Ana Goold, Training Coordinator
- Caprice Edwards, Systems Director
- Heidi Lengdorfer, Systems Manager
- Jeff Greenland, Senior Developer Advocate
- Shae Sutton, Senior Director of Programs
- Jeremy Peterson (ID), President-Elect
- Molly Crawford (MN), Past President
- Mariah Pokorny (SD), Secretary
- Melissa Bird (IA), Treasurer
- Christopher Harrison (GA), Member at large

- Krystal Colburn (AZ), Member at large
- Maria M. Juiz Gallego (PR), Member at large

### **State Vital Records Agencies**

- Alex Quintana, State Registrar and Director of Vital Records, Colorado Department of Public Health and Environment
- Audrey Marrocco, Director and State Registrar, Bureau of Health Statistics and Registries, Pennsylvania Department of Health
- Birgit Shanholtzer, Director, West Virginia Health Statistics Center, West Virginia Department of Health and Human Resources
- Caleb Cox, Director of Vital Statistics and Assistant State Registrar, South Carolina Department of Health and Environmental Control
- Christina Stewart, State Registrar; Branch Manager, Office of Vital Statistics, Kentucky Department for Public Health, Cabinet for Health and Family Services
- Christopher Harrison, State Registrar and Deputy Director, Data Integrity & Analytics, State Office of Vital Records, Georgia Department of Public Health
- Crystal Weaver, State Registrar and Deputy Director, Division of Vital Records, Maryland Department of Health
- Darin Meschke, State Registrar for Vital Statistics and Director, Division of Vital Records, North Dakota State Department of Health
- Devin George, State Registrar and Director, Office of Public Health, Bureau of Vital Records Statistics, Louisiana
- Elizabeth Frugale, State Registrar of Vital Records, Chief, Health Statistics and Surveillance, Connecticut Department of Health
- Fred Quihuis, Statistician II, Office of Vital Records, Nevada Department of Health and Human Services, Division of Public and Behavioral Health
- Gretchen Van Wye, Assistant Commissioner, Bureau of Vital Statistics, New York City Department of Health and Mental Hygiene
- Guy Beaudoin, Deputy State Registrar, Vital Statistics Services, Wyoming Department of Health
- Jean Remsbecker, State Registrar and Director, Center for Health Statistics, Disease Control and Health Statistics, Washington State Department of Health
- Jeff Duncan, State Registrar and Director, Michigan Department of Health and Human Services
- Jennifer Woodward, State Registrar/Manager, Center for Health Statistics, Oregon Public Health Division
- Jeremy Peterson, Deputy State Registrar, Automated Systems Manager, Bureau of Vital Records and Health Statistics, Idaho Department of Health and Welfare
- Jessica Borelli, Director, Office of Integrated Electronic Records, Bureau of Vital Statistics, New York City Department of Health and Mental Hygiene
- Judy Moulder, State Registrar and Bureau Director, Office of Vital Records and Health Statistics, Mississippi State Department of Health

- Karin Barrett, State Registrar, Registry of Vital Records and Statistics, Massachusetts Department of Public Health
- Kay Haug, State Registrar, Office of Vital Statistics, Kansas Department of Health and Environment
- Kelly Baker, Vital Registrar, Vital Records, Oklahoma State Department of Health
- Ken Higginbotham, Operations Manager, Administrative Services, Bureau of Vital Statistics, Florida Department of Health
- Ken Jones, State Registrar and Chief, Bureau of Vital Statistics, Florida Department of Health
- Krystal Colburn, Assistant State Registrar, Chief, Bureau of Vital Records, Division of Licensing Services, Arizona Department of Health Services
- Lee Hurt, Director for Vital Statistics Administration, Maryland Department of Health, Vital Statistics Administration
- Linda Winger, State Registrar and Bureau Director, Office of Vital Records and Statistics, Center for Health Data and Informatics, Utah Department of Public Health
- Lisa Kessler, Staff Attorney, Connecticut Department of Health
- Lorraine Benjamin-Matthew, Territorial Director, Vital Records and Statistics, US Virgin Islands Department of Health
- Lynette Childs, State Registrar, State Vital Records Office, Wisconsin Department of Health Services
- Maria Juiz Gallego, Project Coordinator, Quality and Vital Statistics Division, Puerto Rico Demographic Registry, Department of Health
- Mariah Pokorny, State Registrar, Office of Vital Records, South Dakota State Department of Health
- Matt Wickert, State Registrar, West Virginia Department of Health and Human Resources
- Melissa Bird, Deputy State Registrar, Security Coordinator, Iowa Department of Public Health
- Molly Crawford, State Registrar, Minnesota Department of Health
- Rebecca Topol, Chief, Health Analytics and Vital Records, Alaska Department of Health and Social Services
- Renee Valencia, State Registrar and Registration Manager, Bureau of Vital Records and Health Statistics, New Mexico Department of Health
- Richard Raines, Research Unit Supervisor, Alaska Department of Health and Social Services
- Stephanie Herrera, Program Officer III, Office of Vital Records, Nevada Department of Health and Human Services, Division of Public and Behavioral Health
- Tara Das, Ph.D., State Registrar, Center for Health Statistics, Department of State Health Services, State of Texas
- Terra J. Abrams, State Registrar, Vital Records Division, Center for Policy, Planning and Evaluation, District of Columbia Department of Health
- Vincent Arrisi, State Registrar of Vital Statistics, Office of Vital Statistics & Registry, New Jersey Department of Health

- Wilbert Rospel, State Vital Statistics Registrar, Health & Vital Statistics Office, Commonwealth of the Northern Mariana Islands

### **Other Subject Matter Experts**

- Connie Citro, Senior Scholar, Committee on National Statistics, National Academy of Sciences
- Cornelius Kerwin, Professor and President Emeritus, Department of Public Administration and Policy, American University
- David Mader, Chief Strategy Officer, Civilian Sector, Federal Government Services, Deloitte Consulting LLP
- Frederick Moss, Records Preservation and Access Coalition, National Genealogical Society
- Jason Fichtner, Vice President and Chief Economist, Bipartisan Policy Center
- Jeffrey Lubbers, Professor of Practice in Administrative Law, Washington College of Law of American University
- Lesley Witter, Senior Vice President, Advocacy, National Funeral Directors Association
- Michael Astrue, Former Commissioner, Social Security Administration

## Appendix L: Selected References

- Thompson-Reuters, Practical Law Intellectual Property & Technology. “Data Licensing: Taking into Account Data Ownership and Use.” Accessed July 6, 2022. <https://legal.thomsonreuters.com/en/insights/articles/data-licensing-taking-into-account-data-ownership>.
- Goldsmith, Stephen and William D. Eggers. *Governing by Network: The New Shape of the Public Sector*. Brookings Institution Press. 2004
- Heinrich, Carolyn J., Laurence E. Lynn, and H. Brinton Milward. “A State of Agents? Sharpening the Debate and Evidence Over the Extent and Impact of the Transformation of Governance.” *Journal of Public Administration Research and Theory*, 20, no. suppl\_1, (January 2010): i3–i19. <https://doi.org/10.1093/jopart/mup032>.
- Leonard, Peter. “Beyond Data Privacy: Data ‘Ownership’ and Regulation of Data-Driven Business.” *The SciTech Lawyer, American Bar Association* 16, no. 2, (January 2020). Accessed July 6, 2022. [https://www.americanbar.org/groups/science\\_technology/publications/scitech\\_lawyer/2020/winter/beyond-data-privacy-data-ownership-and-regulation-datadriven-business/](https://www.americanbar.org/groups/science_technology/publications/scitech_lawyer/2020/winter/beyond-data-privacy-data-ownership-and-regulation-datadriven-business/)
- National Committee on Vital and Health Statistics. *Vital Records and Vital Statistics in the United States: Uses, Users, and Sources of Revenue*, by R. Gibson Parrish, M.D. 2018. Accessed May 9, 2022. [https://ncvhs.hhs.gov/wp-content/uploads/2018/01/NCVHS\\_Vital\\_Records\\_Uses\\_Costs\\_Feb\\_23\\_2018-1.pdf](https://ncvhs.hhs.gov/wp-content/uploads/2018/01/NCVHS_Vital_Records_Uses_Costs_Feb_23_2018-1.pdf).
- Peters, B. Guy and John Pierre. “Governance Without Government? Rethinking Public Administration.” *Journal of Public Administration Research and Theory: J-PART*, 8, no. 2 (April 1998): 223–243. <https://doi.org/10.1093/oxfordjournals.jpart.a024379>;
- Salamon, Lester M. “The New Governance and the Tools of Public Action: An Introduction.” *Fordham Urban Law Journal*, 28, no. 5 (2001): 1611. <https://ir.lawnet.fordham.edu/ulj/vol28/iss5/4>.
- Social Security Administration, Office of the Inspector General. *The Social Security Administration’s Rejection of State Electronic Death Registration Reports*. A-08-18-50499. 2020.
- U.S. Government Accountability Office. *Social Security Death Data: Additional Action Needed to Address Data Errors and Federal Agency Access*. GAO-14-46. Washington, DC. 2013. Accessed May 11, 2022. <https://www.gao.gov/assets/gao-14-46.pdf>.
- U.S. Library of Congress. Congressional Research Service. *Federalism-Based Limitations on Congressional Power: An Overview*, by Andrew Nolan, Kevin M. Lewis, Jay B. Sykes, and Kevin J. Hickey. R45323. 2018.
- U.S. Library of Congress. Congressional Research Service. *Social Security Administration (SSA) FY 2022 Annual Limitation on Administrative Expenses (LAE) Appropriation: In Brief*, by William R. Morton. R47103. 2022.

U.S. Library of Congress. Congressional Research Service. *The Social Security Administration's Death Data: In Brief*, by Paul S. Davies. R46640. 2021.

*This page is intentionally left blank.*





1600 K Street, NW  
Suite 400  
Washington, DC 20006

Phone: (202) 347-3190  
Fax: (202) 821-4728  
Website: [www.napawash.org](http://www.napawash.org)