

114TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. REPRESENTATIVE PAYEE FRAUD.**

7 (a) IN GENERAL.—

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

1 **“§ 8345a. Embezzlement or conversion of payments**

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

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

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

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

21 **“§ 8466a. Embezzlement or conversion of payments**

22 “(a) IN GENERAL.—It shall be unlawful for any per-
23 son that is authorized by the Office under section 8466(c)
24 to receive payments on behalf of a minor or an individual
25 mentally incompetent or under other legal disability to em-
26 bezzle or in any manner convert all or any part of the

1 amounts received from such payments to a use other than
2 for the use and benefit of such minor or individual.

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

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

12 (3) TECHNICAL AND CONFORMING AMEND-
13 MENTS.—

14 (A) The table of sections for chapter 83 of
15 title 5, United States Code, is amended by in-
16 serting after the item relating to section 8345
17 the following:

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

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

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

22 (b) LIMITATIONS ON APPOINTMENTS OF REP-
23 RESENTATIVE PAYEES.—

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

4 “(f) The Office may not authorize a person to receive
5 payments on behalf of a minor or individual of legal dis-
6 ability under subsection (e) if that person has been con-
7 victed of a violation of—

8 “(1) section 8345a or 8466a;

9 “(2) section 208 or 1632 of the Social Security
10 Act (42 U.S.C. 408 and 1632); or

11 “(3) section 6101 of title 38, United States
12 Code.”.

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

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

20 “(1) section 8345a or 8466a;

21 “(2) section 208 or 1632 of the Social Security
22 Act (42 U.S.C. 408 and 1632); or

23 “(3) section 6101 of title 38, United States
24 Code.”.