

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Stored Communications Act to include Tribal courts as courts of competent jurisdiction, to amend the Indian Civil Rights Act of 1968 to confer Tribal jurisdiction over controlled substances, related offenses, and firearms, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To amend the Stored Communications Act to include Tribal courts as courts of competent jurisdiction, to amend the Indian Civil Rights Act of 1968 to confer Tribal jurisdiction over controlled substances, related offenses, and firearms, 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 “Protection for Reserva-  
5       tion Occupants against Trafficking and Evasive Commu-  
6       nications Today Act of 2025” or the “PROTECT Act of  
7       2025”.

1 **SEC. 2. TRIBAL COURTS AS COURTS OF COMPETENT JURIS-**  
2 **DICTION UNDER STORED COMMUNICATIONS**  
3 **ACT.**

4 (a) DEFINITIONS.—Section 2711 of title 18, United  
5 States Code, is amended—

6 (1) in paragraph (3)—

7 (A) in subparagraph (B), by striking “or”  
8 at the end;

9 (B) by redesignating subparagraph (C) as  
10 subparagraph (D); and

11 (C) by inserting after subparagraph (B)  
12 the following:

13 “(C) a Tribal court; or”; and

14 (2) by striking paragraph (4) and inserting the  
15 following:

16 “(4) the term ‘governmental entity’ means a de-  
17 partment or agency of—

18 “(A) the United States;

19 “(B) any State or political subdivision  
20 thereof; or

21 “(C) any Indian Tribe or political subdivi-  
22 sion thereof;

23 “(5) the term ‘Indian Tribe’ means any Indian  
24 or Alaska Native tribe, band, nation, pueblo, village,  
25 community, component band, or component reserva-  
26 tion individually identified (including parenthetically)

1 on the most recent list published by the Secretary of  
2 the Interior under section 104 of the Federally Rec-  
3 ognized Indian Tribe List Act of 1994 (25 U.S.C.  
4 5131); and

5 “(6) the term ‘Tribal court’ means a court of  
6 general criminal jurisdiction of an Indian Tribe au-  
7 thorized by the law of that Indian Tribe to issue  
8 search warrants.”.

9 (b) REQUIRED DISCLOSURE OF CUSTOMER COMMU-  
10 NICATIONS OR RECORDS.—Section 2703 of title 18,  
11 United States Code, is amended—

12 (1) in subsection (a), by striking the first sen-  
13 tence and inserting the following:

14 “(1) IN STORAGE 180 DAYS OR LESS.—A gov-  
15 ernmental entity may require the disclosure by a  
16 provider of electronic communication service of the  
17 contents of a wire or electronic communication, that  
18 is in electronic storage in an electronic communica-  
19 tions system for 180 days or less, only pursuant to  
20 a warrant issued by a court of competent jurisdic-  
21 tion—

22 “(A) using the procedures described in the  
23 Federal Rules of Criminal Procedure;

24 “(B) in the case of a State court, using  
25 State warrant procedures;

1           “(C) in the case of a court-martial or other  
2           proceeding under chapter 47 of title 10 (the  
3           Uniform Code of Military Justice), under sec-  
4           tion 846 of that title, in accordance with regu-  
5           lations prescribed by the President; or

6           “(D) in the case of a Tribal court, using  
7           the warrant procedures described in section  
8           202(a)(2) of Public Law 90–284 (commonly  
9           known as the ‘Indian Civil Rights Act of 1968’)  
10          (25 U.S.C. 1302(a)(2)).

11          “(2) IN STORAGE MORE THAN 180 DAYS.—”;  
12          (2) in subsection (b)(1)—

13               (A) in subparagraph (A), by striking  
14               “using the procedures described in the Federal  
15               Rules of Criminal Procedure” and all that fol-  
16               lows through “prescribed by the President)”  
17               and inserting “in accordance with subsection  
18               (a)(1)”; and

19               (B) in subparagraph (B)(i), by inserting “,  
20               Tribal,” after “a Federal” each place it ap-  
21               pears; and

22          (3) in subsection (c)—

23               (A) in paragraph (1)(A), by striking  
24               “using the procedures described in the Federal  
25               Rules of Criminal Procedure” and all that fol-

1            lows through “prescribed by the President)”  
2            and inserting “in accordance with subsection  
3            (a)(1)”; and

4                    (B) in paragraph (2), in the undesignated  
5            matter following subparagraph (F), by inserting  
6            “, Tribal,” after “a Federal” each place it ap-  
7            pears.

8            (c) DELAYED NOTICE.—Section 2705(a)(1)(B) of  
9            title 18, United States Code, is amended by inserting “,  
10           Tribal,” after “a Federal” each place it appears.

11           (d) CIVIL ACTION.—Section 2707(g) of title 18,  
12           United States Code, is amended, in the second sentence,  
13           by inserting “Tribal,” after “State,”.

14           (e) WRONGFUL DISCLOSURE OF VIDEO TAPE RENT-  
15           AL OR SALE RECORDS.—Section 2710 of title 18, United  
16           States Code, is amended—

17                    (1) in subsection (b)(2)(C), by inserting after  
18           “an equivalent State warrant,” the following: “a  
19           warrant issued by a Tribal court using the warrant  
20           procedures described in section 202(a)(2) of Public  
21           Law 90–284 (commonly known as the ‘Indian Civil  
22           Rights Act of 1968’) (25 U.S.C. 1302(a)(2)),”; and

23                    (2) in subsection (d), by striking “or a political  
24           subdivision of a State” and inserting “a political  
25           subdivision of a State, or an Indian Tribe”.

1 **SEC. 3. TRIBAL JURISDICTION OVER CONTROLLED SUB-**  
2 **STANCES, RELATED OFFENSES, AND FIRE-**  
3 **ARMS.**

4 Section 204 of Public Law 90–284 (commonly known  
5 as the “Indian Civil Rights Act of 1968”) (25 U.S.C.  
6 1304) is amended—

7 (1) in subsection (a)—

8 (A) by redesignating paragraphs (5), (6),  
9 (7), (8), (9), (10), (11), (12), (13), (14), (15),  
10 (16), and (17) as paragraphs (6), (7), (8), (10),  
11 (11), (12), (13), (14), (15), (16), (17), (18),  
12 and (19), respectively;

13 (B) by inserting after paragraph (4) the  
14 following:

15 “(5) CONTROLLED SUBSTANCE-RELATED OF-  
16 FENSE.—

17 “(A) IN GENERAL.—The term ‘controlled  
18 substance-related offense’ means a violation of  
19 the criminal law of the Indian tribe that has ju-  
20 risdiction over the Indian country where the  
21 violation occurs that involves—

22 “(i) drug trafficking;

23 “(ii) unlawful drug possession; or

24 “(iii) unlawful possession of drug par-  
25 aphernalia.

1 “(B) ASSOCIATED DEFINITIONS.—For pur-  
2 poses of this paragraph:

3 “(i) CONTROLLED SUBSTANCE.—The  
4 term ‘controlled substance’ means—

5 “(I) a controlled substance (as  
6 defined in section 102 of the Con-  
7 trolled Substances Act (21 U.S.C.  
8 802));

9 “(II) a counterfeit substance (as  
10 defined in that section); and

11 “(III) a controlled substance ana-  
12 logue (as defined in that section).

13 “(ii) DRUG PARAPHERNALIA.—The  
14 term ‘drug paraphernalia’ has the meaning  
15 given the term in section 422(d) of the  
16 Controlled Substances Act (21 U.S.C.  
17 863(d)).

18 “(iii) DRUG TRAFFICKING.—The term  
19 ‘drug trafficking’ means—

20 “(I) the manufacture, cultivation,  
21 delivery, distribution, or dispensing of  
22 a controlled substance;

23 “(II) the possession of a con-  
24 trolled substance with the intent to

1 manufacture, deliver, distribute, or  
2 dispense the controlled substance; and

3 “(III) the solicitation of, or the  
4 attempt or conspiracy to do, an act  
5 described in subclause (I) or (II).

6 “(iv) UNLAWFUL DRUG POSSES-  
7 SION.—The term ‘unlawful drug posses-  
8 sion’ means a violation of the criminal law  
9 of the Indian tribe that has jurisdiction  
10 over the Indian country where the violation  
11 occurs that involves the possession of a  
12 controlled substance.

13 “(v) UNLAWFUL POSSESSION OF  
14 DRUG PARAPHERNALIA.—The term ‘unlaw-  
15 ful possession of drug paraphernalia’  
16 means a violation of the criminal law of  
17 the Indian tribe that has jurisdiction over  
18 the Indian country where the violation oc-  
19 curs that involves the possession of drug  
20 paraphernalia.”;

21 (C) in paragraph (6) (as so redesign-  
22 nated)—

23 (i) in subparagraph (H), by striking  
24 “and” at the end;



1 (ii) in subparagraph (I), by striking  
2 the period at the end and inserting a semi-  
3 colon; and

4 (iii) by adding at the end the fol-  
5 lowing:

6 “(J) a controlled substance-related offense;

7 and

8 “(K) a firearms offense.”; and

9 (D) by inserting after paragraph (8) (as so  
10 redesignated) the following:

11 “(9) FIREARMS OFFENSE.—The term ‘firearms  
12 offense’ means a violation of the criminal law of the  
13 Indian tribe that has jurisdiction over the Indian  
14 country where the violation occurs that involves the  
15 use or possession of a firearm—

16 “(A) in furtherance of a covered crime; or

17 “(B) by a person who has been convicted  
18 of domestic violence.”; and

19 (2) in subsection (b)(4)(A), by striking “or as-  
20 sault of Tribal justice personnel,” and inserting “,  
21 assault of Tribal justice personnel, a controlled sub-  
22 stance-related offense, or a firearms offense,”.

23 **SEC. 4. BUREAU OF PRISONS TRIBAL PRISONER PROGRAM.**

24 Section 234(c)(2)(B) of the Tribal Law and Order  
25 Act of 2010 (25 U.S.C. 1302a(2)(B)) is amended by in-

1   serting “or offenders convicted pursuant to the exercise  
2   of special Tribal criminal jurisdiction described in section  
3   204 of Public Law 90–284 (commonly known as the ‘In-  
4   dian Civil Rights Act of 1968’) (25 U.S.C. 1304)” after  
5   “(comparable to the violent crimes described in section  
6   1153(a) of title 18, United States Code)”.