

are also omitted from the revised section, since Proclamation No. 2695, effective July 4, 1946, 60 Stat. 1352 (48 U.S.C. 1240 (note)), proclaimed the independence of the Philippine Islands. Similar provisions relating to the Philippines are now contained in section 5 of the Act of June 26, 1946, ch. 500, 60 Stat. 315. The word "members" is substituted for the words "officers and enlisted men", in 10:540 and 34:441a.

In subsection (b), the words "entitled to credit for all service" are substituted for the words "and shall be allowed the same credit for longevity, retirement, and for all other purposes", in 10:540 and 34:441a.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted "Marine Corps, and Space Force" for "and Marine Corps" in introductory provisions.

1958—Subsec. (b). Pub. L. 85-477 struck out provisions which authorized members of the armed forces to accept compensation or emoluments from countries to which they are detailed, and inserted provisions permitting arrangements for reimbursement or other sharing of cost.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-477, ch. V, § 502(k), June 30, 1958, 72 Stat. 275, provided that the amendment made by that section is effective nine months after June 30, 1958.

§ 713. State Department: assignment or detail as couriers and building inspectors

(a) Upon the request of the Secretary of State, the Secretary of a military department may assign or detail members of the armed forces under his jurisdiction for duty—

- (1) as inspectors of buildings owned or occupied abroad by the United States;
- (2) as inspectors or supervisors of buildings under construction or repair abroad by or for the United States; and
- (3) as couriers of the Department of State.

(b) The Secretary concerned may assign or detail a member for duty under subsection (a) with or without reimbursement from the Department of State. However, a member so assigned or detailed may be paid the traveling expenses authorized for officers of the Foreign Service of the United States. These expenses shall be paid from appropriations of the Department of State.

(Aug. 10, 1956, ch. 1041, 70A Stat. 33.)

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

(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 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)¹ 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 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 a serious 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 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

¹ See Temporary Extension of Authority To Provide Security for Former Department of Defense Officials note below.

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 or the Under Secretary of Defense for Intelligence and Security.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense whether 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 any authorized protection and security for such officer, employee, or individual, and the nature of any arrangements for such protection and security.

(5) DURATION OF PROTECTION.—The Secretary of Defense shall require periodic reviews, not less than once every six months, of the duration of protection provided to individuals under this subsection.

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—Except as provided in subparagraph (D), the Secretary of Defense shall submit to the congressional defense committees an initial determination made under paragraph (4), or a determination to deny the renewal of protection and security, together with the justification for such determination, not later than 15 days after the date on which the determination is made. In the case of determination² to continue protection and security, the Secretary shall make such submission not less than twice each year.

(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).

(7) TEMPORARY PROTECTION.—The Secretary of Defense may temporarily provide physical protection and personal security under this subsection to an individual—

(A) pending the determination of the Secretary under paragraph (4) regarding such individual; and

(B) for a period not to exceed 30 days.

(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.

(e) REIMBURSEMENT.—The Secretary of Defense may reimburse a former or retired official who faces serious and credible threats arising from duties performed while employed by the Department for security services and equipment procured at the personal expense of the official, not to exceed an aggregate of \$15,000,000 in any fiscal year for all former and retired officials authorized by the Secretary of Defense for such reimbursement.

(Added and amended Pub. L. 114-328, div. A, title IX, §952(c)(1), (4)–(6), Dec. 23, 2016, 130 Stat. 2375, 2376; Pub. L. 118-31, div. A, title V, §529A, Dec. 22, 2023, 137 Stat. 256; Pub. L. 118-159, div. A, title V, §522, title XVII, §1701(a)(16), Dec. 23, 2024, 138 Stat. 1883, 2204.)

Editorial Notes

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.

²So in original. Probably should be preceded by “a”.

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

2024—Pub. L. 118–159, §522(a)(1), which directed striking out “WITHIN THE UNITED STATES” in section catchline, was executed by striking out “within the United States” after “provide protection” to reflect the probable intent of Congress and the style used in the catchline of this section.

Subsecs. (a), (b)(1). Pub. L. 118–159, §522(a)(2), (3), struck out “within the United States” after “personal security” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 118–159, §1701(a)(16), substituted “a serious” for “an serious”.

Subsec. (b)(3). Pub. L. 118–159, §522(b), inserted “or the Under Secretary of Defense for Intelligence and Security” after “only to the Deputy Secretary of Defense”.

Subsec. (b)(4). Pub. L. 118–159, §522(c), inserted “whether” before “to provide”, and substituted “any authorized” for “the authorized” and “any arrangements for such” for “the arrangements for the”.

Subsec. (b)(6)(A). Pub. L. 118–159, §522(d), substituted “an initial determination made under paragraph (4), or a determination to deny the renewal of protection and security” for “each determination made under paragraph (4) to provide protection and security to an individual” and inserted at end “In the case of determination to continue protection and security, the Secretary shall make such submission not less than twice each year.”

Subsec. (b)(7). Pub. L. 118–159, §522(e), added par. (7). 2023—Subsec. (b)(1)(A). Pub. L. 118–31, §529A(a)(1), substituted “serious and credible threat” for “imminent and credible threat”.

Subsec. (b)(2)(B). Pub. L. 118–31, §529A(a)(2), struck out “for a period of up to two years beginning on the date on which the official separates from the Department” before period at end.

Subsec. (b)(5). Pub. L. 118–31, §529A(a)(3), amended par. (5) generally. Prior to amendment, par. (5) consisted of subpars. (A) to (C) relating to initial period of protection, subsequent period of protection, and requirement for compliance with regulations, respectively.

Subsec. (b)(6)(A). Pub. L. 118–31, §529A(a)(4), struck out “and of each determination under paragraph (5)(B) to extend such protection and security” after “an individual”.

Subsec. (e). Pub. L. 118–31, §529A(b), added subsec. (e). 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”.

Statutory Notes and Related Subsidiaries

TEMPORARY EXTENSION OF AUTHORITY TO PROVIDE SECURITY FOR FORMER DEPARTMENT OF DEFENSE OFFICIALS

Pub. L. 117–263, div. A, title XI, §1105, Dec. 23, 2022, 136 Stat. 2817, provided that: “During the period beginning on the date of enactment of this Act [Dec. 23, 2022] and ending on January 1, 2024, subsection (b) of section 714 of title 10, United States Code, shall be applied—

“(1) in paragraph (1)(A), by substituting ‘a serious and credible threat’ for ‘an imminent and credible threat’;

“(2) in paragraph (2)(B), by substituting ‘three years’ for ‘two years’; and

“(3) in paragraph (6)(A), by substituting—

“(A) ‘congressional leadership and the congressional defense committees’ for ‘the congressional defense committees’; and

“(B) by substituting ‘the justification for such determination, scope of the protection, and the anticipated cost and duration of such protection’ for ‘the justification for such determination.’”

§ 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.)

Editorial Notes

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.

§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of