

116TH CONGRESS  
1ST SESSION

# H. R. 5268

To amend title 18, United States Code, to prevent individuals who are not members of Indian tribes from receiving Indian tribal benefits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 26, 2019

Mr. CLAY introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prevent individuals who are not members of Indian tribes from receiving Indian tribal benefits, and for other purposes.

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 “Stolen Heritage Pre-  
5 vention Act of 2019”.

6 **SEC. 2. FRAUDULENT RECEIPT OF TRIBAL BENEFITS; TRIB-**  
7 **AL IDENTIFICATION CARDS.**

8 (a) WIRE FRAUD.—Section 1343 of title 18, United  
9 States Code, is amended—

1 (1) by striking “Whoever, having” and inserting  
2 “(a) IN GENERAL—Whoever, having”;

3 (2) by striking “violation occurs in relation to,”  
4 and all that follows through “30 years, or both.”  
5 and inserting the following: “violation—

6 “(1) occurs in relation to, or involving any ben-  
7 efit authorized, transported, transmitted, trans-  
8 ferred, disbursed, or paid in connection with, a  
9 presidentially declared major disaster or emergency  
10 (as those terms are defined in section 102 of the  
11 Robert T. Stafford Disaster Relief and Emergency  
12 Assistance Act (42 U.S.C. 5122));

13 “(2) affects a financial institution; or

14 “(3) occurs in relation to, or involving any ben-  
15 efit authorized, transported, transmitted, trans-  
16 ferred, disbursed, or paid in connection with, special  
17 programs and services provided by the United States  
18 to Indians because of their status as Indians;

19 shall be fined not more than \$1,000,000, imprisoned not  
20 more than 30 years, or both.”; and

21 (3) by adding at the end the following:

22 “(b) DEFINITIONS.—In this section—

23 “(1) the term ‘Indian’ means any individual  
24 who is a member of an Indian tribe; and

25 “(2) the term ‘Indian tribe’—

1           “(A) has the meaning given the term in  
2           section 4 of the Indian Self-Determination and  
3           Education Assistance Act; and

4           “(B) includes, for purposes of this section  
5           only, an Indian group that has been formally  
6           recognized as an Indian tribe by—

7                   “(i) a State legislature;

8                   “(ii) a State commission; or

9                   “(iii) another similar organization  
10           vested with State legislative tribal recogni-  
11           tion authority.”.

12           (b) IDENTIFICATION CARDS.—Section 1159 of title  
13 18, United States Code, is amended—

14                   (1) in the section heading, by striking “**prod-**  
15           **ucts**” and inserting “**products; misrepresen-**  
16           **tation of membership in an Indian tribe**”;

17                   (2) by redesignating subsections (c) and (d) as  
18           subsections (d) and (e), respectively; and

19                   (3) by inserting after subsection (b) the fol-  
20           lowing:

21           “(c) TRIBAL IDENTIFICATION CARDS.—

22                   “(1) IN GENERAL.—Whoever knowingly sells an  
23           Indian tribal identification card to an individual who  
24           is not a member of an Indian tribe without dis-  
25           closing on such card that the individual is ineligible

1 for any special programs and services provided by  
2 the United States to Indians because of their status  
3 as Indians shall be fined under this title, imprisoned  
4 not more than 5 years, or both.

5 “(2) AGGRAVATING FACTOR.—Whoever com-  
6 mits an offense under paragraph (1), with the intent  
7 to defraud the Federal Government for the purpose  
8 of receiving as a benefit, or causing another to re-  
9 ceive as a benefit, special programs and services pro-  
10 vided by the United States to Indians because of  
11 their status as Indians and is otherwise ineligible for  
12 such a benefit shall be fined under this title, impris-  
13 oned not more than 15 years, or both.”.

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