

§ 10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession

(a) APPOINTMENT.—There is a Chief of the National Guard Bureau, who is responsible for the organization and operations of the National Guard Bureau. The Chief of the National Guard Bureau is appointed by the President, by and with the advice and consent of the Senate. Such 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—

(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) are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force;

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

(4) are in a grade above the grade of brigadier general;

(5) 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;

(6) are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the National Guard Bureau as set forth in section 10503 of this title;

(7) have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief of the National Guard Bureau; and

(8) possess such other qualifications as the Secretary of Defense shall prescribe for purposes of this section.

(b) TERM OF OFFICE.—(1) An officer appointed as Chief of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may be reappointed as Chief of the National Guard Bureau.

(2) Except as provided in section 14508(d) of this title, while holding the office of Chief of the National Guard Bureau, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

(c) Advisor on National Guard Matters.—The Chief of the National Guard Bureau is—

(1) a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

(2) 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.

(d) MEMBER OF JOINT CHIEFS OF STAFF.—As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.

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

(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of 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.

(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).

EFFECTIVE DATE

Section effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103-337, set out as a note under section 10501 of this title.

§ 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).

EFFECTIVE DATE

Section effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103-337, set out as a note under section 10501 of this title.