

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2716**  
**OFFERED BY MR. SMITH OF MISSOURI**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

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

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

13           “(11) The Commissioner of Social Security  
14 shall, to the extent feasible, provide information fur-  
15 nished to the Commissioner under paragraph (1) to  
16 the agency operating the Do Not Pay working sys-  
17 tem described in section 3354(c) of title 31, United  
18 States Code, for the authorized uses of the Do Not

1 Pay working system to help prevent improper pay-  
2 ments of, and support the recovery of improperly  
3 paid, benefits or other payments through a coopera-  
4 tive arrangement with such agency, provided that  
5 the requirements of subparagraphs (A) and (B) of  
6 paragraph (3) are met with respect to such arrange-  
7 ment with such agency. The Commissioner of Social  
8 Security and the agency operating the Do Not Pay  
9 working system shall, while the data described in the  
10 preceding sentence is being provided to the agency  
11 operating the Do Not Pay working system, enter  
12 into an agreement based upon an agreed upon meth-  
13 odology, which covers the proportional share of State  
14 death data costs, which the Commissioner of Social  
15 Security and the agency operating the Do Not Pay  
16 working system may periodically review.

17 “(12) The Commissioner of Social Security may  
18 not record a death to a record that may be provided  
19 under this section for any individual unless the Com-  
20 missioner of Social Security has found it has clear  
21 and convincing evidence to support that the indi-  
22 vidual should be presumed to be deceased.”.

23 (b) IMPROVING COORDINATION REGARDING INDIVID-  
24 UALS INCORRECTLY IDENTIFIED AS DECEASED.—Section  
25 205(r)(7) of the Social Security Act (42 U.S.C.

1 405(r)(7)), as added by section 801(a)(4) of title VIII of  
2 division FF of the Consolidated Appropriations Act, 2021  
3 (Public Law 116-260), is amended by striking “and” at  
4 the end of subparagraph (A), by striking the period at  
5 the end of subparagraph (B) and inserting “; and”, and  
6 by adding at the end the following new subparagraph:

7                   “(C) notify any agency that has a coopera-  
8                   tive arrangement with the Commissioner of So-  
9                   cial Security under paragraph (3) or (11) of the  
10                  error.”.

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

