

118TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on _____

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”.