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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ending Improper Payments to Deceased People Act''.

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

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

amended by striking paragraph (11) and inserting the following:

''(11) 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, for the authorized uses of the Do Not Pay working system to help prevent improper payments of, and support the recovery of improperly paid, benefits or other payments 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 Commissioner of Social Security and the agency operating the Do Not Pay working system shall, while the data described in the preceding sentence is being provided to the agency operating the Do Not Pay working system, enter into an agreement based upon an agreed upon methodology, which covers the proportional share of State death data costs, which the Commissioner of Social Security and the agency operating the Do Not Pay working system may periodically review.

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

Social Security has found it has clear and convincing evidence to support that the individual should be presumed to be deceased.''.

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

''(C) notify any agency that has a cooperative arrangement with the Commissioner of Social Security under paragraph (3) or (11) of the error.''.

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