

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.

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 subpar. (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 Bu-

reau 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