

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
713(a) .....	22:956 (words before semicolon of 1st sentence).	Aug. 13, 1946, ch. 957, § 561, 60 Stat. 1011.
713(b) .....	22:956 (less words before semicolon of 1st sentence).	

In subsection (a), the words “members of the armed forces under his jurisdiction” are substituted for the words “military and naval personnel serving under their supervision”.

In subsection (b), the words “The Secretary concerned may” are substituted for the words “in the discretion of the head of the department concerned”.

**§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States**

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the armed forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

- (1) Secretary of Defense.
- (2) Deputy Secretary of Defense.
- (3) Chairman of the Joint Chiefs of Staff.
- (4) Vice Chairman of the Joint Chiefs of Staff.
- (5) Secretaries of the military departments.
- (6) Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman.
- (7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the armed forces and qualified civilian employees of the Department of Defense to provide physical protection and personal security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection and security are necessary because—

- (A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or
- (B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and personal security under this subsection include the following:

- (A) Any official or employee of the Department of Defense or member of the armed forces.
- (B) A former or retired official who faces serious and credible threats arising from duties performed while employed by the De-

partment for a period of up to two years beginning on the date on which the official separates from the Department.

(C) A head of a foreign state, an official representative of a foreign government, or any other distinguished foreign visitor to the United States who is primarily conducting official business with the Department of Defense.

(D) Any member of the immediate family of a person authorized to receive physical protection and personal security under this section.

(E) An individual who has been designated by the President, and who has received the advice and consent of the Senate, to serve as Secretary of Defense, but who has not yet been appointed as Secretary of Defense.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and personal security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and personal security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security, or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, the duration of the authorized protection and security for such officer, employee, or individual, and the nature of the arrangements for the protection and security.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and personal security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—Except as provided in subparagraph (D), the Secretary of Defense shall submit to the congressional defense committees each determination made under paragraph (4) to provide protection and secu-

ity to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 15 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(C) REGULATIONS AND GUIDELINES.—The Secretary of Defense shall submit to the congressional defense committees the regulations and guidelines prescribed pursuant to paragraph (1) not less than 20 days before the date on which such regulations take effect.

(D) EXCEPTIONS.—Subparagraph (A) does not apply to determinations made with respect to the following individuals:

(i) An individual described in paragraph (2)(C) who is otherwise sponsored by the Secretary of Defense, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the Vice Chairman of the Joint Chiefs of Staff.

(ii) An individual described in paragraph (2)(E).

(c) DEFINITIONS.—In this section, the terms “qualified members of the armed forces” and “qualified civilian employees of the Department of Defense” refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(1) The Army Criminal Investigation Command.

(2) The Naval Criminal Investigative Service.

(3) The Air Force Office of Special Investigations.

(4) The Defense Criminal Investigative Service.

(5) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide protection and security under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the armed forces and qualified civilian employees of the Department of Defense.

(2) POSSE COMITATUS.—Nothing in this section shall be construed to abridge section 1385 of title 18.

(3) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

(Added and amended Pub. L. 114-328, div. A, title IX, §952(c)(1), (4)–(6), Dec. 23, 2016, 130 Stat. 2375, 2376.)

#### CODIFICATION

Text of section, as added by Pub. L. 114-328, is based on text of subsecs. (a) to (d) of section 1074 of Pub. L.

110-181, div. A, title X, Jan. 28, 2008, 122 Stat. 330, as amended, which was formerly set out as a note under section 113 of this title, prior to repeal by Pub. L. 114-328, div. A, title IX, §952(c)(3), Dec. 23, 2016, 130 Stat. 2375.

#### PRIOR PROVISIONS

A prior section 714, added Pub. L. 105-85, div. A, title V, §597(a), Nov. 18, 1997, 111 Stat. 1766, related to required grade of officer selected for assignment to position of defense attaché to United States embassy in France, prior to repeal by Pub. L. 108-136, div. A, title V, §503(a), Nov. 24, 2003, 117 Stat. 1456.

Another prior section 714, act Aug. 10, 1956, ch. 1041, 70A Stat. 33, related to reports to Congress on length of tours of duty outside the United States by members of the Army and Air Force, prior to repeal by Pub. L. 86-533, §1(5)(A), June 29, 1960, 74 Stat. 246.

#### AMENDMENTS

2016—Subsec. (a). Pub. L. 114-328, §952(c)(4)(A), substituted “armed forces” for “Armed Forces” in introductory provisions.

Subsec. (a)(6). Pub. L. 114-328, §952(c)(5)(A)(i), substituted “Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman” for “Chiefs of the Services”.

Subsec. (a)(7), (8). Pub. L. 114-328, §952(c)(5)(A)(ii), (iii), redesignated par. (8) as (7) and struck out former par. (7) which read as follows: “Chief of the National Guard Bureau.”

Subsec. (b)(1). Pub. L. 114-328, §952(c)(4)(A), (5)(B), in introductory provisions, substituted “armed forces” for “Armed Forces” and “through (7)” for “through (8)”.

Subsec. (b)(2)(A). Pub. L. 114-328, §952(c)(6), struck out “, military member,” after “official” and inserted “or member of the armed forces” after “of the Department of Defense”.

Subsec. (c). Pub. L. 114-328, §952(c)(4)(B), substituted “section, the terms ‘qualified members of the armed forces’ and” for “section:

“(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ‘congressional defense committees’ means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

“(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms ‘qualified members of the Armed Forces’ and”; redesignated subpars. (A) to (E) of former par. (2) as pars. (1) to (5), respectively, of subsec. (c); and realigned margins.

Subsec. (d)(1). Pub. L. 114-328, §952(c)(4)(A), substituted “armed forces” for “Armed Forces”.

Subsec. (d)(2). Pub. L. 114-328, §952(c)(4)(C), struck out “, United States Code” after “title 18”.

#### § 715. Attending Physician to the Congress: grade

A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral (upper half).

(Added Pub. L. 115-232, div. A, title V, §508(a), Aug. 13, 2018, 132 Stat. 1749.)

#### PRIOR PROVISIONS

A prior section 715, act Aug. 10, 1956, ch. 1041, 70A Stat. 33, related to detail of members of regular and reserve components to assist those components prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1662(g)(2), 1691, Oct. 5, 1994, 108 Stat. 2996, 3026, effective Dec. 1, 1994. See section 12501 of this title.