



MASSACHUSETTS GENEALOGICAL COUNCIL

<http://www.massgencouncil.org>

Member Organizations

Allen County Public Library, IN
American-French Genealogical Society
Billerica Friends of Genealogy
Central Massachusetts Genealogical Society
Descendants of Whaling Masters
Essex Society of Genealogists
Friends of the Silvio O. Conte Archives
The Genealogical Roundtable
Greater Boston Chapter of the Association of Professional Genealogists
The Irish Ancestral Research Assn.
The Jewish Genealogical Society of Greater Boston
The Massachusetts Society of Genealogists
The Massachusetts Society of Mayflower Descendants
The National Society of the Daughters of the American Revolution
New England Historic Genealogical Society
Plymouth County Genealogists
The Waltham Historical Society

FROM THE PRESIDENT'S DESK

By Bernard Couming, MGC President

To Arms!! To Arms!! The British are coming!!

So Paul Revere stirred the countryside on April 19, 1775.

Well, this organization also shouted similarly in 2002 when the well intentioned members of our illustrious Massachusetts legislature tried to craft a new Vital Records statute that would satisfy a decades old federal Vital Records Model Law as defined by the Department of Health and Human Services. Our concern then was that their good intentions would lead to unintended consequences that would result in the shut down of public access to vital records to the research community (including the genealogical community). Fortunately, our eleventh hour protests saved the day.

Now we are suddenly faced with a far more remote and powerful authority than the Massachusetts legislature. Now the federal government, who had attempted for the last two decades to foist their outmoded model law onto the individual states, has a new vehicle to accomplish similar "unintended consequences" onto the entire nation in one fell swoop.

H.R. 10 has already passed through the House of Representatives. A corresponding bill has passed in the U.S. Senate.

H.R. 10 is called the *9/11 Recommendations Implementation Act*. Here are the details on this legislation.

(continued on page 3)

MGC BOARD 2003-2004

OFFICERS

President: Bernard J. Couming

Vice-President: Daphnah Sage

Treasurer: Peter Viles

Secretary: Sandra Gambone

DIRECTORS

Archives: Ann Dzindolet

Civil Records: Shirley Barnes

Asst. Civil Records: John S. Gracey

Newsletter: Mary Ellen Grogan

Asst. Newsletter Editors: Georgie Hallock, Christine Sweet-Hart, John Thompson

Programs: Sharon Sergeant

Publicity: Bobby Lyman

Ways & Means: Sheila FitzPatrick

Webmaster: Bob Stone

The **Massachusetts Genealogical Council** is dedicated to serving the interests of the state's genealogical community. Founded in 1980, the Council's stated aim is to develop and promote the study and exchange of ideas among persons and organizations interested in the pursuit of genealogy. Its programs and activities are designed to complement those of the many genealogical and hereditary societies throughout the state and to provide a statewide forum for genealogists.

One of the Council's leading functions is to represent the concerns

of genealogists in the halls of state and local government. The Council monitors the activities of agencies that bear on genealogical interests and testifies at hearings and other forums of government. The Council promotes the preservation and publication of state and local records and also provides information about them. It guards the rights of all researchers' access to public records and educates genealogists about the proper use and preservation of these records.

The Massachusetts Genealogical Council (MGC) is composed of both Individual and Organization Members. Individual members receive the newsletter, participate in activities organized by the MGC, and may attend the Annual Meeting and Seminar at a discounted member-only rate. All Organization Members receive the newsletter. Organization Members of groups based in Massachusetts are encouraged to send a delegate to the quarterly meetings of the Board of Directors. Delegates are voting members of the Board.

Membership in the Council is open to any person or organization interested in its activities upon payment of dues. The membership year runs from 1 January through 31 December. Beginning in 2005, dues will be: \$10 for an individual; \$15 for an organization; \$15 for a family (same mailing address, 1 newsletter sent for both parties, both eligible for seminar discount). Note: Dues are NOT tax-deductible.

The MGC Board meets four times a year at the National Archives in Waltham. Meetings are open to all interested genealogists, and we welcome your participation. The next Board meeting is scheduled for November 6, 2004, at 1:00 pm. Massachusetts genealogical organizations are urged to send a representative to these meetings.

TO OUR MEMBERS

Program Committee: We are looking for people interested in participating in MGC activities. The Board is a friendly group. We enjoy working together, but it is time to start to add some new faces. Now is the time to get involved. The Program Committee organizes the annual educational seminar. We need volunteers to help with the nuts and bolts of organizing and running a meeting: handling registrations, preparing name tags and handouts, giving directions, welcoming attendees, assisting the speakers, working with vendors, and just having fun. It's a learning experience, but one that you will enjoy. If you are new to genealogy, this is a great way to meet people and make connections. Working with an experienced committee (and learning from their mistakes) will make it possible for you to organize successful meetings for other groups. Interested? Email Sharon Sergeant, info@genealogyfair.com.

From the President's Desk (continued from page 1)

H.R. 10: TITLE III--BORDER SECURITY AND TERRORIST TRAVEL, Subtitle B-- Identity Management Security, Chapter 2 – Improved Security for Birth Certificates, Section 3063 Minimum Standards for Federal Recognition [*Editor's Note: for the complete text see pages 9-11 of this newsletter*]

Section 3063 establishes the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, as the determiner of requirements that the individual states must meet in spite of the fact that the keeping of vital records in this country has always been the purview of the individual states. The intentions are to "... prevent tampering, counterfeiting, and otherwise duplicating the birth certificate for fraudulent purposes."

Most of the regulations are omitted from the bill, to be promulgated later by the Secretary. One regulation "promulgated" by the Department of Vital Records in Massachusetts, at the direction of the U.S. Department of Health and Human Services, was the elimination of non-certified copies of birth certificates. The only copies of birth records currently permitted in Massachusetts are Certified copies. One regulation that is spelled out in 3063(c)(2) is that a State must require the presentation of legal authorization to request the birth certificate before issuance unless the applicant is named on the birth certificate. (That sounds like a court order is required.)

Section 3063(d) stipulates:

- State implementation of minimum building security standards at all offices that house Vital Record offices. (This would seem to indicate another unfunded mandate.)
- Restrict public access to birth ... information ... to ensure that access is restricted to entities having binding privacy protection agreements with the State.
- Subject all persons with access to vital records to appropriate security clearance requirements.
- Establish and implement internal operating system standards for paper ... systems
- Establish a central (national) database ... (of) the authority and identity of the requestor.

The Records Preservation and Access Committee of the Federation of Genealogical Societies (FGS) and The National Genealogical Society (NGS) has spoken for millions of American genealogists by writing to the Speaker of the House to request a rewording of Section 3063(d)(2).¹

¹ Body of letter from David Rencher, Chair of the FGS/NGS Records Preservation and Access Committee, to Rep. Hastert: "Speaking for the genealogical community that includes millions of people throughout the United States, we commend the intent and efforts by Congress to prevent the abuse of identity theft in a post-9/11 world. While we recognize the need to protect the privacy of individuals, we are seeking a balanced solution with this resolution that will protect the privacy goals you desire and allow appropriate access to the family history information that the genealogical community desires. Please consider amending HR-10 Section 3063(d)(2) by adding the following wording to the existing paragraph:

"However, nothing in this Chapter 2 shall be construed to require a State to change its law with respect to public access to (A) non-certified copies of birth certificates, or to (B) birth certificates or birth records once a period of 100 years has elapsed from the date of creation of the certificate or record."

We believe that this additional language will assist states in complying with the law without jeopardizing the legitimate use of these historical records for the preservation of a family's history and still provide the security the nation needs to prohibit the misuse of certified copies of birth records."

I believe that their recommendation is too modest. I have no faith that non-certified copies of birth certificates will remain available in the future. To allow public access to birth records to be closed for 100 years effectively slams the door on any new lines of research for families that have no immediate provable relatives. Many new genealogists will be blocked from their own families in the last 2-3 generations.

Tighter language could be developed at the state level to maintain viable genealogical research in this era of identity theft and terrorism. Any law that leaves so much to the “regulations to be named later” is worrisome. The only solution is that the genealogical community must be ably represented at the table of the legislators. I believe that is probably most viable while the states retain primary responsibility for their own public records. There the public hearing process can be structured to protect the rights of the affected stakeholders. The federal presence can also be accommodated there.

Now we must mobilize to make our voices heard. This publication has a narrow audience, primarily in Massachusetts. All recipients are requested first to write, call or e-mail their Congressional representative and Senators, as well as Congressman Hastert, (the primary sponsor in the House). Secondly, look over your e-mail address book and raise the alarm with any of your correspondents in the USA who might also write their representatives. To find out the address of your representative, call your local library or check the Internet at <http://www.house.gov/> (enter your zip code).

My e-mail to my congressman and J. Dennis Hastert is as follows. (Please write your own thoughts.)

Dear Congressman,

I am writing as both the President of the Massachusetts Genealogical Council, and as a private citizen, retired person who spends as much time as possible chasing ancestors. Unhappily I've only just become aware that the federal government is usurping state government prerogatives with the intent of stopping identity theft and terrorists in sections 3061 through 3067 of H.R. 10 9/11 RECOMMENDATIONS IMPLEMENTATION ACT.

Recently, similar legislation was proposed in Massachusetts that would have closed currently available Public Records. It was soundly defeated when the genealogical community got wind of the state legislation. Those of us involved in legislative matters for the genealogists of Massachusetts have seen and fought against similar proposals for several decades. Genealogists represent a responsible voting sector, citizens who are very active in their communities.

Those working on the 9/11 bill are to be applauded for much of their efforts. However, the entirety of CHAPTER 2--IMPROVED SECURITY FOR BIRTH CERTIFICATES will have a devastating effect on one of the most popular pastimes in the world and wreak havoc on a below-the-radar segment of the economy, including but not limited to tourism. Our differences might be worked out, but only if the genealogical community is seriously invited to the table to work out acceptable language and constructs. The real opportunity would be at the negotiating table in the local (states) community. I request that you work to have this segment of H.R. 10 deleted and sent back to a study committee that invites able members of the genealogical community to educate legislators in the realities of Vital Records collection, accuracy, transcription, administration, preservation and access needs.

Thank you,

Bernard J. Couming

Canton, MA

MASSACHUSETTS GENEALOGICAL COUNCIL LEGISLATIVE ALERT

By Sharon Sergeant, Director of Programs

The U.S. House of Representatives bill, the *9/11 Recommendations Implementation Act of 2004* (H.R. 10), creates unintended consequences for millions of American Citizens including, but not limited to, adoptees, retirees, military and other federal government employees, education and medical service providers, journalists, attorneys, family history researchers, genealogists, historians, biographers, private investigators, as well as generations of under-privileged or under-documented populations.

The Massachusetts Genealogical Council (MGC) was organized in 1980 as an umbrella organization of genealogical societies throughout the Commonwealth of Massachusetts to monitor legislation affecting public records access and preservation, and to educate the public in responsible family history research practices. MGC has examined proposed legislation and testified at numerous legislative hearings and provided decades of public education seminars.

In addition to the ability of MGC to understand the impact of proposed legislation on its members and the research community, the MGC Board of directors is comprised of professionals in the fields of security, telecommunications, transportation, medicine, data base systems, law, government and business procedures.

The MGC Board of Directors and members applaud credible measures for protections against terrorism, ID Theft and invasion of privacy. However, the provisions in the Federal Bill H.R. 10, Chapter 2 creates the most extensive list of **unintended consequences** in our decades of experience with proposed legislation.

Within the hundreds of pages of measures proposed in H.R. 10, we specifically address “Chapter 2 – Improved Security for Birth Certificates”, as it decimates normality in the every day activities of citizens as well as professionals who rely on source and fact checking due diligence procedures throughout the country.

The definition of *Open Records*, *Public Records* and *Vital Records* within each state are rooted in the origins of the state constitutions, charters and legal systems. Thus each state has built a system of laws and regulations, and adopted their own specific positions and measures such as “certified” versus “non-certified” or “for genealogical or other research purposes only” certificates, as well as privacy periods for Vital Records information access.

David E. Rencher, Chair of the Record Preservation and Access Committee for the Federation of Genealogical Societies and The National Genealogical Society has already noted that HR-10 Section 3063(d)(2) should at least be modified by adding the following wording to one paragraph:

“However, nothing in this Chapter 2 shall be construed to require a State to change its law with respect to public access to (A) non-certified copies of birth certificates, or to (B) birth certificates or birth records once a period of 100 years has elapsed from the date of creation of the certificate or record.”

A copy of David Rencher’s letter to the bill’s sponsor, Congressman Dennis Hastert, is available on the FGS site: www.fgs.org/rpa/formalactions.htm

Upon further examination of the full content of H.R. 10, Chapter 2, the MGC Board of Directors finds that the entire H.R. 10 Chapter 2 should be excised from the process that the House and the Senate will now explore to combine their separate bills to satisfy the 9/11 recommendations:

- First many states, such as Massachusetts, would be required to change their state constitution to comply with H.R. 10, Chapter 2.
- Second, all states vary widely in their adoption of certified versus un-certified records procedures, as well as privacy and access periods, and numerous other aspects of Vital Records administration – often combined and intertwined with what that state considers related measures at the time of enactment.
- Next, the crafters of H.R. 10 clearly are not aware of the escalating unintended consequences of the *Patriot Act*, *HIPPA* and other post-9/11, ID Theft and Privacy legislation.

Genealogists are particularly aware of post-9/11 unintended consequence incidents. The poignant vignettes of suspicion and trauma are increasing for elderly citizens who were immigrants during the twentieth century.

Education and medical system personnel are also reporting similar problems, particularly in the many communities where the latest Federal census in 2000 shows that 20 per cent or more of their population were born outside the US.

H.R. 10, Chapter 2, Section 3063 (a) specifically provides punitive measures for the millions of individuals in the general population who would be affected by these unrealistic measures:

“Minimum Standards for Federal Recognition

(a) Minimum Standards for Federal Use-

(1) In General- Beginning 3 years after the date of enactment of this Act, a Federal agency may not accept, for any official purpose, a birth certificate issued by a State to any person unless the State is meeting the requirements of this section.”

H.R. 10 now threatens to rescind individual and State’s rights with sweeping measures.

Additional impositions under H.R. 10 would jeopardize such common procedures as Social Security applications or military enlistment. Individuals who were born in one state are often not currently living in the same state (and therefore have no voting leverage). If the state of their birth contests such sweeping Federal authority or is simply unable to meet the requirements because the Federal funding does not address the pre-existing conditions of the state’s Vital Records, any individual could be denied recognition of their birth record.

Next, H.R. 10, Chapter 2, Section 3063 (c) *Minimum Issuance Standards* provides language that further conflicts with the rights of millions of people:

- The requestor must know all the information on the record, permanently blocking all individuals whose purpose is to:
 - ✓ correct an erroneous record (an unfortunately growing awareness due to the numerous transcription problems on both originals and the levels of derivatives introduced by electronic “progress”);

- ✓ get the record information, including, but not limited to:
 - states where adoptee rights have been modernized;
 - the increasing need of the medical community for genealogical medical histories to treat or prevent inherited disorders;
 - the ability of ethnic and cultural groups (that once responded to discrimination by hiding their origins) to reclaim their heritage;
 - the establishment or correction of property rights that were incorrectly adjudicated or transferred in the past;
- ✓ utilize the Genealogical Proof Method (GPM) in any of the above situations, to compare various pieces of evidence with conflicting statements of other records purporting to be “fact”;
- ✓ create family group and neighborhood reconstruction, for personal family history, medical, cultural and historical studies across many disciplines.

The language of this section further specifies that the requestor must present legal authorization to request the birth certificate without specifying what the basis of legal authorization is, suggesting that individual rights would have to be adjudicated, creating a myriad of class action suits or test cases before the “unintended consequences” would be recognized.

This section then further discriminates against individual rights by leaving to regulations “minimum standards for issuance of a birth certificate to specific family members, their authorized representatives, and others who demonstrate that the certificate is needed for the protection of the requestor's personal or property rights.”, when such rights vary across and between states.

Further difficulties in this section arise with an incredible “catch-22” of suggesting that the third party verifications of requestor identity that are currently failing in electronic Identity Theft (in spiraling credit card and electronic transaction fraud statistics) should next be employed for electronic birth certificate requests, thus creating, rather than reducing opportunities, for birth certificate fraud which is now anecdotal, particularly as compared to the escalation of electronic fraud and lack of effective security measures against electronic hackers of all kinds:

“to meet the requirements of this section, for applications by electronic means, through the mail or by phone or fax, a State shall employ third party verification, or equivalent verification, of the identity of the requestor.”

Next, Section 3063 (d) *Other Requirements* proposes to create a militaristic security environment in every town clerk and Vital Records office with requirements that much more closely resemble a nuclear power plant document repository (without regard to the glaring lack of proper preservation and archival protections for the existing records), including but not limited to:

- building security standards
- restricted to entities with which the State has a binding privacy protection agreement
- security clearance requirements
- fraudulent document recognition training programs
- internal operating system standards
- central database that can provide interoperative data exchange with other States and with Federal agencies
- ensure that birth and death records are matched
- implementation of electronic verification of vital events

Next, Section 3064 *Establishment of Electronic Birth and Death Registration Systems* further extends the goals of a futuristic system without addressing any of the underlying problems mentioned above, and relegates the following report requirement to post-bill passage – instead of pre-bill analysis, such that the aforementioned issues would be exposed, examined, quantified and actually provide for realistic legislation initiatives:

“Submit to Congress, a report on whether there is a need for Federal laws to address penalties for fraud and misuse of Vital Records and whether violations are sufficiently enforced.”

Next, Section 3065 *Electronic Verification of Vital Events* further extends security checks to allow for the electronic validation by state and federal agencies of paper certificates - particularly to prevent the use of a deceased person's birth certificate. Anyone, who has been told that their birth does not exist, or found someone else's credit information has been “provisionally” or permanently confused with their own, will immediately relate to the potential for being told that they have been marked as deceased or having to utilize Mark Twain's famous “The reports of my death are greatly exaggerated” as only humor could alleviate the kind of distress, such errors provoke, particularly in the elderly and children where they most often occur.

NOTE: While the genealogical community, in particular, would welcome a “state of the art” and accurate system for matching birth and death records, millions of family history researchers have intimate knowledge of the regularity of human errors in the original records, the history of Vital Records laws and late registration procedures, the loss of records through disaster or neglect, the promulgation of errors with electronic systems, the lack of proper records facilities, and other handicaps that make it difficult for Vital Records offices to perform their current duties.

IMMEDIATE ACTION REQUEST

Please, read the entire H.R. 10, Chapter 2, attached below, forward this information to other concerned citizens and contact both your Congressman and Senators. To find your Representative and Senator contact information, go to www.house.gov/writerep and http://www.senate.gov/general/contact_information/senators_cfm.cfm

H.R.10 has been passed in the House of Representatives. S2845, *National Intelligence Reform Act*, passed the Senate and is awaiting consolidation with HR10. Visit <http://thomas.loc.gov/> for the full text of H.R. 10 and S.2845 as well as progress reports. The Joint Committee consolidation is reported to be done within the next two weeks – a fast track election period initiative.

H.R. 10 CHAPTER 2 NEEDS TO BE EXCISED FROM THIS LEGISLATION!

For additional information on this issue, see the MGC website (massgencouncil.org) or Michael Neill's website (rootdig.com/hr10.html).

See Michael Neill's comments: “This bill can potentially interfere with access to family history records. While we are all concerned about terrorism, we recognize that laws written in haste have the potential to be misinterpreted and to seriously impact access to records that are essential for family history. Records beyond a certain age are not useful to terrorists and others involved in identify theft and the language of this bill needs to be improved to prevent an over-reaction by some record keeping agencies.”

H.R. 10: 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

The following is copied from the federal government legislative website and was accurate on 10/5/04.

CHAPTER 2--IMPROVED SECURITY FOR BIRTH CERTIFICATES

SEC. 3061. DEFINITIONS.

- (a) **APPLICABILITY OF DEFINITIONS-** Except as otherwise specifically provided, the definitions contained in section 3051 apply to this chapter.
- (b) **OTHER DEFINITIONS-** In this chapter, the following definitions apply:
- (1) **BIRTH CERTIFICATE-** The term `birth certificate' means a certificate of birth--
- (A) for an individual (regardless of where born)--
- (i) who is a citizen or national of the United States at birth; and
- (ii) whose birth is registered in the United States; and
- (B) that--
- (i) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or
- (ii) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.
- (2) **REGISTRANT-** The term `registrant' means, with respect to a birth certificate, the person whose birth is registered on the certificate.
- (3) **STATE-** The term `State' shall have the meaning given such term in section 3051; except that New York City shall be treated as a State separate from New York.

SEC. 3062. APPLICABILITY OF MINIMUM STANDARDS TO LOCAL GOVERNMENTS.

The minimum standards in this chapter applicable to birth certificates issued by a State shall also apply to birth certificates issued by a local government in the State. It shall be the responsibility of the State to ensure that local governments in the State comply with the minimum standards.

SEC. 3063. MINIMUM STANDARDS FOR FEDERAL RECOGNITION.

- (a) **MINIMUM STANDARDS FOR FEDERAL USE-**
- (1) **IN GENERAL-** Beginning 3 years after the date of enactment of this Act, a Federal agency may not accept, for any official purpose, a birth certificate issued by a State to any person unless the State is meeting the requirements of this section.
- (2) **STATE CERTIFICATIONS-** The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Health and Human Services, may prescribe by regulation.
- (b) **MINIMUM DOCUMENT STANDARDS-** To meet the requirements of this section, a State shall include, on each birth certificate issued to a person by the State, the use of safety paper, the seal of the issuing custodian of record, and such other features as the Secretary may determine necessary to prevent tampering, counterfeiting, and otherwise duplicating the birth certificate for fraudulent purposes. The Secretary may not require a single design to which birth certificates issued by all States must conform.
- (c) **MINIMUM ISSUANCE STANDARDS-**
- (1) **IN GENERAL-** To meet the requirements of this section, a State shall require and verify the following information from the requestor before issuing an authenticated copy of a birth certificate:

- (A) The name on the birth certificate.
 - (B) The date and location of the birth.
 - (C) The mother's maiden name.
 - (D) Substantial proof of the requestor's identity.
- (2) ISSUANCE TO PERSONS NOT NAMED ON BIRTH CERTIFICATE- To meet the requirements of this section, in the case of a request by a person who is not named on the birth certificate, a State must require the presentation of legal authorization to request the birth certificate before issuance.
- (3) ISSUANCE TO FAMILY MEMBERS- Not later than one year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services and the States, shall establish minimum standards for issuance of a birth certificate to specific family members, their authorized representatives, and others who demonstrate that the certificate is needed for the protection of the requestor's personal or property rights.
- (4) WAIVERS- A State may waive the requirements set forth in subparagraphs (A) through (C) of subsection (c)(1) in exceptional circumstances, such as the incapacitation of the registrant.
- (5) APPLICATIONS BY ELECTRONIC MEANS- To meet the requirements of this section, for applications by electronic means, through the mail or by phone or fax, a State shall employ third party verification, or equivalent verification, of the identity of the requestor.
- (6) VERIFICATION OF DOCUMENTS- To meet the requirements of this section, a State shall verify the documents used to provide proof of identity of the requestor.
- (d) OTHER REQUIREMENTS- To meet the requirements of this section, a State shall adopt, at a minimum, the following practices in the issuance and administration of birth certificates:
- (1) Establish and implement minimum building security standards for State and local vital record offices.
 - (2) Restrict public access to birth certificates and information gathered in the issuance process to ensure that access is restricted to entities with which the State has a binding privacy protection agreement.
 - (3) Subject all persons with access to vital records to appropriate security clearance requirements.
 - (4) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance process.
 - (5) Establish and implement internal operating system standards for paper and for electronic systems.
 - (6) Establish a central database that can provide interoperative data exchange with other States and with Federal agencies, subject to privacy restrictions and confirmation of the authority and identity of the requestor.
 - (7) Ensure that birth and death records are matched in a comprehensive and timely manner, and that all electronic birth records and paper birth certificates of decedents are marked 'deceased'.
 - (8) Cooperate with the Secretary in the implementation of electronic verification of vital events under section 3065.

SEC. 3064. ESTABLISHMENT OF ELECTRONIC BIRTH AND DEATH REGISTRATION SYSTEMS.

In consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, the Secretary shall take the following actions:

- 1) Work with the States to establish a common data set and common data exchange protocol for electronic birth registration systems and death registration systems.
- 2) Coordinate requirements for such systems to align with a national model.
- 3) Ensure that fraud prevention is built into the design of electronic vital registration systems in the collection of vital event data, the issuance of birth certificates, and the exchange of data among government agencies.

- 4) Ensure that electronic systems for issuing birth certificates, in the form of printed abstracts of birth records or digitized images, employ a common format of the certified copy, so that those requiring such documents can quickly confirm their validity.
- 5) Establish uniform field requirements for State birth registries.
- 6) Not later than 1 year after the date of enactment of this Act, establish a process with the Department of Defense that will result in the sharing of data, with the States and the Social Security Administration, regarding deaths of United States military personnel and the birth and death of their dependents.
- 7) Not later than 1 year after the date of enactment of this Act, establish a process with the Department of State to improve registration, notification, and the sharing of data with the States and the Social Security Administration, regarding births and deaths of United States citizens abroad.
- 8) Not later than 3 years after the date of establishment of databases provided for under this section, require States to record and retain electronic records of pertinent identification information collected from requestors who are not the registrants.
- 9) Not later than 6 months after the date of enactment of this Act, submit to Congress, a report on whether there is a need for Federal laws to address penalties for fraud and misuse of vital records and whether violations are sufficiently enforced.

SEC. 3065. ELECTRONIC VERIFICATION OF VITAL EVENTS.

- (a) LEAD AGENCY- The Secretary shall lead the implementation of electronic verification of a person's birth and death.
- (b) REGULATIONS- In carrying out subsection (a), the Secretary shall issue regulations to establish a means by which authorized Federal and State agency users with a single interface will be able to generate an electronic query to any participating vital records jurisdiction throughout the Nation to verify the contents of a paper birth certificate. Pursuant to the regulations, an electronic response from the participating vital records jurisdiction as to whether there is a birth record in their database that matches the paper birth certificate will be returned to the user, along with an indication if the matching birth record has been flagged 'deceased'. The regulations shall take effect not later than 5 years after the date of enactment of this Act.

SEC. 3066. GRANTS TO STATES.

- (a) IN GENERAL- The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this chapter.
- (b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this chapter.

SEC. 3067. AUTHORITY.

- (a) PARTICIPATION WITH FEDERAL AGENCIES AND STATES- All authority to issue regulations, certify standards, and issue grants under this chapter shall be carried out by the Secretary, with the concurrence of the Secretary of Health and Human Services and in consultation with State vital statistics offices and appropriate Federal agencies.
- (b) EXTENSIONS OF DEADLINES- The Secretary may grant to a State an extension of time to meet the requirements of section 3063(a)(1) if the State provides adequate justification for noncompliance.

Massachusetts Genealogical Council
P.O. Box 5393, Cochituate, MA 01778-5393

Newsletter: If you have information, notices, etc., that you would like included in the MGC Newsletter, please send them to the Newsletter Editor, Massachusetts Genealogical Council, P.O. Box 5393, Cochituate, MA 01778-5393 or email editor@massgencouncil.org. If you receive a copy of the newsletter with fewer than 12 pages, let us know and we will send it again. Sometimes the newsletters suffer in the mailing process.

Table of Contents

President's Column..... 1,3-4
Legislative Alert.....5-8
H.R. 10, Chapter 2 language.....9-11

**"IMPROVED" SECURITY FOR
BIRTH CERTIFICATES ?**



**Did your Congressman vote to build the
HR 10 Birth Certificate Brick Wall?**

<http://clerk.house.gov/evs/2004/roll523.xml>



HR 10 may be combined with a Senate bill in the next few weeks.

Please, contact and
Senators TODAY!



educate your Congressman and

The consequences are enormous. Later remedies will be destructive!

Work to prevent this legislation:

**HR 10, TITLE III--BORDER SECURITY AND TERRORIST
TRAVEL, Subtitle B--Identity Management Security,
CHAPTER 2--IMPROVED SECURITY FOR BIRTH
CERTIFICATES**

