

119TH CONGRESS
1ST SESSION

H. R. 3773

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2025

Mr. LARSEN of Washington (for himself, Mr. ZINKE, Ms. PEREZ, Mr. NEWHOUSE, Mr. COLE, Mr. HURD of Colorado, and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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-

1 nications Today Act of 2025” or the “PROTECT Act of
2 2025”.

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

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

8 (1) in paragraph (3)—

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

11 (B) by redesignating subparagraph (C) as
12 subparagraph (D); and

13 (C) by inserting after subparagraph (B)
14 the following:

15 “(C) a Tribal court; or”; and

16 (2) by striking paragraph (4) and inserting the
17 following:

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

20 “(A) the United States;

21 “(B) any State or political subdivision
22 thereof; or

23 “(C) any Indian Tribe or political subdivi-
24 sion thereof;

1 “(5) the term ‘Indian Tribe’ means any Indian
2 or Alaska Native tribe, band, nation, pueblo, village,
3 community, component band, or component reserva-
4 tion individually identified (including parenthetically)
5 on the most recent list published by the Secretary of
6 the Interior under section 104 of the Federally Rec-
7 ognized Indian Tribe List Act of 1994 (25 U.S.C.
8 5131); and

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

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

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

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

1 “(A) using the procedures described in the
2 Federal Rules of Criminal Procedure;

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

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

10 “(D) in the case of a Tribal court, using
11 the warrant procedures described in section
12 202(a)(2) of Public Law 90–284 (commonly
13 known as the ‘Indian Civil Rights Act of 1968’)
14 (25 U.S.C. 1302(a)(2)).

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

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

23 (B) in subparagraph (B)(i), by inserting “,
24 Tribal,” after “a Federal” each place it ap-
25 pears; and

1 (3) in subsection (c)—

2 (A) in paragraph (1)(A), by striking
3 “using the procedures described in the Federal
4 Rules of Criminal Procedure” and all that fol-
5 lows through “prescribed by the President)”
6 and inserting “in accordance with subsection
7 (a)(1)”; and

8 (B) in paragraph (2), in the undesignated
9 matter following subparagraph (F), by inserting
10 “, Tribal,” after “a Federal” each place it ap-
11 pears.

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

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

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

21 (1) in subsection (b)(2)(C), by inserting after
22 “an equivalent State warrant,” the following: “a
23 warrant issued by a Tribal court using the warrant
24 procedures described in section 202(a)(2) of Public

1 Law 90–284 (commonly known as the ‘Indian Civil
 2 Rights Act of 1968’) (25 U.S.C. 1302(a)(2)),”; and
 3 (2) in subsection (d), by striking “or a political
 4 subdivision of a State” and inserting “a political
 5 subdivision of a State, or an Indian Tribe”.

6 **SEC. 3. TRIBAL JURISDICTION OVER CONTROLLED SUB-**
 7 **STANCES, RELATED OFFENSES, AND FIRE-**
 8 **ARMS.**

9 Section 204 of Public Law 90–284 (commonly known
 10 as the “Indian Civil Rights Act of 1968”) (25 U.S.C.
 11 1304) is amended—

12 (1) in subsection (a)—

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

18 (B) by inserting after paragraph (4) the
 19 following:

20 “(5) CONTROLLED SUBSTANCE-RELATED OF-
 21 FENSE.—

22 “(A) IN GENERAL.—The term ‘controlled
 23 substance-related offense’ means a violation of
 24 the criminal law of the Indian tribe that has ju-

1 jurisdiction over the Indian country where the
2 violation occurs that involves—

3 “(i) drug trafficking;

4 “(ii) unlawful drug possession; or

5 “(iii) unlawful possession of drug par-
6 aphernalia.

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

9 “(i) CONTROLLED SUBSTANCE.—The
10 term ‘controlled substance’ means—

11 “(I) a controlled substance (as
12 defined in section 102 of the Con-
13 trolled Substances Act (21 U.S.C.
14 802));

15 “(II) a counterfeit substance (as
16 defined in that section); and

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

19 “(ii) DRUG PARAPHERNALIA.—The
20 term ‘drug paraphernalia’ has the meaning
21 given the term in section 422(d) of the
22 Controlled Substances Act (21 U.S.C.
23 863(d)).

24 “(iii) DRUG TRAFFICKING.—The term
25 ‘drug trafficking’ means—

1 “(I) the manufacture, cultivation,
2 delivery, distribution, or dispensing of
3 a controlled substance;

4 “(II) the possession of a con-
5 trolled substance with the intent to
6 manufacture, deliver, distribute, or
7 dispense the controlled substance; and

8 “(III) the solicitation of, or the
9 attempt or conspiracy to do, an act
10 described in subclause (I) or (II).

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

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

1 (C) in paragraph (6) (as so redesignated)—
2

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

5 (ii) in subparagraph (I), by striking
6 the period at the end and inserting a semi-
7 colon; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(J) a controlled substance-related offense;
11 and

12 “(K) a firearms offense.”; and

13 (D) by inserting after paragraph (8) (as so
14 redesignated) the following:

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

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

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

23 (2) in subsection (b)(4)(A), by striking “or as-
24 sault of Tribal justice personnel,” and inserting “,

1 assault of Tribal justice personnel, a controlled sub-
2 stance-related offense, or a firearms offense,”.

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

4 Section 234(c)(2)(B) of the Tribal Law and Order
5 Act of 2010 (25 U.S.C. 1302a(2)(B)) is amended by in-
6 serting “or offenders convicted pursuant to the exercise
7 of special Tribal criminal jurisdiction described in section
8 204 of Public Law 90–284 (commonly known as the ‘In-
9 dian Civil Rights Act of 1968’) (25 U.S.C. 1304)” after
10 “(comparable to the violent crimes described in section
11 1153(a) of title 18, United States Code)”.

○