

SUBCHAPTER VII—PROTECTION OF
PERSONS ASSISTING THE GOVERNMENT

§ 1885. Definitions

In this subchapter:

(1) **Assistance**

The term “assistance” means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) **Civil action**

The term “civil action” includes a covered civil action.

(3) **Congressional intelligence committees**

The term “congressional intelligence committees” means—

- (A) the Select Committee on Intelligence of the Senate; and
- (B) the Permanent Select Committee on Intelligence of the House of Representatives.

(4) **Contents**

The term “contents” has the meaning given that term in section 1801(n) of this title.

(5) **Covered civil action**

The term “covered civil action” means a civil action filed in a Federal or State court that—

- (A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and
- (B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(6) **Electronic communication service provider**

The term “electronic communication service provider” means—

- (A) a telecommunications carrier, as that term is defined in section 153 of title 47;
- (B) a provider of electronic communication service, as that term is defined in section 2510 of title 18;
- (C) a provider of a remote computing service, as that term is defined in section 2711 of title 18;
- (D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;
- (E) any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic communications, but not including any entity that serves primarily as—
 - (i) a public accommodation facility, as that term is defined in section 1861(4) of this title;
 - (ii) a dwelling, as that term is defined in section 3602 of title 42;
 - (iii) a community facility, as that term is defined in section 1592n of title 42; or
 - (iv) a food service establishment, as that term is defined in section 1638 of title 7;

(F) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D);

(G) an officer, employee, custodian, or agent of an entity described in subparagraph (A), (B), (C), (D), (E), or (F).

(7) **Intelligence community**

The term “intelligence community” has the meaning given the term in section 3003(4) of this title.

(8) **Person**

The term “person” means—

- (A) an electronic communication service provider; or
- (B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—
 - (i) an order of the court established under section 1803(a) of this title directing such assistance;
 - (ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18; or
 - (iii) a directive under section 1802(a)(4), 1805b(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), or 1881a(i) of this title.

(9) **State**

The term “State” means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

(Pub. L. 95-511, title VIII, §801, as added Pub. L. 110-261, title II, §201, July 10, 2008, 122 Stat. 2467; amended Pub. L. 115-118, title I, §101(b)(2)(A), title II, §205(a)(7), Jan. 19, 2018, 132 Stat. 8, 21; Pub. L. 118-49, §25(b), Apr. 20, 2024, 138 Stat. 893.)

Editorial Notes

REFERENCES IN TEXT

Section 1805b of this title, referred to in par. (8)(B)(iii), was repealed by Pub. L. 110-261, title IV, §403(a)(1)(A), July 10, 2008, 122 Stat. 2473.

AMENDMENTS

2024—Par. (6)(E). Pub. L. 118-49, §25(b)(3), added subpar. (E). Former subpar. (E) redesignated (F).

Par. (6)(F). Pub. L. 118-49, §25(b)(1), (2), redesignated subpar. (E) as (F) and struck out “or” at end. Former subpar. (F) redesignated (G).

Par. (6)(G). Pub. L. 118-49, §25(b)(1), (4), redesignated subpar. (F) as (G), inserted “custodian,” after “employee,” and substituted “(D), (E), or (F)” for “(D), or (E)”.

2018—Par. (7). Pub. L. 115-118, §205(a)(7), made technical amendment to reference in original act which appears in text as reference to section 3003(4) of this title.

Par. (8)(B)(iii). Pub. L. 115-118, §101(b)(2)(A), which directed substitution of “section 1881a(i) of this title” for “section 1881a(h) of this title”, was executed by substituting “1881a(i) of this title” for “1881a(h) of this title” to reflect the probable intent of Congress.

§ 1885a. Procedures for implementing statutory defenses

(a) **Requirement for certification**

Notwithstanding any other provision of law, a civil action may not lie or be maintained in a