

118TH CONGRESS
2D SESSION

S. 5453

To amend title 18, United States Code, to provide Tribal courts and law enforcement with more tools to combat the opioid epidemic.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2024

Mr. DAINES (for himself and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend title 18, United States Code, to provide Tribal courts and law enforcement with more tools to combat the opioid epidemic.

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 2024” or the “PROTECT Act of
7 2024”.

1 **SEC. 2. TRIBAL COURT SEARCH WARRANT PARITY FOR**
2 **ELECTRONIC COMMUNICATIONS.**

3 Chapter 121 of title 18, United States Code, is
4 amended—

5 (1) in section 2703—

6 (A) in subsection (a), by striking “issued
7 using State warrant procedures and,” and in-
8 serting “issued using State warrant procedures,
9 or, in the case of a Tribal court, issued using
10 the warrant procedures described in section 202
11 of Public Law 90–284 (25 U.S.C. 1302) (com-
12 monly known as the ‘Indian Civil Rights Act of
13 1968’), or,”;

14 (B) in subsection (b)(1)—

15 (i) in subparagraph (A), by striking
16 “issued using State warrant procedures
17 and,” and inserting “issued using State
18 warrant procedures, or, in the case of a
19 Tribal court, issued using warrant proce-
20 dures described in section 202 of Public
21 Law 90–284 (25 U.S.C. 1302) (commonly
22 known as the ‘Indian Civil Rights Act of
23 1968’), or,”; and

24 (ii) in subparagraph (B)(i), by strik-
25 ing “authorized by a Federal or State stat-

ute” and inserting “authorized by a Federal, Tribal, or State statute”; and

(C) in subsection (c)(1)(A), by striking “issued using State warrant procedures and,” and inserting “issued using State warrant procedures, or, in the case of a Tribal court, issued using the warrant procedures described in section 202 of Public Law 90–284 (25 U.S.C. 1302) (commonly known as the ‘Indian Civil Rights Act of 1968’), or,”; and

(2) in section 2711—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C), by striking “and” at the end and inserting “or”; and

(iii) by inserting at the end the following:

“(D) a court established by the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) on the list published by the Secretary under section 104 of the Federally Recognized Indian

1 Tribe List Act of 1994 (25 U.S.C. 5131); and”;
 2 and

3 (B) in paragraph (4), by inserting before
 4 the period at the end the following: “, or the
 5 governing body of any Indian or Alaska Native
 6 tribe, band, nation, pueblo, village, community,
 7 component band, or component reservation indi-
 8 vidually identified (including parenthetically) on
 9 the list published by the Secretary under sec-
 10 tion 104 of the Federally Recognized Indian
 11 Tribe List Act of 1994 (25 U.S.C. 5131)”.

12 **SEC. 3. TRIBAL JURISDICTION OVER DRUG TRAFFICKING,**
 13 **RELATED OFFENSES, AND FIREARMS.**

14 Section 204 of Public Law 90–284 (25 U.S.C. 1304)
 15 (commonly known as the “Indian Civil Rights Act of
 16 1968”) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (5)—

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

21 (ii) in subparagraph (I), by striking
 22 the period at the end and inserting a semi-
 23 colon; and

24 (iii) by inserting at the end the fol-
 25 lowing:

1 “(J) drug trafficking and related offenses;
2 and

3 “(K) firearms offense.”; and

4 (B) by inserting at the end the following:

5 “(18) The term ‘drug trafficking and related
6 offenses’ means a violation of the criminal law of the
7 Indian tribe that has jurisdiction over the Indian
8 country where the violation occurs that involves the
9 manufacture, delivery, or possession, or attempt or
10 conspiracy to do the same, of—

11 “(A) a controlled substance as defined in
12 section 102 of the Controlled Substances Act,
13 (21 U.S.C. 802);

14 “(B) a counterfeit substance as defined in
15 section 102 of the Controlled Substances Act
16 (21 U.S.C. 802); or

17 “(C) drug paraphernalia, as defined in sec-
18 tion 422(d) of the Controlled Substances Act
19 (21 U.S.C. 863(d)).

20 “(19) The term ‘firearms offense’ means a vio-
21 lation of the criminal law of the Indian tribe that
22 has jurisdiction over the Indian country where the
23 violation occurs that involves the use or possession
24 of a firearm in furtherance of a covered crime or the

1 use or possession of a firearm by a person who has
2 been convicted of domestic violence.”; and

3 (2) in subsection (b)(4)(A), by striking “or as-
4 sault of Tribal justice personnel,” and inserting “,
5 assault of Tribal justice personnel, drug trafficking
6 or related offenses, or a firearms offense,”.

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

8 Paragraph (2)(B) of section 234(c) of the Tribal Law
9 and Order Act of 2010 (25 U.S.C. 1302a) is amended by
10 inserting “or offenders convicted pursuant to the exercise
11 of special Tribal criminal jurisdiction described in section
12 204 of Public Law 90–284 (25 U.S.C. 1304) (commonly
13 known as the ‘Indian Civil Rights Act of 1968’)” after
14 “(comparable to the violent crimes described in section
15 1153(a) of title 18)”.

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