

118TH CONGRESS
2D SESSION

S. 4842

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2024

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; or

14 “(B) any State or Indian Tribe, or any po-
15 litical subdivision thereof;

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

24 “(6) the term ‘Tribal court’ means a court of
25 general criminal jurisdiction of an Indian Tribe au-

1 thorized by the law of that Indian Tribe to issue
2 search warrants.”.

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

6 (1) in subsection (a), by striking “State war-
7 rant procedures and” and inserting the following:
8 “State warrant procedures, or, in the case of a Trib-
9 al court, issued using the warrant procedures de-
10 scribed in section 202(a)(2) of Public Law 90–284
11 (commonly known as the ‘Indian Civil Rights Act of
12 1968’) (25 U.S.C. 1302(a)(2)), and”;

13 (2) in subsection (b)(1)—

14 (A) in subparagraph (A), by striking
15 “State warrant procedures and” and inserting
16 the following: “State warrant procedures, or, in
17 the case of a Tribal court, issued using the war-
18 rant procedures described in section 202(a)(2)
19 of Public Law 90–284 (commonly known as the
20 ‘Indian Civil Rights Act of 1968’) (25 U.S.C.
21 1302(a)(2)), and”; and

22 (B) in subparagraph (B)(i), by inserting “,
23 Tribal,” after “by a Federal”; and

24 (3) in subsection (c)—

1 (A) in paragraph (1)(A), by striking
 2 “State warrant procedures and” and inserting
 3 the following: “State warrant procedures, or, in
 4 the case of a Tribal court, issued using the war-
 5 rant procedures described in section 202(a)(2)
 6 of Public Law 90–284 (commonly known as the
 7 ‘Indian Civil Rights Act of 1968’) (25 U.S.C.
 8 1302(a)(2)), and”;

9 (B) in paragraph (2), in the undesignated
 10 matter following subparagraph (F), by inserting
 11 “, Tribal,” after “by a Federal”.

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

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”.

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