

119TH CONGRESS
1ST SESSION

S. 1574

To amend the Stored Communications Act to include Tribal courts as courts of competent jurisdiction.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2025

Ms. CORTEZ MASTO (for herself and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Stored Communications Act to include Tribal courts as courts of competent jurisdiction.

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 “Tribal Access to Elec-
5 tronic Evidence Act”.

6 **SEC. 2. TRIBAL COURTS AS COURTS OF COMPETENT JURIS-**
7 **DICTION UNDER STORED COMMUNICATIONS**
8 **ACT.**

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

1 (1) in paragraph (3)—

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

4 (B) by redesignating subparagraph (C) as
5 subparagraph (D); and

6 (C) by inserting after subparagraph (B)
7 the following:

8 “(C) a Tribal court; or”; and

9 (2) by striking paragraph (4) and inserting the
10 following:

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

13 “(A) the United States;

14 “(B) any State or political subdivision
15 thereof; or

16 “(C) any Indian Tribe or political subdivi-
17 sion thereof;

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

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

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

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

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

18 “(A) issued using the procedures described
 19 in the Federal Rules of Criminal Procedure;

20 “(B) in the case of a State court, issued
 21 using State warrant procedures;

22 “(C) in the case of a court-martial or other
 23 proceeding under chapter 47 of title 10 (the
 24 Uniform Code of Military Justice), issued under

section 846 of that title, in accordance with regulations prescribed by the President); or

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

“(2) IN STORAGE MORE THAN 180 DAYS.—”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “using the procedures described in the Federal Rules of Criminal Procedure” and all that follows through “prescribed by the President)” and inserting “in accordance with subsection (a)(1)”; and

(B) in subparagraph (B)(i), by inserting “, Tribal,” after “a Federal” each place it appears; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking “using the procedures described in the Federal Rules of Criminal Procedure” and all that follows through “prescribed by the President)” and inserting “in accordance with subsection (a)(1)”; and

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

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

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

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

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

20 (2) in subsection (d), by striking “or a political
 21 subdivision of a State” and inserting “a political
 22 subdivision of a State, or an Indian Tribe”.

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