

tional Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

(B) The term of the Vice Chief of the National Guard Bureau shall end upon the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

(4) The Secretary of Defense may waive the restrictions in paragraph (2) and the provisions of paragraph (3)(B) for a limited period of time to provide for the orderly transition of officers appointed to serve in the positions of Chief of the National Guard Bureau and the Vice Chief of the National Guard Bureau.

(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Vice Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

(Added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2826; amended Pub. L. 108-375, div. A, title V, §§507(c), 508(a)-(b)(3), (c)(1), Oct. 28, 2004, 118 Stat. 1876, 1877; Pub. L. 112-81, div. A, title V, §511(b), (c)(1), (d)(1), Dec. 31, 2011, 125 Stat. 1392, 1393.)

#### AMENDMENTS

2011—Pub. L. 112-81, §511(d)(1), substituted “Vice Chief of the National Guard Bureau” for “Director of the Joint Staff of the National Guard Bureau” in section catchline.

Subsec. (a)(1). Pub. L. 112-81, §511(b)(1), substituted “Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from” for “Director of the Joint Staff of the National Guard Bureau, selected by the Secretary of Defense from” in introductory provisions.

Subsec. (a)(1)(B) to (E). Pub. L. 112-81, §511(b)(2), added subpars. (B) and (C), redesignated former subpars. (B) and (C) as (D) and (E), respectively, and substituted “brigadier general” for “colonel” in supar. (E).

Subsec. (a)(2) to (4). Pub. L. 112-81, §511(c)(1)(A), substituted “Vice Chief” for “Director of the Joint Staff” wherever appearing and substituted “as the Vice Chief” for “as the Director” in par. (3)(B).

Subsec. (b). Pub. L. 112-81, §511(c)(1)(B), substituted “Vice Chief” for “Director of the Joint Staff”.

Subsec. (c). Pub. L. 112-81, §511(b)(3), amended subsec. (c) generally. Prior to amendment, text read as follows: “The Director of the Joint Staff of the National Guard Bureau shall be appointed to serve in the grade of major general.”

2004—Pub. L. 108-375, §508(c)(1), substituted “Director of the Joint Staff” for “Vice Chief” in section catchline.

Subsec. (a)(1). Pub. L. 108-375, §508(a), substituted “Director of the Joint Staff” for “Vice Chief” in introductory provisions.

Subsec. (a)(2). Pub. L. 108-375, §508(b)(3), substituted “Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau” for “Chief and Vice Chief of the National Guard Bureau”.

Subsec. (a)(3)(A). Pub. L. 108-375, §508(b)(1), substituted “Director of the Joint Staff” for “Vice Chief”.

Subsec. (a)(3)(B). Pub. L. 108-375, §508(b)(1), (2), substituted “Director of the Joint Staff” for “Vice Chief” and “as the Director” for “as the Vice Chief”.

Subsec. (a)(4). Pub. L. 108-375, §508(b)(3), substituted “Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau” for “Chief and Vice Chief of the National Guard Bureau”.

Subsecs. (b), (c). Pub. L. 108-375, §508(b)(1), substituted “Director of the Joint Staff” for “Vice Chief”.

Subsecs. (d), (e). Pub. L. 108-375, §507(c), struck out subsecs. (d) and (e) which related to functions as acting Chief and succession after Chief and Vice Chief, respectively.

#### CHANGE OF NAME

Pub. L. 112-81, div. A, title V, §511(c)(3), Dec. 31, 2011, 125 Stat. 1393, provided that: “Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.”

Pub. L. 108-375, div. A, title V, §508(d), Oct. 28, 2004, 118 Stat. 1877, provided that: “Any reference in any law, regulation, document, paper, or other record of the United States to the Vice Chief of the National Guard Bureau shall be deemed to be a reference to the Director of the Joint Staff of the National Guard Bureau.”

#### TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU

Pub. L. 112-81, div. A, title V, §511(e), Dec. 31, 2011, 125 Stat. 1393, provided that: “The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act [Dec. 31, 2011] shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505 of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3) [amending this section], the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.”

#### § 10506. Other senior National Guard Bureau officers

(a) ADDITIONAL GENERAL OFFICERS.—(1) In addition to the Chief and Vice Chief of the National Guard Bureau, there shall be assigned to the National Guard Bureau—

(A) two general officers selected by the Secretary of the Army from officers of the Army National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom shall be appointed in accordance with paragraph (3), shall hold the grade of lieutenant general while so serving, and shall serve as Director, Army National Guard, with the other serving as Deputy Director, Army National Guard; and

(B) two general officers selected by the Secretary of the Air Force from officers of the Air National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom shall be appointed in accordance with paragraph (3), shall hold the grade of lieutenant general while so serving, and shall serve as Director, Air National Guard, with the other serving as Deputy Director, Air National Guard.

(2) The officers so selected shall assist the Chief of the National Guard Bureau in carrying out the functions of the National Guard Bureau as they relate to their respective branches.

(3)(A) The President, by and with the advice and consent of the Senate, shall appoint the Director, Army National Guard, from general officers of the Army National Guard of the United States and shall appoint the Director, Air National Guard, from general officers of the Air National Guard of the United States.

(B) The Secretary of Defense may not recommend an officer to the President for appointment as Director, Army National Guard, or as Director, Air National Guard, unless the officer—

(i) is recommended by the Secretary of the military department concerned; and

(ii) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(C) An officer on active duty for service as the Director, Army National Guard, or the Director, Air National Guard, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(D) Until December 31, 2006, the Secretary of Defense may waive clause (ii) of subparagraph (B) with respect to the appointment of an officer as Director, Army National Guard, or as Director, Air National Guard, if the Secretary of the military department concerned requests the waiver and, in the judgment of the Secretary of Defense—

(i) the officer is qualified for service in the position; and

(ii) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(E) The Director, Army National Guard, and the Director, Air National Guard, are appointed for a period of four years, but may be removed for cause at any time. An officer serving as either Director may be reappointed for one additional four-year period.

(b) OTHER OFFICERS.—There are in the National Guard Bureau a legal counsel, a comptroller, and an inspector general, each of whom shall be appointed by the Chief of the National Guard Bureau. They shall perform such duties as the Chief may prescribe.

(Added Pub. L. 103-337, div. A, title IX, § 904(a), Oct. 5, 1994, 108 Stat. 2827; amended Pub. L. 106-65, div. A, title V, § 554(f), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106-398, § 1 [[div. A], title V, § 507(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-105; Pub. L. 107-314, div. A, title V, § 501(a), Dec. 2, 2002, 116 Stat. 2529; Pub. L. 108-375, div. A, title V, §§ 508(b)(4), 536(a), Oct. 28, 2004, 118 Stat. 1877, 1901; Pub. L. 112-81, div. A, title V, § 511(c)(2), Dec. 31, 2011, 125 Stat. 1393.)

#### AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-81 substituted “Chief and Vice Chief” for “Chief of the National Guard Bureau and the Director of the Joint Staff”.

2004—Subsec. (a)(1). Pub. L. 108-375, § 508(b)(4), substituted “Chief of the National Guard Bureau and the

Director of the Joint Staff of the National Guard Bureau” for “Chief and Vice Chief of the National Guard Bureau” in introductory provisions.

Subsec. (a)(3)(D). Pub. L. 108-375, § 536(a), substituted “December 31, 2006” for “December 31, 2004”.

2002—Subsec. (a)(3)(D). Pub. L. 107-314 substituted “December 31, 2004” for “October 1, 2003”.

2000—Subsec. (a)(1). Pub. L. 106-398, § 1 [[div. A], title V, § 507(e)(1)], substituted “shall be appointed in accordance with paragraph (3), shall hold the grade of lieutenant general while so serving, and shall” for “while so serving shall hold the grade of major general or, if appointed to that position in accordance with section 12505(a)(2) of this title, the grade of lieutenant general, and” in subpars. (A) and (B).

Subsec. (a)(3). Pub. L. 106-398, § 1 [[div. A], title V, § 507(e)(2)], added par. (3).

1999—Subsec. (a)(1)(A), (B). Pub. L. 106-65 inserted “or, if appointed to that position in accordance with section 12505(a)(2) of this title, the grade of lieutenant general,” after “major general”.

#### EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Amendment by Pub. L. 106-65 effective 60 days after Oct. 5, 1999, with special provision for an officer who is a covered position incumbent who is appointed under that amendment to the grade of lieutenant general or vice admiral, see section 554(g), (h) of Pub. L. 106-65, set out as a note under section 3038 of this title.

#### § 10507. National Guard Bureau: assignment of officers of regular or reserve components

Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army or Air Force as he considers necessary.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(c)(1)(A), Oct. 5, 1994, 108 Stat. 2982; amended Pub. L. 104-106, div. A, title XV, § 1501(b)(6), Feb. 10, 1996, 110 Stat. 496.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3541 and 8541 of this title, prior to repeal by Pub. L. 103-337, § 1661(c)(2).

#### AMENDMENTS

1996—Pub. L. 104-106 substituted “12402(b)” for “124402(b)” and “Air Force” for “Air Forces”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

#### EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

#### § 10508. National Guard Bureau: general provisions

The manpower requirements of the National Guard Bureau as a joint activity of the Department of Defense shall be determined in accordance with regulations prescribed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.

(Added Pub. L. 110-181, div. A, title XVIII, § 1812(b)(1), Jan. 28, 2008, 122 Stat. 497.)