§ 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.

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.”


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)(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 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.”