

113TH CONGRESS
1ST SESSION

H. R. 2720

To amend title II of the Social Security Act to provide for the treatment of death information furnished to or maintained by the Social Security Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2013

Mr. SAM JOHNSON of Texas (for himself and Mr. BECERRA) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide for the treatment of death information furnished to or maintained by the Social Security Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alexis Agin Identity
5 Theft Protection Act of 2013”.

1 **SEC. 2. LIMITATION ON DISTRIBUTION OF DEATH INFOR-**
2 **MATION FURNISHED TO OR MAINTAINED BY**
3 **THE SOCIAL SECURITY ADMINISTRATION.**

4 (a) IN GENERAL.—Section 205(r) of the Social Secu-
5 rity Act (42 U.S.C. 405(r)) is amended—

6 (1) in paragraph (2), by inserting “, and to en-
7 sure completeness, timeliness, and accuracy of,”
8 after “transmitting”;

9 (2) by striking paragraph (3) and inserting the
10 following:

11 “(3) The Commissioner of Social Security shall, to
12 the extent feasible, provide for the use of information re-
13 garding deceased individuals furnished to or maintained
14 by the Commissioner, subject to such safeguards as the
15 Commissioner of Social Security determines are necessary
16 or appropriate to protect the information from unauthor-
17 ized use or disclosure, to any Federal or State agency pro-
18 viding or administering Federally funded benefits to indi-
19 viduals, other than benefits under this Act, through a co-
20 operative arrangement with such agency designed to en-
21 sure proper payment of those benefits with respect to such
22 individuals if—

23 “(A) under such arrangement the agency pro-
24 vides reimbursement to the Commissioner of Social
25 Security for the reasonable costs of carrying out
26 such arrangement, including the reasonable costs as-

1 sociated with the collection and maintenance of in-
2 formation regarding deceased individuals furnished
3 to the Commissioner pursuant to paragraph (1); and

4 “(B) such arrangement does not conflict with
5 the duties of the Commissioner of Social Security
6 under paragraph (1).”;

7 (3) in paragraph (4), by inserting “or in benefit
8 and pension plans for employees of the States or
9 local governments” after “by the States”;

10 (4) by striking paragraph (5) and inserting the
11 following:

12 “(5)(A) The Commissioner of Social Security may
13 use or provide for the use of information regarding de-
14 ceased individuals furnished to or maintained by the Com-
15 missioner, subject to such safeguards as the Commissioner
16 of Social Security determines are necessary or appropriate
17 to protect the information from unauthorized use or dis-
18 closure, provided the requirements of subparagraphs (A)
19 and (B) of paragraph (3) are met and such information
20 is provided—

21 “(i) to any Federal agency through a coopera-
22 tive agreement with such agency for the purpose of
23 law enforcement or tax administration; or

24 “(ii) for statistical and research activities con-
25 ducted by Federal and State agencies.

1 “(B) A Federal or State agency may disclose death
2 information obtained from the Commissioner to a con-
3 tractor for the purposes of assisting with such law enforce-
4 ment, tax administration, or statistical and research ac-
5 tivities, provided that the agency ensures, at a minimum,
6 that the contractor fulfills the requirements of clauses (ii)
7 and (iv) of paragraph (7)(E).”;

8 (5) by striking paragraph (7) and inserting the
9 following:

10 “(7)(A) For purposes of this paragraph, death infor-
11 mation shall consist of information regarding deceased in-
12 dividuals maintained by the Commissioner of Social Secu-
13 rity, except for information furnished to or maintained by
14 the Commissioner pursuant to paragraphs (1) or (2), and
15 the death information to be provided shall consist only of
16 the name, social security number, date of birth, and date
17 of death of a deceased individual.”

18 “(B) The Commissioner may disclose death informa-
19 tion under this paragraph to the Secretary of Defense pro-
20 vided that—

21 “(i) the Secretary uses the information provided
22 solely for the purpose of assisting in the identifica-
23 tion of unidentified remains, and

24 “(ii) the Secretary enforces requirements simi-
25 lar to those in clauses (i), (ii), (iv), (v), (vi), and

1 (vii) with respect to any contractor the Secretary
2 hires to assist in such identifications.

3 “(C) The Commissioner of Social Security may dis-
4 close death information, except for information furnished
5 to or maintained by the Commissioner of Social Security
6 pursuant to paragraphs (1) or (2), provided the require-
7 ments of this paragraph and the requirements of subpara-
8 graphs (A) and (B) of paragraph (3) are met.

9 “(D) The Commissioner may disclose—

10 “(i) to any entity, information maintained by
11 the Commissioner concerning individuals whose date
12 of death occurred at least 3 calendar years prior to
13 the year that the entity requests such information
14 pursuant to a written agreement; and

15 “(ii) to any entity ‘certified’ by the Commis-
16 sioner under subparagraph (E), information main-
17 tained by the Commissioner concerning individuals
18 whose date of death does not satisfy the require-
19 ments of clause (i), pursuant to a written agreement
20 between the Commissioner and the entity.

21 “(E) For purposes of this paragraph an entity is ‘cer-
22 tified’ only if the Commissioner—

23 “(i) establishes procedures to certify and decer-
24 tify entities eligible to obtain such information;

1 “(ii) includes in the agreement with such an en-
2 tity provisions to require such entity to safeguard
3 the information provided, assure that the informa-
4 tion is used only for the purpose which was the basis
5 for the certification, assure that the information is
6 not disclosed by the entity to any other entity, and
7 include contractual penalties, including monetary
8 penalties and loss of certification, for the violation of
9 any requirements imposed by the Commissioner as a
10 condition of receiving the information;

11 “(iii) requires that the entity demonstrate
12 that—

13 “(I) it has a legitimate business need for
14 the information, which shall include a require-
15 ment that the information regarding a deceased
16 individual will aid in preventing financial harm
17 to the entity or to a customer or client of the
18 entity or will aid in permitting the entity to ful-
19 fill an obligation to a beneficiary of an indi-
20 vidual that is contingent upon the death of such
21 individual; or

22 “(II) it has a legitimate interest in pre-
23 venting fraud or unauthorized financial trans-
24 actions;

1 “(iv) requires that the entity demonstrate that
2 it has infrastructure and procedures in place to pre-
3 vent wrongful access to or the disclosure of informa-
4 tion provided by the Commissioner;

5 “(v) determines that the entity has adequate
6 experience and expertise in maintaining the con-
7 fidentiality and security of information;

8 “(vi) includes such other requirements and re-
9 strictions as the Commissioner deems appropriate to
10 assure the confidentiality of the information; and

11 “(vii) requires that the entity permit periodic
12 and unscheduled audits of the entity to assure com-
13 pliance with the requirements established by the
14 Commissioner.

15 “(F) The Commissioner shall establish application
16 and other fees to be paid by entities seeking to be certified
17 or to maintain certification under this paragraph so that
18 the Commissioner is fully reimbursed for all costs associ-
19 ated with development of the certification process, evalu-
20 ating applications, auditing compliance with the require-
21 ments established by the Commissioner, inspecting records
22 and assuring compliance with contract requirements, and
23 any other costs associated with assuring continuing eligi-
24 bility for certification under this paragraph.

1 “(G) For purposes of this paragraph, the terms ‘enti-
2 ty’ or ‘entities’ includes ‘individual’ and ‘individuals’ re-
3 spectively.

4 “(H) The Commissioner may delegate any of the ac-
5 tivities under this paragraph to another agency and may
6 perform any activity through a contractor, provided that
7 the delegation or contract requires such agency or con-
8 tractor to comply with all requirements of this section and
9 of the implementing policies developed by the Commis-
10 sioner.”;

11 (6) by adding at the end the following new
12 paragraph:

13 “(10) Information related to a deceased individual re-
14 ceived by the Commissioner of Social Security other than
15 as described in paragraph (1) shall be treated for purposes
16 of paragraph (6) in the same manner as information re-
17 ceived as described in paragraph (1).”.

18 (b) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act and each year thereafter
20 through 2019, the Commissioner of Social Security shall
21 submit to the Committee on Finance of the Senate and
22 the Committee on Ways and Means of the House of Rep-
23 resentatives a report describing the entities certified by
24 the Commissioner under section 205(r)(7) of the Social
25 Security Act (42 U.S.C. 405(r)(7)) during the preceding

1 year and their compliance with the requirements of sub-
2 paragraph (E) of such section.

3 (c) EFFECTIVE DATES.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the amendments made by this section
6 take effect on the date that is 60 days after the date
7 of the enactment of this Act.

8 (2) EXCEPTION.—The amendment made by
9 subsection (a)(6) shall take effect on January 1,
10 2014.

11 (d) SUNSET.—Subparagraphs (C) through (H) of
12 section 205(r)(7) of the Social Security Act (42 U.S.C.
13 405(r)(7)) (as amended by subsection (a)) shall cease to
14 be effective on January 1, 2019, except that—

15 (1) clauses (ii) and (iv) of subparagraph (E) of
16 such section shall continue to apply for purposes of
17 section 205(r)(5)(B) of such Act (42 U.S.C.
18 405(r)(5)(B)) (as amended by subsection (a)).

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