

114TH CONGRESS
1ST SESSION

S. 1576

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2015

Referred to the Committee on Oversight and Government Reform

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Representative Payee
3 Fraud Prevention Act of 2015”.

4 **SEC. 2. REPRESENTATIVE PAYEE FRAUD.**

5 (a) IN GENERAL.—

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

9 **“§ 8345a. Embezzlement or conversion of payments**

10 “(a) IN GENERAL.—It shall be unlawful for any per-
11 son that is authorized by the Office under section 8345(e)
12 to receive payments on behalf of a minor or an individual
13 mentally incompetent or under other legal disability to em-
14 bezzle or in any manner convert all or any part of the
15 amounts received from such payments to a use other than
16 for the use and benefit of such minor or individual.

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

20 “(c) PRIMA FACIE EVIDENCE.—Any willful neglect
21 or refusal to make and file proper accountings or reports
22 concerning the amounts received from payments author-
23 ized under section 8345(e) as required by law shall be
24 taken to be sufficient evidence prima facie of the embezzle-
25 ment or conversion of such amounts.”.

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

4 **“§ 8466a. Embezzlement or conversion of payments**

5 “(a) IN GENERAL.—It shall be unlawful for any per-
 6 son that is authorized by the Office under section 8466(c)
 7 to receive payments on behalf of a minor or an individual
 8 mentally incompetent or under other legal disability to em-
 9 bezzle or in any manner convert all or any part of the
 10 amounts received from such payments to a use other than
 11 for the use and benefit of such minor or individual.

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

15 “(c) PRIMA FACIE EVIDENCE.—Any willful neglect
 16 or refusal to make and file proper accountings or reports
 17 concerning the amounts received from payments author-
 18 ized under section 8466(c) as required by law shall be
 19 taken to be sufficient evidence prima facie of the embezzle-
 20 ment or conversion of such amounts.”.

21 (3) TECHNICAL AND CONFORMING AMEND-
 22 MENTS.—

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

1 serting after the item relating to section 8345
2 the following:

“8345a. Embezzlement or conversion of payments.”.

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

“8466a. Embezzlement or conversion of payments.”.

7 (b) LIMITATIONS ON APPOINTMENTS OF REP-
8 RESENTATIVE PAYEES.—

9 (1) CSRS.—Section 8345 of title 5, United
10 States Code, is amended by inserting after sub-
11 section (e) the following:

12 “‘(f) The Office may not authorize a person to receive
13 payments on behalf of a minor or individual of legal dis-
14 ability under subsection (e) if that person has been con-
15 victed of a violation of—

16 “(1) section 8345a or 8466a;

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

19 “(3) section 6101 of title 38, United States
20 Code.”.

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

1 “(d) The Office may not authorize a person to receive
2 payments on behalf of a minor or individual of legal dis-
3 ability under subsection (c) if that person has been con-
4 victed of a violation of—

5 “(1) section 8345a or 8466a;

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

8 “(3) section 6101 of title 38, United States
9 Code.”.

Passed the Senate August 5, 2015.

Attest:

JULIE E. ADAMS,

Secretary.