

(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.)

PRIOR PROVISIONS

A prior section 10508, added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2827, defined “State” for purposes of this chapter, prior to repeal by Pub. L. 104-106, div. A, title XV, §1501(b)(7)(A), Feb. 10, 1996, 110 Stat. 496.

CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

Sec.

- 10541. National Guard and reserve component equipment: annual report to Congress.
- 10542. Army National Guard combat readiness: annual report.
- 10543. National Guard and reserve component equipment procurement and military construction funding: inclusion in future-years defense program.

AMENDMENTS

1996—Pub. L. 104-201, title XII, §1257(a)(2), Sept. 23, 1996, 110 Stat. 2699, added item 10543.

§ 10541. National Guard and reserve component equipment: annual report to Congress

(a) The Secretary of Defense shall submit to the Congress each year, not later than March 15, a written report concerning the equipment of the National Guard and the reserve components of the armed forces for each of the three succeeding fiscal years.

(b) Each report under this section shall include the following: