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114TH CONGRESS
1ST SESSION

S. 1576

AN ACT

To amend title 5, United States Code, to prevent fraud by representative payees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Representative Payee Fraud Prevention Act of 2015''.

SEC. 2. REPRESENTATIVE PAYEE FRAUD.

(a) IN GENERAL.—

(1) CSRS.—Subchapter III of chapter 83 of title 5, United States Code, is amended by inserting after section 8345 the following:

''§ 8345a. Embezzlement or conversion of payments

''(a) IN GENERAL.—It shall be unlawful for any person that is authorized by the Office under section 8345(e) to receive payments on behalf of a minor or an individual mentally incompetent or under other legal disability to embezzle or in any manner convert all or any part of the amounts received from such payments to a use other than for the use and benefit of such minor or individual.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, imprisoned for not more than 5 years, or both.

''(c) PRIMA FACIE EVIDENCE.—Any willful neglect or refusal to make and file proper accountings or reports concerning the amounts received from payments authorized under section 8345(e) as required by law shall be taken to be sufficient evidence prima facie of the embezzlement or conversion of such amounts.''.

(2) FERS.—Subchapter VI of chapter 84 of title 5, United States Code, is amended by inserting after section 8466 the following:

"§ 8466a. Embezzlement or conversion of payments

''(a) IN GENERAL.—It shall be unlawful for any person that is authorized by the Office under section 8466(c) to receive payments on behalf of a minor or an individual mentally incompetent or under other legal disability to embezzle or in any manner convert all or any part of the amounts received from such payments to a use other than for the use and benefit of such minor or individual.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, imprisoned for not more than 5 years, or both.

''(c) PRIMA FACIE EVIDENCE.—Any willful neglect or refusal to make and file proper accountings or reports concerning the amounts received from payments authorized under section 8466(c) as required by law shall be taken to be sufficient evidence prima facie of the embezzlement or conversion of such amounts.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 83 of title 5, United States Code, is amended by in-

serting after the item relating to section 8345 the following:

"8345a. Embezzlement or conversion of payments.".

(B) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8466 the following:

"8466a. Embezzlement or conversion of payments.".

(b) LIMITATIONS ON APPOINTMENTS OF REPRESENTATIVE PAYEES.—

(1) CSRS.—Section 8345 of title 5, United States Code, is amended by inserting after subsection (e) the following:

"(f) The Office may not authorize a person to receive payments on behalf of a minor or individual of legal disability under subsection (e) if that person has been convicted of a violation of—

"(1) section 8345a or 8466a;

"(2) section 208 or 1632 of the Social Security Act (42 U.S.C. 408 and 1383a); or

"(3) section 6101 of title 38, United States Code.".

(2) FERS.—Section 8466 of title 5, United States Code, is amended by adding at the end the following:

"(d) The Office may not authorize a person to receive payments on behalf of a minor or individual of legal disability under subsection (c) if that person has been convicted of a violation of—

"(1) section 8345a or 8466a;

"(2) section 208 or 1632 of the Social Security Act (42 U.S.C. 408 and 1383a); or

"(3) section 6101 of title 38, United States Code.".

Passed the Senate August 5, 2015.

Attest:

Secretary.

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