

118TH CONGRESS
2D SESSION

H. R. 9310

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2024

Mr. LARSEN of Washington (for himself, Mr. ZINKE, Mr. KILMER, Mr. COLE, Mr. SMITH of Washington, Ms. PEREZ, and Ms. DAVIDS of Kansas) 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 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 the Civil Rights Act of 1968 (25 U.S.C.
12 1302), or,”;

13 (B) in subsection (b)(1)—

14 (i) in subparagraph (A), by striking
15 “issued using State warrant procedures
16 and,” and inserting “issued using State
17 warrant procedures, or, in the case of a
18 Tribal court, issued using warrant proce-
19 dures described in section 202 of the Civil
20 Rights Act of 1968 (25 U.S.C. 1302), or,”;
21 and

22 (ii) in subparagraph (B)(i), by strik-
23 ing “authorized by a Federal or State stat-
24 ute” and inserting “authorized by a Fed-
25 eral, Tribal, or State statute”; and

1 (C) in subsection (c)(1)(A), by striking
2 “issued using State warrant procedures and,”
3 and inserting “issued using State warrant pro-
4 cedures, or, in the case of a Tribal court, issued
5 using the warrant procedures described in sec-
6 tion 202 of the Civil Rights Act of 1968 (25
7 U.S.C. 1302), or,”; and

8 (2) in section 2711—

9 (A) in paragraph (3)—

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

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

14 (iii) by inserting at the end the fol-
15 lowing:

16 “(D) a court established by the governing
17 body of any Indian or Alaska Native tribe,
18 band, nation, pueblo, village, community, com-
19 ponent band, or component reservation individ-
20 ually identified (including parenthetically) on
21 the list published by the Secretary under sec-
22 tion 104 of the Federally Recognized Indian
23 Tribe List Act of 1994 (25 U.S.C. 5131).”; and

24 (B) in paragraph (4), by inserting before
25 the period at the end the following: “, or the

1 governing body of any Indian or Alaska Native
2 tribe, band, nation, pueblo, village, community,
3 component band, or component reservation indi-
4 vidualy identified (including parenthetically) on
5 the list published by the Secretary under sec-
6 tion 104 of the Federally Recognized Indian
7 Tribe List Act of 1994 (25 U.S.C. 5131)”.

8 **SEC. 3. TRIBAL JURISDICTION OVER DRUG TRAFFICKING,**
9 **RELATED OFFENSES, AND FIREARMS.**

10 Section 204 of the Civil Rights Act of 1968 (25
11 U.S.C. 1304) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (5)—

14 (i) in subparagraph (H) by striking
15 “and” at the end;

16 (ii) in subparagraph (I) by striking
17 the period at the end and inserting a semi-
18 colon; and

19 (iii) by inserting at the end the fol-
20 lowing:

21 “(J) drug trafficking and related offenses;

22 and

23 “(K) firearms offense.”; and

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

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

7 “(A) a controlled substance as defined in
8 section 102 of the Controlled Substances Act,
9 (21 U.S.C. 802);

10 “(B) a counterfeit substance as defined in
11 section 102 of the Controlled Substances Act
12 (21 U.S.C. 802); or

13 “(C) drug paraphernalia, as defined in sec-
14 tion 422(d) of the Controlled Substances Act
15 (21 U.S.C. 863(d)).

16 “(19) The term ‘firearms offense’ means a vio-
17 lation of the criminal law of the Indian tribe that
18 has jurisdiction over the Indian country where the
19 violation occurs that involves the use or possession
20 of a firearm in furtherance of a covered crime or the
21 use or possession of a firearm by a person who has
22 been convicted of domestic violence.”; and

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

1 assault of Tribal justice personnel, drug trafficking
2 or related offenses, or a firearms offense,”.

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

4 Paragraph (2)(B) of section 234(c) of the Tribal Law
5 and Order Act of 2010 (25 U.S.C. 1302a) is amended by
6 inserting “or offenders convicted pursuant to the exercise
7 of special Tribal criminal jurisdiction described in section
8 204 of the Civil Rights Act of 1968 (25 U.S.C. 1304)”
9 after “(comparable to the violent crimes described in sec-
10 tion 1153(a) of title 18)”.

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