

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 269

To improve coordination between Federal and State agencies
and the Do Not Pay working system.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY (for
himself, Mr. PETERS, and Mr. WYDEN)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ending Improper Pay-
5 ments to Deceased People Act”.

6 **SEC. 2. IMPROVING COORDINATION BETWEEN FEDERAL**
7 **AND STATE AGENCIES AND THE DO NOT PAY**
8 **WORKING SYSTEM.**

9 (a) IN GENERAL.—Section 205(r) of the Social Secu-
10 rity Act (42 U.S.C. 405(r)), as amended by section
11 801(a)(7) of title VIII of division FF of the Consolidated
12 Appropriations Act, 2021 (Public Law 116–260), is

1 amended by striking paragraph (11) and inserting the fol-
2 lowing:

3 “(11) The Commissioner of Social Security shall, to
4 the extent feasible, provide information furnished to the
5 Commissioner under paragraph (1) to the agency oper-
6 ating the Do Not Pay working system described in section
7 3354(c) of title 31, United States Code, for the authorized
8 uses of the Do Not Pay working system to help prevent
9 improper payments of, and support the recovery of im-
10 properly paid, benefits or other payments through a coop-
11 erative arrangement with such agency, provided that the
12 requirements of subparagraphs (A) and (B) of paragraph
13 (3) are met with respect to such arrangement with such
14 agency. The Commissioner of Social Security and the
15 agency operating the Do Not Pay working system shall,
16 while the data described in the preceding sentence is being
17 provided to the agency operating the Do Not Pay working
18 system, enter into an agreement based upon an agreed
19 upon methodology, which covers the proportional share of
20 State death data costs, which the Commissioner of Social
21 Security and the agency operating the Do Not Pay work-
22 ing system may periodically review.

23 “(12) The Commissioner of Social Security may not
24 record a death to a record that may be provided under
25 this section for any individual unless the Commissioner of

1 Social Security has found it has clear and convincing evi-
2 dence to support that the individual should be presumed
3 to be deceased.”.

4 (b) IMPROVING COORDINATION REGARDING INDIVID-
5 UALS INCORRECTLY IDENTIFIED AS DECEASED.—Section
6 205(r)(7) of the Social Security Act (42 U.S.C.
7 405(r)(7)), as added by section 801(a)(4) of title VIII of
8 division FF of the Consolidated Appropriations Act, 2021
9 (Public Law 116–260), is amended by striking “and” at
10 the end of subparagraph (A), by striking the period at
11 the end of subparagraph (B) and inserting “; and”, and
12 by adding at the end the following new subparagraph:

13 “(C) notify any agency that has a cooperative
14 arrangement with the Commissioner of Social Secu-
15 rity under paragraph (3) or (11) of the error.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on December 27, 2026.