

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 inserting 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 [1632] 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 [1632] 1383a); or

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

Mr. GARDNER. I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 1576), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1576

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 inserting 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.”.

THE CALENDAR

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 172 and 173, en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. GARDNER. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be considered made and laid upon the table, and that any statements relating to the bills be printed in the RECORD, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIALIST JOSEPH W. RILEY POST OFFICE BUILDING

The bill (S. 1596) to designate the facility of the United States Postal Service located at 2082 Stringtown Road in Grove City, Ohio, as the “Specialist Joseph W. Riley Post Office Building,” was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1596

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

SECTION 1. SPECIALIST JOSEPH W. RILEY POST OFFICE BUILDING.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 2082 Stringtown Road in Grove City, Ohio, shall be known and designated as the “Specialist Joseph W. Riley Post Office Building”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Specialist Joseph W. Riley Post Office Building”.

LIEUTENANT COLONEL JAMES “MAGGIE” MEGELLAS POST OF- FICE

The bill (S. 1826) to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James “Maggie” Megellas Post Office, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1826

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

SECTION 1. LIEUTENANT COLONEL JAMES “MAGGIE” MEGELLAS POST OFFICE.

(a) **DESIGNATION.**—The facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, shall be known and designated as the “Lieutenant Colonel James ‘Maggie’ Megellas Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Lieutenant Colonel James ‘Maggie’ Megellas Post Office”.

ELECTRONIC HEALTH FAIRNESS ACT OF 2015

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 185, S. 1347.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1347) to amend title XVIII of the Social Security Act with respect to the treatment of patient encounters in ambulatory surgical centers in determining meaningful EHR use, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Electronic Health Fairness Act of 2015”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Ambulatory surgery centers were not covered under the provisions of the HITECH Act of 2009, which created certification standards and incentives for adopting electronic health record (EHR) technology in the physician office and hospital settings.

(2) The Centers for Medicare & Medicaid Services (CMS) defines a meaningful EHR user as an eligible professional having 50 percent or more of the professional’s outpatient encounters at practices or locations equipped with certified EHR technology.

(3) Physicians with patient encounters in an ambulatory surgical center are at a disadvantage when attempting to meet meaningful use requirements because there currently is not certified EHR technology for such centers.

(4) Until such time as EHR technology is certified specifically for use in the ambulatory surgical centers, patient encounters that occur in such a center should not be used when calculating whether an eligible professional meets meaningful use requirements, unless an eligible professional elects to include those encounters.

SEC. 3. TREATMENT OF PATIENT ENCOUNTERS IN AMBULATORY SURGICAL CENTERS IN DETERMINING MEANINGFUL EHR USE.

Section 1848(o)(2) of the Social Security Act (42 U.S.C. 1395w-4(o)(2)) is amended by adding at the end of the following new subparagraph:

“(E) TREATMENT OF PATIENT ENCOUNTERS AT AMBULATORY SURGICAL CENTERS.—

“(i) IN GENERAL.—Subject to clause (ii), any patient encounter of an eligible professional occurring at an ambulatory surgical center (described in section 1832(i)(1)(A)) shall not be treated as a patient encounter in determining whether an eligible professional qualifies as a meaningful EHR user.

“(ii) SUNSET.—Clause (i) shall no longer apply as of the first year that begins more than 3 years after the date the Secretary certifies EHR technology for the ambulatory surgical center setting.”.

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed, and the motion to re-

consider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1347), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDING TITLE XI OF THE SOCIAL SECURITY ACT

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 187, S. 1362.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1362) to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CLARIFICATION OF WAIVER AUTHORITY REGARDING PACE PROGRAMS.

Subsection (d)(1) of section 1115A of the Social Security Act (42 U.S.C. 1315a) is amended by striking “and 1903(m)(2)(A)(iii)” and inserting “1903(m)(2)(A)(iii), and 1934 (other than subsections (b)(1)(A) and (c)(5) of such section)”.

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1362), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

LAND MANAGEMENT WORKFORCE FLEXIBILITY ACT

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, H.R. 1531.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1531) to amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GARDNER. I ask unanimous consent that the bill be read a third time

and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1531) was ordered to a third reading, was read the third time, and passed.

J. WATIES WARING JUDICIAL CENTER

Mr. GARDNER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2131 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2131) to designate the Federal building and United States courthouse located at 83 Meeting Street in Charleston, South Carolina, as the “J. Waties Waring Judicial Center.”

There being no objection, the Senate proceeded to consider the bill.

Mr. GARDNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2131) was ordered to a third reading, was read the third time, and passed.

PFC MILTON A. LEE MEDAL OF HONOR MEMORIAL HIGHWAY

Mr. GARDNER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2559 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2559) to designate the “PFC Milton A. Lee Medal of Honor Memorial Highway” in the State of Texas.

There being no objection, the Senate proceeded to consider the bill.

Mr. GARDNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2559) was ordered to a third reading, was read the third time, and passed.

NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further