

1 **SEC. ____ . REMOVAL OF TIME LIMITATIONS OF TEMPORARY PROTECTION**
2 **AND AUTHORIZATION OF REIMBURSEMENT FOR SECURITY**
3 **SERVICES AND EQUIPMENT FOR FORMER OR RETIRED**
4 **DEPARTMENT OF DEFENSE PERSONNEL.**

5 (a) REMOVAL OF TIME LIMITATIONS.—Section 714(b) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (5), by striking “DURATION OF PROTECTION.—” and all that
8 follows through the end of subparagraph (B) and inserting “DURATION OF PROTECTION.—
9 The Secretary of Defense shall require periodic reviews of the duration of protection
10 provided to individuals under this subsection.”;

11 (2) by redesignating paragraph (6) as paragraph (7);

12 (3) by redesignating subparagraph (C) of paragraph (5) as paragraph (6) and
13 moving the margin two ems to the left so as to align under paragraph (5); and

14 (4) in subparagraph (A) of paragraph (7), as redesignated by paragraph (4) of this
15 subsection, by striking “and of each determination under paragraph (5)(B) to extend such
16 protection and security”.

17 (b) AUTHORIZATION OF REIMBURSEMENT OR ACQUISITION OF SECURITY SERVICES.—

18 Section 714 of title 10, United States Code, is further amended by adding at the end the
19 following new subsection:

20 “(e) REIMBURSEMENT.—The Secretary of Defense may reimburse a former or retired
21 official who faces serious and credible threats arising from duties performed while employed by
22 the Department for security services and equipment procured at the personal expense of the

- 1 official, not to exceed an aggregate of \$15,000,000 in any fiscal year for all former and retired
- 2 officials authorized by the Secretary of Defense for such reimbursement.”.

[Please note: the “changes to existing law” section below sets out in red-line format how the legislative text above would amend existing law.]

Section-by-Section Analysis

This proposal would modify the existing requirements for providing protection and security to senior leaders of the Department of Defense and other specified persons in section 714 of title 10, United States Code, to gain efficiencies and ensure the Department provides such protection based on assessed threat conditions that are not associated with time requirements or limitations. The proposed edits would remove any time limitations on the provision of the duration of protection to former or retired officials to focus the criteria for protection on the nature of any assessed threats to qualifying officials. It removes the current requirement for periodic reviews with mandatory periodic reviews that would be established in a policy or issuance to minimize administrative burdens on the Secretary of Defense and Deputy Secretary of Defense. The proposal also adds the authority for the Secretary of Defense to 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 official’s personal expense to a certain amount.

Section 714 provides DoD authority to protect DoD personnel, their immediate family members, and former officials from threats. Section 714 has adequately protected authorized personnel from acts of violence from terrorist entities. However, rogue nation-states, with greater strategic patience and resources, now possess the means to credibly threaten DoD personnel, their immediate family members, and former employees over a longer period of time than terrorist entities. As a result, section 714 should be amended by removing any time limitations on the provision of protection to authorized personnel to focus the criteria for protection on the nature of the assessed threat to qualifying officials. Removing the initial and subsequent time periods of protection would: (1) enable protection of individuals against the more complex, long-term nature of threats posed by these rogue nation-states; and (2) reduce the cost and administrative burden (staff and senior leader time and effort) associated with preparing short-term threat assessments, resource and policy analysis, and congressional reporting required by this law.

Resource Information: The resources impacted are reflected in the table below and are accounted for within the Fiscal Year (FY) 2024 President’s Budget. Responsibility for providing protection is dependent on the leader and location and will be funded within a Service’s or Defense-wide component’s Operation and Maintenance account.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Former DoD Official Protection	15.2	21.2	21.2	15.2	15.2	Various and Operation & Maintenance	Various	Various	
Reimbursement	15	15	15	15	15	Operation & Maintenance	Various	Various	
Total	30.2	36.2	36.2	30.2	30.2				

Cost Methodology: The estimates in the table are based on historical data of former DoD official protection requirements. It is assumed that in any given year, the number of persons requiring extended protection beyond FY 2024 will remain at five (5) and an enduring cost of \$3 million per year on average. In addition, the top two (2) DoD personnel historically use up to two (2) years protection after departing the DoD at the end of an administration for the cost of \$3 million per year on average (reflected in FY 2025 and 2026).

Changes to Existing Law: This proposal would amend section 714 of title 10, United States Code, as follows:

§ 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 Department. ~~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.—The Secretary of Defense shall require periodic reviews of the duration of protection provided to individuals under this subsection.

~~(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.~~

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

(7) 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 security to an individual ~~and of each determination under paragraph (5) 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.

(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.

1 **SEC. __. PROTECTION OF DEFENSE PERSONNEL AND PROPERTY FROM**
2 **UNMANNED AIRCRAFT THREATS.**

3 Section 130i of title 10, United States Code, is amended—

4 (1) in subsection (i)—

5 (A) in subparagraph (1), by striking “December 31, 2023” and inserting
6 “December 31, 2028”; and

7 (B) in subparagraph (2)—

8 (i) by striking “180 days” and inserting “one year”; and

9 (ii) by striking “November 15, 2023” and inserting “November 15,
10 2028”; and

11 (2) in subsection (j)(3)(C)—

12 (A) in clause (viii), by striking “; or” and inserting a semicolon;

13 (B) in clause (ix), by striking “sections 4173(i) of this title.” and inserting
14 “section 4173(i) of this title);”; and

15 (C) by adding at the end the following new clauses:

16 “(x) physical protection and personal security of Department of
17 Defense personnel while inside the United States, pursuant to section 714
18 of this title, within specific timeframes at static locations when the
19 Secretary of Defense determines such personnel to be at risk from a
20 credible threat from an unmanned aircraft or unmanned aircraft system, as
21 such a threat is defined by the Secretary of Defense, in coordination with
22 the Administrator of the Federal Aviation Administration; or

United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system; combat support agencies such as the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the National Security Agency; special operations activities; and DoD production, storage, transportation, or decommissioning of high-yield explosive munitions. This extension would also enable DoD planning, programming, and budgeting across the Future Years Defense Program to develop, test, and field capabilities designed specifically to operate safely in the national airspace system of the United States.

Second, this proposal would change the duration of the extension that the President may grant, pursuant to subsection (i)(2) from 180 days to one year. This proposed change is intended to avoid the gap in authorities that would result from a 180-day extension. A 180-day extension would expire in June, which would result in a four-to-six-month gap in authority, even if Congress intended to extend this authority in a national defense authorization act.

Finally, this proposal would amend subsection (j)(3)(C) of section 130i by updating the definition of a covered facility or asset to include:

- The physical protection and personal security of DoD personnel while inside the United States, pursuant to section 714 of this title, within specific timeframes at static locations when the Secretary of Defense determines such personnel to be at risk from a credible threat from an unmanned aircraft or unmanned aircraft system, as such a threat is defined by the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration. Persons authorized to be protected under section 714 include DoD personnel who, by nature of their positions, require continuous security and protection, such as the Secretary of Defense. This proposal would include as a physical protection option the actions authorized by subsection (b) of section 130i, which would establish approximate parity with Attorney General authorities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n) to use the Federal Bureau of Investigation to assist in the protection of the person of the Attorney General (clause (ii)(I)(aa) of section 210G(k)(3)(C) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)(C)(ii)(I)(aa)), and to use the U.S. Marshals Service to protect Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice (clause (ii)(I)(bb) of section 210G(k)(3)(C) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)(C)(ii)(I)(bb)).
- The protection of the buildings, grounds, and property to which the public are not permitted regular, unrestricted access and that are under the jurisdiction, custody, or control of DoD and the persons on that property pursuant to section 2672 of title 10, United States Code. Authorizing the Secretary of Defense to protect such buildings, grounds, and property would establish approximate parity with Secretary of Homeland Security or Attorney General authorities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n) to protect: the functions of the U.S. Customs and Border Protection, including facilities, aircraft, and vessels, whether moored or underway (clause (i)(I) of section 210G(k)(3)(C) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)(C)(i)(I)); the

buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (clause (i)(III) of such section); and the buildings and grounds leased, owned, or operated by or for the Department of Justice (clause (ii)(III) of such section).

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget request that are impacted by this proposal.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Air Force	28.9	28.9	29.5	30.1	30.1	AF O&M	01	O12C	0207522F
	14.3	14.3	14.7	14.9	14.9	AF RDTE	04	640410	
	11.6	11.5	11.7	11.9	11.9	AF PROC	03	834140	
Army	9.2	9.3	9.3	9.3	9.3	Army O&M	01	1SAG 122	0305208A 0604741A 0605531A
	1.6	1.6	1.6	1.6	1.6	Army RDTE	05	FG5	
	19.0	4.1	18.7	9.3	9.3	Army PROC	02	0219AD05 00	
Navy	35.7	16.9	17.1	17.2	17.2	Navy O&M, Procurement, RDTE	01	1C6C	0604636N 0603654N
							01	1C6C	
							04	4B2N	
							04	5509	
							07	8128	
							04	3241	
04	3177								
USMC	12.2	12.6	12.8	13.1	13.1	USMC O&M, Procurement, RDT&E	01	1A2A	0206626M 0206211M 0605520M
							03	3006	
							07	0605520M	
Total	132.5	99.2	115.4	107.4	107.4				

Changes to Existing Law: This proposal would amend section 130i of title 10, United States Code, as follows:

§ 130i. Protection of certain facilities and assets from unmanned aircraft

(a) **AUTHORITY.**—Notwithstanding section 46502 of title 49, or any provision of title 18, the Secretary of Defense may take, and may authorize members of the armed forces and officers, and civilian employees of the Department of Defense with assigned duties that include safety, security, or protection of personnel, facilities, or assets, to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

(b) ACTIONS DESCRIBED.—(1) The actions described in this paragraph are the following:

(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

(d) REGULATIONS AND GUIDANCE.—(1) The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

(2)(A) The Secretary of Defense and the Secretary of Transportation shall coordinate in the development of guidance under paragraph (1).

(B) The Secretary of Defense shall coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance or otherwise implementing this section if such guidance or implementation might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

(e) PRIVACY PROTECTION.—The regulations prescribed or guidance issued under subsection (d) shall ensure that—

(1) the interception or acquisition of, or access to, an unmanned aircraft system or communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the fourth amendment to the Constitution and applicable provisions of Federal law;

(2) communications to or from an unmanned aircraft system are intercepted, acquired, or accessed only to the extent necessary to support a function of the Department of Defense;

(3) records of such communications are not maintained for more than 180 days unless the Secretary of Defense determines that maintenance of such records—

(A) is necessary to support one or more functions of the Department of Defense; or

(B) is required for a longer period to support a civilian law enforcement agency or by any other applicable law or regulation; and

(4) such communications are not disclosed outside the Department of Defense unless the disclosure—

(A) would fulfill a function of the Department of Defense;

(B) would support a civilian law enforcement agency or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory action with regard to, an action described in subsection (b)(1); or

(C) is otherwise required by law or regulation.

(f) BUDGET.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2018, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Department of Defense. The funding display shall be in unclassified form, but may contain a classified annex.

(g) SEMIANNUAL BRIEFINGS.—(1) On a semiannual basis during the five-year period beginning March 1, 2018, the Secretary of Defense and the Secretary of Transportation, shall jointly provide a briefing to the appropriate congressional committees on the activities carried out pursuant to this section. Such briefings shall include—

(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

(B) a description of instances where actions described in subsection (b)(1) have been taken;

(C) how the Secretaries have informed the public as to the possible use of authorities under this section; and

(D) how the Secretaries have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.

(2) Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49; and

(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title.

(i) PARTIAL TERMINATION.—(1) Except as provided by paragraph (2), the authority to carry out this section with respect to the covered facilities or assets specified in clauses (iv) through (viii) of subsection (j)(3)(C) shall terminate on December 31, ~~2023~~ 2028.

(2) The President may extend by ~~180 days~~ one year the termination date specified in paragraph (1) if before November 15, ~~2023~~ 2028, the President certifies to Congress that such extension is in the national security interests of the United States.

(j) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(3) The term “covered facility or asset” means any facility or asset that—

(A) is identified by the Secretary of Defense, in consultation with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section;

(B) is located in the United States (including the territories and possessions of the United States); and

(C) directly relates to the missions of the Department of Defense pertaining to—

(i) nuclear deterrence, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

(ii) missile defense;

(iii) national security space;

(iv) assistance in protecting the President or the Vice President (or other officer immediately next in order of succession to the office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

(v) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system;

(vi) combat support agencies (as defined in paragraphs (1) through (4) of section 193(f) of this title);

(vii) special operations activities specified in paragraphs (1) through (9) of section 167(k) of this title;

(viii) production, storage, transportation, or decommissioning of high-yield explosive munitions, by the Department; ~~or~~

(ix) a Major Range and Test Facility Base (as defined in ~~sections~~ section 4173(i) of this title);

(x) physical protection and personal security of Department of Defense personnel while inside the United States, pursuant to section 714 of this title, within specific timeframes at static locations when the

Secretary of Defense determines such personnel to be at risk from a credible threat from an unmanned aircraft or unmanned aircraft system, as such a threat is defined by the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration; or

(xi) protection of the buildings, grounds, and property to which the public are not permitted regular, unrestricted access and that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property pursuant to section 2672 of this title.

(4) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(5) The terms “electronic communication”, “intercept”, “oral communication”, and “wire communication” have the meanings given those terms in section 2510 of title 18.

(6) The terms "unmanned aircraft" and "unmanned aircraft system" have the meanings given those terms in section 44801 of title 49.