

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 reports

(a) ANNUAL REPORT ON STATE OF THE NATIONAL GUARD.—(1) 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.

(2) The annual report required by paragraph (1) 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.

(c) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—(1) Not later than January 31 of each of calendar years 2018 through 2020, the Chief of the National Guard Bureau, in coordination with the Secretary of Defense, shall submit to the recipients described in paragraph (3) a report that identifies the personnel, training, and equipment required by the non-Federalized National Guard—

(A) to support civilian authorities in connection with natural and man-made disasters during the covered period; and

(B) to carry out prevention, protection, mitigation, response, and recovery activities relating to such disasters during the covered period.

(2) In preparing each report under paragraph (1), the Chief of the National Guard Bureau shall—

(A) consult with the chief executive of each State, the Council of Governors, and other appropriate civilian authorities;

(B) collect and validate information from each State relating to the personnel, training, and equipment requirements described in paragraph (1);

(C) set forth separately the personnel, training, and equipment requirements for—

(i) each of the emergency support functions of the National Response Framework; and

(ii) each of the Federal Emergency Management Agency regions;

(D) assess core civilian capability gaps relating to natural and man-made disasters, as identified by States in submissions to the Department of Homeland Security;

(E) take into account threat and hazard identifications and risk assessments of the Department of Defense, the Department of Homeland Security, and the States; and

(F) assess the budgets of each State to support the personnel, training, and equipment requirements of the non-Federalized National Guard.

(3) The annual report required by paragraph (1) shall be submitted to the following officials:

(A) The congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Secretary of Defense.

(C) The Secretary of Homeland Security.

(D) The Council of Governors.

(E) The Secretary of the Army.

(F) The Secretary of the Air Force.

(G) The Commander of the United States Northern Command.

(H) The Commander of the United States Indo-Pacific Command.

(I) The Commander of the United States Cyber Command.

(4) In this subsection, the term "covered period" means the fiscal year beginning after the date on which a report is submitted under paragraph (1).

(Added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2825; amended Pub. L. 115-91, div. A, title III, §333(a), (b)(1), Dec. 12, 2017, 131 Stat. 1354-1356; Pub. L. 115-232, div. A, title X, §1081(a)(30), title XII, §1251(b)(1), Aug. 13, 2018, 132 Stat. 1985, 2053.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-232, §1081(a)(30)(A), inserted "(1)" before "The Chief".

Subsecs. (b), (c). Pub. L. 115-232, §1081(a)(30)(B), redesignated subsec. (b), relating to annual report on non-Federalized service National Guard personnel, training, and equipment requirements, as (c).

Subsec. (c)(3)(H). Pub. L. 115-232, §1251(b)(1), substituted "United States Indo-Pacific Command" for "United States Pacific Command".

2017—Pub. L. 115-91, §333(b)(1), amended section catchline generally. Prior to amendment, catchline read as follows: "Chief of National Guard Bureau: annual report".

Subsec. (a). Pub. L. 115-91, §333(a)(1)(A), substituted "Report on State of the National Guard" for "Report" in heading.

Subsec. (a)(2). Pub. L. 115-91, §333(a)(1)(B), designated second sentence of subsec. (a) as par. (2) and substituted "The annual report required by paragraph (1)" for "The report".

Subsec. (b). Pub. L. 115-91, §333(a)(2), added subsec. (b) relating to annual report on non-Federalized service National Guard personnel, training, and equipment requirements.

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.

§ 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; and

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

(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) for not more than 90 days 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.

(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; Pub. L. 114-328, div. A, title V, §§502(rr), 511, Dec. 23, 2016, 130 Stat. 2106, 2112.)

AMENDMENTS

2016—Subsec. (a)(1)(E). Pub. L. 114-328, §502(rr)(1), struck out subpar. (E) which read as follows: “are in a grade above the grade of brigadier general.”

Subsec. (a)(4). Pub. L. 114-328, §511, substituted “paragraph (3) for not more than 90 days” for “paragraph (3)(B) for a limited period of time”.

Subsec. (c). Pub. L. 114-328, §502(rr)(2), struck out subsec. (c). Text read as follows:

“(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.”

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.”

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.

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 officers selected by the Secretary of the Army (after consultation with the Chief of the National Guard Bureau) 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) and shall serve as Director, Army National Guard, with the other serving as Deputy Director, Army National Guard; and

(B) two officers selected by the Secretary of the Air Force (after consultation with the Chief of the National Guard Bureau) 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) and shall serve as Director, Air National Guard, with the other serving as Deputy Director, Air National Guard.

(2) The Director and Deputy Director, Army National Guard, and the Director and Deputy Director, Air National Guard, 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) 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; Pub. L. 113-291, div. A, title V, §512(a)-(c), Dec. 19, 2014, 128 Stat. 3358; Pub. L. 114-328, div. A, title V, §502(ss), Dec. 23, 2016, 130 Stat. 2107.)

AMENDMENTS

2016—Subsec. (a)(1)(A), (B). Pub. L. 114-328, §502(ss)(2), which directed amendment of subpars. (A) and (B) by striking “, and shall hold the grade of lieutenant general while so serving,” was executed by striking “, shall hold the grade of lieutenant general while so serving,” after “in accordance with paragraph (3)” to reflect the probable intent of Congress.

Pub. L. 114-328, §502(ss)(1), which directed amendment of subpars. (A) and (B) by striking “general”, was executed by striking “general” before “officers selected” to reflect the probable intent of Congress.

2014—Subsec. (a)(1)(A). Pub. L. 113-291, §512(a)(1), inserted “(after consultation with the Chief of the National Guard Bureau)” after “selected by the Secretary of the Army”.

Subsec. (a)(1)(B). Pub. L. 113-291, §512(a)(2), inserted “(after consultation with the Chief of the National Guard Bureau)” after “selected by the Secretary of the Air Force”.

Subsec. (a)(2). Pub. L. 113-291, §512(b), substituted “The Director and Deputy Director, Army National Guard, and the Director and Deputy Director, Air National Guard,” for “The officers so selected”.

Subsec. (a)(3)(D), (E). Pub. L. 113-291, §512(c), redesignated subpar. (E) as (D) and struck out former subpar. (D). Prior to amendment, subpar. (D) related to waiver of subsec. (a)(3)(B)(ii) with respect to the appointment of an officer as Director, Army National Guard, or as Director, Air National Guard.

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 ap-