

(f) SUCCESSION.—(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.

(Added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2824; amended Pub. L. 108-375, div. A, title V, §507(a), (b)(1), Oct. 28, 2004, 118 Stat. 1876; Pub. L. 110-181, div. A, title XVIII, §§1811, 1825(c)(2), Jan. 28, 2008, 122 Stat. 496, 502; Pub. L. 112-81, div. A, title V, §§511(a)(1),(2), 512(b), Dec. 31, 2011, 125 Stat. 1391, 1393.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3040(a)–(c) of this title, prior to repeal by Pub. L. 103-337, §904(b)(1).

#### AMENDMENTS

2011—Subsec. (d). Pub. L. 112-81, §512(b)(2) added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 112-81, §511(a)(1), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.”

Subsec. (e). Pub. L. 112-81, §512(b)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Pub. L. 112-81, §511(a)(2), amended subsec. (e) generally. Prior to amendment, text related to succession for office of Chief of the National Guard Bureau.

Subsec. (f). Pub. L. 112-81, §512(b)(1), redesignated subsec. (e) as (f).

2008—Subsec. (a). Pub. L. 110-181, §1811(a), added pars. (1) to (8) and struck out former pars. (1) to (3) which read as follows:

“(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(2) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

“(3) are in a grade above the grade of brigadier general.”

Subsec. (b). Pub. L. 110-181, §1825(c)(2), inserted par. (1) designation before “An officer appointed” and substituted “(2) Except as provided in section 14508(d) of this title, while holding the office of Chief of the National Guard Bureau” for “While holding that office”.

Pub. L. 110-181, §1811(c), struck out “An officer may not hold that office after becoming 64 years of age.” after “four years.”

Subsec. (c). Pub. L. 110-181, §1811(d), amended subsec. (c) generally. Prior to amendment, text read as follows: “The Chief of the National Guard Bureau is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on

matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.”

Subsec. (d). Pub. L. 110-181, §1811(b), substituted “general” for “lieutenant general”.

2004—Pub. L. 108-375, §507(b)(1), inserted “; succession” after “grade” in section catchline.

Subsec. (e). Pub. L. 108-375, §507(a), added subsec. (e).

#### § 10503. Functions of National Guard Bureau: charter

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop and prescribe a charter for the National Guard Bureau. The charter shall reflect the full scope of the duties and activities of the Bureau, including the following matters:

(1) Allocating unit structure, strength authorizations, and other resources to the Army National Guard of the United States and the Air National Guard of the United States.

(2) The role of the National Guard Bureau in support of the Secretary of the Army and the Secretary of the Air Force.

(3) Prescribing the training discipline and training requirements for the Army National Guard and the Air National Guard and the allocation of Federal funds for the training of the Army National Guard and the Air National Guard.

(4) Ensuring that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved programs and policies of, and guidance from, the Chief, the Secretary of the Army, and the Secretary of the Air Force.

(5) Monitoring and assisting the States in the organization, maintenance, and operation of National Guard units so as to provide well-trained and well-equipped units capable of augmenting the active forces in time of war or national emergency.

(6) Planning and administering the budget for the Army National Guard of the United States and the Air National Guard of the United States.

(7) Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the property and fiscal officers designated, detailed, or appointed under section 708 of title 32.

(8) Granting and withdrawing, in accordance with applicable laws and regulations, Federal recognition of (A) National Guard units, and (B) officers of the National Guard.

(9) Establishing policies and programs for the employment and use of National Guard technicians under section 709 of title 32.

(10) Supervising and administering the Active Guard and Reserve program as it pertains to the National Guard.

(11) Issuing directives, regulations, and publications consistent with approved policies of the Army and Air Force, as appropriate.

(12) Facilitating and supporting the training of members and units of the National Guard to meet State requirements.

(13)(A) Assisting the Secretary of Defense in facilitating and coordinating with the entities

listed in subparagraph (B) the use of National Guard personnel and resources for operations conducted under title 32, or in support of State missions.

(B) The entities listed in this subparagraph for purposes of subparagraph (A) are the following:

- (i) Other Federal agencies.
- (ii) The Adjutants General of the States.
- (iii) The combatant command the geographic area of responsibility of which includes the United States.

(14) Such other functions as the Secretary of Defense may prescribe.

(Added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2825; amended Pub. L. 110-181, div. A, title XVIII, §1813(a)-(c)(1), Jan. 28, 2008, 122 Stat. 497, 498; Pub. L. 112-239, div. A, title X, §1081(3), Jan. 2, 2013, 126 Stat. 1960.)

#### AMENDMENTS

2013—Par. (13)(B)(iii), (iv). Pub. L. 112-239 redesignated cl. (iv) as (iii) and struck out former cl. (iii) which read as follows: “The United States Joint Forces Command.”

2008—Pub. L. 110-181, §1813(c)(1), substituted “charter” for “charter from Secretaries of the Army and Air Force” in section catchline.

Pub. L. 110-181, §1813(b)(1), in introductory provisions, substituted “The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop” for “The Secretary of the Army and the Secretary of the Air Force shall jointly develop” and “reflect the full scope of the duties and activities of the Bureau, including” for “cover”.

Pars. (2) to (14). Pub. L. 110-181, §1813(a), (b)(2), added pars. (2) and (13), redesignated former pars. (2) to (11) as (3) to (12), respectively, and former par. (12) as (14), and substituted “the Secretary of Defense” for “the Secretaries” in par. (14).

#### ANNUAL PREPARATION OF FUTURE YEARS DEFENSE PLAN

Pub. L. 104-196, §123, Sept. 16, 1996, 110 Stat. 2392, provided that: “The National Guard Bureau shall annually prepare a future years defense plan based on the requirement and priorities of the National Guard: *Provided*, That this plan shall be presented to the committees of Congress concurrent with the President’s budget submission for each fiscal year.”

#### § 10504. Chief of National Guard Bureau: annual report

(a) ANNUAL REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense, through the Secretaries of the Army and the Air Force, an annual report on the state of the National Guard and the ability of the National Guard to meet its missions. The report shall be prepared in conjunction with the Secretary of the Army and the Secretary of the Air Force and may be submitted in classified and unclassified versions.

(b) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall transmit the annual report of the Chief of the National Guard Bureau to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113(c) of this title is submitted to Congress.

(Added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2825.)

#### § 10505. Vice Chief of the National Guard Bureau

(a) APPOINTMENT.—(1) There is a 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 officers of the Army National Guard of the United States or the Air National Guard of the United States who—

(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

(C) are 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;

(D) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

(E) are in a grade above the grade of brigadier general.

(2) The Chief of the National Guard Bureau and the Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National 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.