

114TH CONGRESS
1ST SESSION

S. 1984

To prevent Indian tribes and tribal organizations that cultivate, manufacture, or distribute marijuana on Indian land from receiving Federal funds.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2015

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

A BILL

To prevent Indian tribes and tribal organizations that cultivate, manufacture, or distribute marijuana on Indian land from receiving Federal funds.

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 “Keeping out Illegal
5 Drugs Act of 2015” or “KIDs Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the fiduciary responsibility of the United
9 States to Indians includes protecting future genera-

1 tions of Indians from the harmful effects of illegal
2 drugs;

3 (2) testimony at numerous congressional hear-
4 ings has established that rampant drug abuse on In-
5 dian lands has had an especially destructive impact
6 on the lives and families of all Native Americans, in-
7 cluding Native Americans who do not use drugs;

8 (3) the report entitled “Rates of Substance Use
9 of American Indian Students in 8th, 10th, and 12th
10 Grades Living on or Near Reservations: Update,
11 2009–2012”, published by Public Health Reports
12 with funds from the National Institute on Drug
13 Abuse of the National Institutes of Health, indicates
14 that 56.2 percent of eighth grade Native American
15 children and 61.4 percent of tenth grade Native
16 American children who attend school on Indian
17 lands had used marijuana, as compared to the na-
18 tional average of 16.4 percent and 33.4 percent, re-
19 spectively;

20 (4) according to the Office of Juvenile Justice
21 and Delinquency Prevention, individuals who begin
22 using an illegal drug at a young age are far more
23 likely than individuals who do not begin using an il-
24 legal drug at a young age—

25 (A) to use other drugs;

1 (B) to be incarcerated; and

2 (C) to have a lower quality of life;

3 (5) according to the Substance Abuse and Men-
4 tal Health Services Administration, American Indi-
5 ans and Alaska Natives experience some of the high-
6 est rates of substance use, as compared to other ra-
7 cial and ethnic groups in the United States;

8 (6) the National Institutes of Health have
9 shown that marijuana use—

10 (A) may cause permanent developmental
11 damage to the brain; and

12 (B) is linked to poor educational outcomes;

13 (7) the higher incidence of illegal drug use in
14 Indian country, as compared to the rest of the
15 United States, has directly contributed to higher lev-
16 els of poverty and crime and a lower life expectancy
17 in Indian country;

18 (8) according to the Substance Abuse and Men-
19 tal Health Services Administration, in 2010, Amer-
20 ican Indians and Alaska Natives had a 17.1 percent
21 rate of drug-induced death, the highest rate among
22 other racial and ethnic groups in the United States;

23 (9) according to the Centers for Disease Con-
24 trol and Prevention report entitled “CDC Health
25 Disparities and Inequalities Report—United States,

1 2013”, from 1999–2010, American Indians and
2 Alaska Natives aged between 30 and 40 years expe-
3 rienced the highest drug-induced death rate, as com-
4 pared to other racial and ethnic groups in the
5 United States; and

6 (10) Federal law already prohibits the produc-
7 tion, cultivation, manufacture, and distribution of
8 marijuana.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) INDIAN LANDS.—The term “Indian lands”
12 has the meaning given the term in section 3 of the
13 Native American Business Development, Trade Pro-
14 motion, and Tourism Act of 2000 (25 U.S.C. 4302).

15 (2) INDIAN TRIBE.—The term “Indian tribe”
16 has the meaning given the term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 450b).

19 (3) TRIBAL ORGANIZATION.—The term “tribal
20 organization” has the meaning given the term in
21 section 4 of the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 450b).

23 **SEC. 4. PROHIBITION.**

24 Notwithstanding any other provision of law, it is un-
25 lawful for an Indian tribe or a tribal organization—

1 (1) to knowingly or intentionally cultivate, man-
2 ufacture, or distribute marijuana on Indian lands;

3 (2) to knowingly or intentionally allow the cul-
4 tivation, manufacture, or distribution of marijuana
5 on Indian lands; or

6 (3) on discovery by the Indian tribe or tribal or-
7 ganization that an individual or entity on Indian
8 lands subject to the jurisdiction of the Indian tribe
9 or tribal organization is cultivating, manufacturing,
10 or distributing marijuana on Indian lands—

11 (A) as applicable, to fail to prosecute, or
12 notify the appropriate Federal official regarding
13 that individual or entity; and

14 (B) to fail to destroy the relevant mari-
15 juana crop in accordance with applicable Fed-
16 eral law.

17 **SEC. 5. PENALTY.**

18 (a) IN GENERAL.—No funds authorized or appro-
19 priated by Federal law shall be made available for any
20 purpose to an Indian tribe or a tribal organization if the
21 Indian tribe or tribal organization is determined to have
22 violated section 4 during the period—

23 (1) beginning on the date on which the Indian
24 tribe or tribal organization violates section 4; and

1 (2) ending on the date on which the Indian
2 tribe or tribal organization has remedied the viola-
3 tion and achieved compliance with this Act, as deter-
4 mined by the Attorney General of the United States.

5 (b) RETURN OF FUNDS REQUIRED.—

6 (1) IN GENERAL.—An Indian tribe or tribal or-
7 ganization in violation of section 4 shall return to
8 the relevant Federal agency any funds received dur-
9 ing a period in which the Indian tribe or tribal orga-
10 nization is in violation of this Act.

11 (2) NO RETURN OF REFUNDED FUNDS.—Funds
12 returned to a Federal agency under paragraph (1)
13 shall not be returned to the Indian tribe or tribal or-
14 ganization upon compliance with this Act.

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