



NATIONAL ASSOCIATION FOR PUBLIC HEALTH STATISTICS AND INFORMATION SYSTEMS

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**REEVALUATING REAL ID:
STRENGTHENING BIRTH CERTIFICATE VERIFICATION**

Statement for the Public Record

of

**National Association for Public Health Statistics and Information
Systems**

to the

Committee on Homeland Security and Governmental Affairs

United States Senate

July 15, 2009

Statement for the Public Record

The National Association for Public Health Statistics and Information Systems (NAPHSIS) welcomes the opportunity to provide this written statement for the public record as the Committee reevaluates the REAL ID Act. NAPHSIS represents the 57 vital records jurisdictions that collect, process, and issue birth and death records in the United States and its territories, including the 50 states, New York City, District of Columbia and the five territories. NAPHSIS coordinates the activities of the vital records jurisdictions among the jurisdictions and with federal agencies by developing standards, promoting consistent policies, working with federal partners, and providing technical assistance to the jurisdictions.

The Birth of Verification

Prior to the terrorist attacks on the United States on September 11, 2001, all but one of the terrorist hijackers acquired some form of identification document, some by fraud, and used these forms of identification to assist them in boarding commercial flights, renting cars, and other necessary activities leading up to the attacks. In its final report, The 9/11 Commission recommended implementing more secure sources of identification, stating that “federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.”¹

Heeding the recommendations of the 9/11 Commission, Congress enacted the REAL ID ACT in May 2005. Among other provisions, the REAL ID Act and its corresponding regulations (6 CFR Part 37) require that applicants for a driver's license present their birth certificate to the motor vehicle agency to validate their U.S. citizenship and their date of birth, and that birth certificates must be verified by the state. Sec. 37.13 of the identification standards regulations recommends that states through their departments of motor vehicles (DMV) should use the Electronic Verification of Vital Events (EVVE) system, operated by NAPHSIS, to verify birth certificates presented by applicants.

EVVE is an online system that verifies birth certificate information. It provides authorized users at participating agencies with a single interface to quickly, reliably, and securely validate birth and death information at any jurisdiction in the country. In so doing, *no personal information is divulged* to the person verifying information—EVVE simply relays a message that there was or was not a match with the birth and death records maintained by the state, city, or territory.

¹ The 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks upon the United States, July 2004, p. 390.

Birth Verification Needed Now More Than Ever

Many federal and state agencies rely on birth certificates for proof of age, proof of citizenship, identification for employment purposes, to issue benefits or other documents (e.g. driver's licenses, Social Security cards, and passports) and to assist in determining eligibility for public programs or benefits (e.g., Medicaid). Nevertheless, individuals have obtained birth certificates of deceased persons and assumed their identity, created fraudulent birth certificates, and altered the information on a birth certificate, as documented in a Department of Health and Human Services Office of Inspector General Report of 2000.²

Most recently, the GAO documented several cases in which investigators created fraudulent birth certificates and were able to obtain passports based upon the fraudulent records because the passport office did not verify the birth certificate information.³ As a result, the Passport Fraud Prevention Managers commenced using the EVVE system in March 2009 for birth verifications. In their first six weeks of use, there were two instances where the Fraud Prevention Managers used the EVVE system to electronically verify the birth certificates, and EVVE returned a 'no match.' Upon further follow up with the vital records offices that 'issued' the birth certificates it was determined that indeed the birth certificates presented with those passport applications were fraudulent.

EVVE's Benefits Hindered Only by Resource Constraints

EVVE is currently used by the state DMVs and Medicaid Offices, the Social Security Administration, the Office of Personnel Management, and the Department of State Fraud Prevention Managers in select jurisdictions (see Table 1). Users of EVVE are enthusiastic about the system, citing its capacity for:

- Providing protection against the potential use of birth certificates for fraudulent activities.
- Improving customer service by facilitating rapid access to accurate and verifiable vital record data in real-time.
- Safeguarding the confidentiality of birth and death data.
- Offering a secure mechanism for communication between agencies and vital records offices via the Internet.
- Easily integrating with current legacy systems that the federal or state agencies may already be using, and for serving as a user-friendly interface for agencies that seek a stand-alone query system.

NAPHSIS is working on further upgrades to the EVVE system to meet the REAL ID requirements and to ensure that EVVE is installed in all 57 jurisdictions by May 2011. NAPHSIS is also in the process of procuring a data analysis and quality control tool that

² Department of Health and Human Services, Office of Inspector General, *Birth Certificate Fraud*, Sept. 2009 (OEI-07-99-00570).

³ Government Accountability Office, *Department of State: Undercover Tests Reveal Significant Vulnerabilities in State's Passport Issuance Process*, Mar. 2009 (GAO-09-447).

all jurisdictions can utilize to analyze their EVVE databases for anomalies, inconsistencies, accuracy, and completeness.

Nevertheless, EVVE faces resource-related challenges that may impact our ability to harness EVVE's full potential:

- Most vital records jurisdictions have electronic birth records that extend back for several decades, and the utilization of the EVVE system has proven that these databases can be used effectively. However, only 85 percent of birth records dating back to 1935 are available in electronic form. To recognize EVVE's full potential to protect our nation, 100 percent of birth certificates in 100 percent of jurisdictions should be in electronic form. In addition, some data should be re-keyed to improve quality. Currently, among the vital records jurisdictions participating in the American Association of Motor Vehicle Administrators (AAMVA) birth verification pilot, those jurisdictions that have not cleaned up their files are experiencing only a 90 percent match rate. With clean data files, the match rates would exceed 95 percent.
- There are cases where an individual has assumed a false identity by obtaining a birth certificate of a person who has died. Therefore, it is important that resources be provided so that all death records are electronically linked to birth records. Most jurisdictions have linked infant deaths, and in many cases linked deaths to persons under 45 years of age. In the cases where birth and death records are linked, EVVE will return a "deceased" indicator to the requesting agency, which will confirm that the documentation presented is fraudulent.
- NAPHSIS collects fees from EVVE users to cover costs related to the system's operation, such as technical support and maintenance, system and business operation support, and vital records jurisdiction fees to support EVVE query access to birth data. DMV offices have expressed concerns about paying the costs associated with EVVE. Providing federal funding to DMVs to cover these costs would increase EVVE usage and help prevent the fraudulent use of birth information in acquiring driver's licenses and identification cards.

Investment in Birth Verification Required to Maximize Safety

As you reevaluate the REAL ID Act and consider legislation to strengthen it, NAPHSIS recommends that you preserve the authority established in REAL ID that requires driver's license applicants to present a birth certificate to document their birth in the United States and their date of birth. We also urge that states continue to be required to verify the birth certificates presented by these applicants, and that they use EVVE to do so.

To facilitate the implementation of EVVE throughout the United States and to harness its full potential to safeguard the American people, we respectfully request that any new legislation authorize an annual appropriation of \$15 million to underwrite the state DMV fees associated with verifying birth data. In addition, we request that you authorize an appropriation of \$102.5 million over a two-year period for vital records jurisdictions to

digitize their birth data back to 1935, to clean these data to support electronic queries, and link birth and death records. NAPHSIS feels strongly that this is a small price to pay to help DMVs verify birth data on the 245 million driver’s licenses issued annually and to ultimately keep our country safe and secure.

As Congress seeks to improve the REAL ID Act, it is important to consider the legislation’s intent: to preserve the safety of the American people. The 9/11 terrorists’ ability to obtain valid government issued IDs, and more recently, the GAO’s ability to obtain passports using fraudulent birth certificate data, reinforces the merits and importance of the REAL ID Act’s birth verification provisions. NAPHSIS urges that the Committee “do no harm” in reevaluating the REAL ID Act and ensure these provisions are preserved and strengthened in any new legislation. Indeed, Congress should use the REAL ID Act as a foundation on which to build a secure birth verification system.

NAPHSIS appreciates the opportunity to submit this statement for the record and looks forward to working with the Committee as it reevaluates the REAL ID Act and seeks to strengthen its provisions. If you have questions about this statement, please do not hesitate to contact NAPHSIS Executive Director, Garland Land, at gland@naphsis.org or (301) 563-6001. You may also contact our Washington representative, Emily Holubowich, at eholubowich@dc-crd.com or (202) 484-1100.

Table 1: EVVE Users as of June 30, 2009

| Vital Records Jurisdictions ^a | | Federal | State |
|---|--------------|--|-------------------------------------|
| Alabama | Arkansas | Department of State, Fraud Prevention Managers | Iowa DMV |
| Connecticut | Hawaii | | Minnesota Medicaid Office |
| Iowa | Kansas | Office of Personnel Management | Mississippi Medicaid Office |
| Kentucky | Minnesota | | Mississippi District Health Offices |
| Mississippi | Missouri | Social Security Administration | North Dakota DMV |
| Montana | North Dakota | | South Dakota DMV |
| Oklahoma | South Dakota | | South Dakota Medicaid Office |
| Utah | | | Washington Medicaid Office |

^a NAPHSIS expects to expand EVVE online usage to the eight additional vital records jurisdictions before the end of calendar year 2009, including: California; Massachusetts; Michigan; New Jersey; New York City; Ohio; Oregon; and Pennsylvania.