

## Subtitle F—Alternative Military Personnel Systems

### PART I—SPACE FORCE

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#### Editorial Notes

##### AMENDMENTS

Pub. L. 118–31, div. A, title XVII, §§1711, 1715, 1716(a), 1717(a), 1718(a), 1719, 1719A(a), Dec. 22, 2023, 137 Stat. 625, 626, 631, 654, 655, 658, 662, added item for part I and items for chapters 2001 to 2013. Amendments were made pursuant to operation of section 102 of this title.

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#### Editorial Notes

##### CODIFICATION

As enacted, section 1711 of Pub. L. 118–31, which enacted this subtitle, set out, in order, the headings for subtitle F and part I, the heading and table of sections for chapter 2001, the heading and text of section 20001, and a table of chapters consisting of chapters 2001 to 2013. Such table of chapters was executed as the table of chapters for this part.

##### AMENDMENTS

2024—Pub. L. 118–159, div. A, title XVII, §1701(a)(48), Dec. 23, 2024, 138 Stat. 2206, substituted “Voluntary Retirement for Length of Service” for “Retirement” in item for chapter 2013.

#### CHAPTER 2001— SPACE FORCE PERSONNEL SYSTEM

Sec.	
20001.	Single military personnel management system.
20002.	Members: duty status.
20003.	Members: minimum service requirement as applied to Space Force.

#### § 20001. Single military personnel management system

Members of the Space Force shall be managed through a single military personnel management system, without component.

(Added Pub. L. 118–31, div. A, title XVII, §1711, Dec. 22, 2023, 137 Stat. 625.)

#### Statutory Notes and Related Subsidiaries

TRANSFER TO THE SPACE FORCE OF COVERED SPACE FUNCTIONS OF THE AIR NATIONAL GUARD OF THE UNITED STATES

Pub. L. 118–159, div. A, title V, §514, Dec. 23, 2024, 138 Stat. 1876, provided that:

“(a) TRANSFER OF COVERED SPACE FUNCTIONS.—

“(1) IN GENERAL.—During the transition period, the Secretary of the Air Force shall transfer to the Space Force the covered space functions of the Air National Guard of the United States. The transfer shall occur without regard to section 104 of title 32, United States Code, or section 18238 of title 10, United States Code.

“(2) PERSONNEL BILLETS LIMITATIONS.—With regard to personnel billets, the statutory waiver under paragraph (1) is limited to 578 personnel billets of the Air National Guard, as follows:

“(A) 33 personnel from the State of Alaska.

“(B) 126 personnel from the State of California.

“(C) 119 personnel from the State of Colorado.

“(D) 75 personnel from the State of Florida.

“(E) 130 personnel from the State of Hawaii.

“(F) 69 personnel from the State of Ohio.

“(G) 26 personnel assigned to Headquarters, Air National Guard.

“(b) TRANSFER OF UNITS.—Upon the transfer to the Space Force of a covered space function of the Air National Guard of the United States, the Secretary of the Air Force may—

“(1) change the status of a unit related to such covered space function of the Air National Guard of the United States from a unit of the Air National Guard of the United States to a unit of the Space Force;

“(2) deactivate the covered space function of the Air National Guard of the United States; or

“(3) assign the covered space function of the Air National Guard of the United States a new Federal mission.

“(c) TRANSFER OF COVERED MEMBERS.—

“(1) OFFICERS.—During the transition period, the Secretary of Defense may, with the consent of the covered officer, transfer a covered officer of the Air National Guard of the United States to, and appoint the covered officer in, the Space Force.

“(2) ENLISTED MEMBERS.—During the transition period, the Secretary of the Air Force may, with the consent of the covered enlisted member, transfer a covered enlisted member of the Air National Guard of the United States to the Space Force. Upon such a transfer, the covered enlisted member shall cease to be a member of the Air National Guard of the United States and be discharged from enlistment as a Reserve of the Air Force.

“(3) EFFECTIVE DATE OF TRANSFERS.—A transfer under this subsection shall be effective on the date specified by the Secretary of Defense, in the case of an officer, or the Secretary of the Air Force, in the case of an enlisted member. No date so specified may be after the last day of the transition period.

“(4) LIMITATIONS.—A covered officer or covered enlisted member transferred under paragraph (1) or (2)—

“(A) may consent to a transfer under this subsection during the period, beginning on the date of the enactment of this Act [Dec. 23, 2024], that is the longer of one year, or a period determined by the Secretary of Defense or the Secretary of the Air Force, as applicable; and

“(B) to the maximum extent practicable, shall not be subject to a permanent change of duty station during the period of three years beginning on the day that the covered officer or covered enlisted member consents to such transfer.

“(d) REGULATIONS.—A transfer under subsection (c) shall be carried out under regulations prescribed by the Secretary of Defense. In the case of a covered officer, applicable regulations shall include those prescribed pursuant to section 716 of title 10, United States Code.

“(e) TERM OF INITIAL ENLISTMENT IN THE SPACE FORCE.—In the case of a covered enlisted member who

is transferred to the Space Force under subsection (c), the Secretary of the Air Force may accept the initial enlistment of the covered enlisted member in the Space Force for a period of less than two years if such period is not shorter than the period remaining, as of the date of the transfer, in the term of enlistment in a reserve component of the Air Force of such covered enlisted member.

“(f) END STRENGTH ADJUSTMENTS UPON TRANSFERS FROM THE AIR NATIONAL GUARD OF THE UNITED STATES.—Upon the transfer to the Space Force of a covered space function of the Air National Guard of the United States during the transition period, the end strength authorized for the Space Force pursuant to section 115(a)(1)(A) of title 10, United States Code, for the fiscal year during which the transfer occurs, shall be increased by the number of billets associated with such transfer.

“(g) ADMINISTRATIVE PROVISIONS.—For purposes of the transfer of covered members of the Air National Guard of the United States under subsection (c)—

“(1) the Air National Guard of the United States and the Space Force shall be considered to be components of the same Armed Force; and

“(2) the Space Force officer list shall be considered to be an active-duty list of such Armed Force.

“(h) RETRAINING AND REASSIGNMENT FOR MEMBERS NOT TRANSFERRING.—If a covered member of the Air National Guard of the United States does not consent to a transfer under subsection (c), the Secretary of the Air Force shall provide to the covered member retraining and reassignment, in a reserve component of the Air Force, that the Secretary determines appropriate for such covered member.

“(i) PROTECTION OF RANK AND PAY.—A covered member of the Air National Guard who transfers to the Space Force under subsection (c) shall not lose rank or pay solely as a result of such transfer.

“(j) SPACE FORCE UNITS IN AFFECTED STATES.—In order to reduce the cost of transferring to the Space Force a covered space function of the Air National Guard of the United States, and to reduce the impact of such a transfer on an affected State, the following provisions apply:

“(1) Except as provided in paragraph (2), the Space Force shall continue to perform the mission of a covered space function of the Air National Guard of the United States within the affected State during a period not shorter than 10 years following the date of such transfer.

“(2) Except when the Secretary of the Air Force determines that it would not be in the best interests of the United States, the Secretary may not, during the 10-year period following such a transfer, move a covered space function of the Air National Guard of the United States out of an affected State until 120 days after the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] receive, from the Secretary of the Air Force, notice of such move, including—

“(A) details of such move; and

“(B) an explanation regarding why the move is necessary to support the National Defense Strategy.

“(3) Unless the Secretary of the Air Force determines that it would not be in the best interests of the United States, the Secretary shall seek to enter into an agreement with the Governor of an affected State under which the Space Force may be a tenant on an installation—

“(A) of the National Guard of the affected State; and

“(B) that was the home station of a covered space function of the Air National Guard of the United States.

“(k) DEFINITIONS.—In this section:

“(1) The term ‘active-duty list’ has the meaning given such term in section 101 of title 10, United States Code.

“(2) The term ‘affected State’ means Alaska, California, Colorado, Florida, Hawaii, or Ohio.

“(3) The term ‘covered’, with respect to a member of the Air National Guard of the United States, has the meaning given such term in section 1733 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31; 137 Stat. 676) [10 U.S.C. 20001 note, set out below].

“(4) The term ‘covered space function of the Air National Guard of the United States’ means any of the following units of the Air National Guard of the United States associated with the performance of a space-related function, including personnel, equipment, and resources:

“(A) 213th Space Warning Squadron, Alaska Air National Guard.

“(B) 148th Space Operations Squadron, California Air National Guard.

“(C) 216th Electromagnetic Warfare Squadron, California Air National Guard.

“(D) 137th Space Warning Squadron, Colorado Air National Guard.

“(E) 138th Electromagnetic Warfare Squadron, Colorado Air National Guard.

“(F) 114th Electromagnetic Warfare Squadron, Florida Air National Guard.

“(G) 150th Electromagnetic Warfare Squadron, Hawaii Air National Guard.

“(H) 109th Electromagnetic Warfare Squadron, Hawaii Air National Guard.

“(I) 126th Intelligence Squadron, Ohio Air National Guard.

“(5) The term ‘Space Force officer list’ means the list maintained under section 20235 of title 10, United States Code.

“(6) The term ‘transition period’ means the period beginning on the date of the enactment of this Act [Dec. 23, 2024] and ending on the last day of the eighth fiscal year beginning after the date of the enactment of this Act.”

#### TRANSITION PROVISIONS

Pub. L. 118–31, div. A, title XVII, subtitle C, Dec. 22, 2023, 137 Stat. 675, as amended by Pub. L. 118–159, div. A, title IV, § 402(c)(4), title V, § 521(y), Dec. 23, 2024, 138 Stat. 1862, 1883, provided that:

#### “SEC. 1731. TRANSITION PERIOD.

“In this subtitle, the term ‘transition period’ means the period beginning on the date of the enactment of this Act [Dec. 22, 2023] and ending on the last day of the fourth fiscal year beginning after the date of the enactment of this Act.

#### “SEC. 1732. CHANGE OF DUTY STATUS OF MEMBERS OF THE SPACE FORCE.

##### “(a) CHANGE OF DUTY STATUS.—

“(1) CONVERSION OF STATUS AND ORDER TO SUSTAINED DUTY.—During the transition period, the Secretary of the Air Force shall change the duty status of each member of the Regular Space Force to space force active status and shall, at the same time, order the member to sustained duty under section 20105 of title 10, United States Code, as added by section 1715. Any such order may be made without regard to any otherwise applicable requirement that such an order be made only with the consent of the member or as specified in an enlistment agreement or active-duty service commitment.

“(2) DEFINITIONS.—For purposes of this section, the terms ‘space force active status’ and ‘sustained duty’ have the meanings given those terms by subsection (e) of section 101 of title 10, United States Code, as added by section 1713(a).

“(b) EFFECTIVE DATE OF CHANGE OF DUTY STATUS.—The change of a member’s duty status and order to sustained duty in accordance with subsection (a) shall be effective on the date specified by the Secretary of the Air Force, but not later than the last day of the transition period.

“SEC. 1733. TRANSFER TO THE SPACE FORCE OF MEMBERS OF THE RESERVE COMPONENTS OF THE AIR FORCE.

“(a) TRANSFER OF MEMBERS.—

“(1) OFFICERS.—During the transition period, the Secretary of Defense may, with the officer's consent, transfer a covered officer of a reserve component of the Air Force to, and appoint the officer in, the Space Force.

“(2) ENLISTED MEMBERS.—During the transition period, the Secretary of the Air Force may transfer each covered enlisted member of a reserve component of the Air Force to the Space Force, other than those members who do not consent to the transfer.

“(3) EFFECTIVE DATE OF TRANSFERS.—Each transfer under this subsection shall be effective on the date specified by the Secretary of Defense, in the case of an officer, or the Secretary of the Air Force, in the case of an enlisted member, but not later than the last day of the transition period.

“(b) REGULATIONS.—Transfers under subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense. In the case of an officer, applicable regulations shall include those prescribed pursuant to section 716 of title 10, United States Code.

“(c) TERM OF INITIAL ENLISTMENT IN SPACE FORCE.—In the case of a covered enlisted member who is transferred to the Space Force in accordance with subsection (a), the Secretary of the Air Force may accept the initial enlistment of the member in the Space Force for a period of less than 2 years, but only if the period of enlistment in the Space Force is not less than the period remaining, as of the date of the transfer, in the member's term of enlistment in a reserve component of the Air Force.

“(d) END STRENGTH ADJUSTMENTS UPON TRANSFERS FROM RESERVE COMPONENTS OF THE AIR FORCE.—During the transition period, upon the transfer of a mission of the Air Force Reserve to the Space Force—

“(1) the end strength authorized for the Space Force pursuant to section 115(a)(1)(A) of title 10, United States Code, for the fiscal year during which the transfer occurs shall be increased by the number of billets associated with that mission; and

“(2) the end strength authorized for the reserve components of the Air Force pursuant to section 115(a)(2) of such title for such fiscal year shall be decreased by the same number.

“(e) ADMINISTRATIVE PROVISIONS.—For purposes of the transfer of covered members of the Air Force Reserve in accordance with subsection (a)—

“(1) the Air Force Reserve, the Air National Guard, and the Space Force shall be considered to be components of the same Armed Force; and

“(2) the Space Force officer list shall be considered to be an active-duty list of an Armed Force.

“(f) RETRAINING AND REASSIGNMENT FOR MEMBERS NOT TRANSFERRING.—If a covered member of a reserve component of the Air Force does not consent to transfer to the Space Force in accordance with subsection (a), the Secretary of the Air Force may, as determined appropriate by the Secretary in the case of the individual member, provide the member retraining and reassignment within a reserve component of the Air Force.

“(g) COVERED DEFINED.—For purposes of this section, the term ‘covered’, with respect to a member of a reserve component of the Air Force, means—

“(1) a member who, as of the date of the enactment of this Act, holds an Air Force specialty code for a specialty held by members of the Space Force; and

“(2) any other member designated by the Secretary of the Air Force for the purposes of this section.

“SEC. 1734. PLACEMENT OF OFFICERS ON THE SPACE FORCE OFFICER LIST.

“(a) PLACEMENT ON LIST.—Officers of the Space Force whose duty status is changed in accordance with section 1732, and officers of the reserve components of the Air Force who transfer to the Space Force in accordance with 1733, shall be placed on the Space Force officer list in an order determined by their respective grades and dates of rank.

“(b) OFFICERS OF SAME GRADE AND DATE OF RANK.—Among officers of the same grade and date of rank, placement on the Space Force officer list shall be in the order of their rank as determined in accordance with section 741(c) of title 10, United States Code.

“SEC. 1735. DISESTABLISHMENT OF REGULAR SPACE FORCE.

“(a) DISESTABLISHMENT.—The Secretary of the Air Force shall disestablish the Regular Space Force not later than the end of the transition period, once there are no longer any members remaining in the Regular Space Force. The Regular Space Force shall be disestablished upon the completion of the change of duty status of all members of the Space Force pursuant to section 1742 [probably should be section “1732”] and certification by the Secretary of the Air Force to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that there are no longer any members of the Regular Space Force.

“(b) PUBLICATION OF NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice of the disestablishment of the Regular Space Force, including the date thereof, together with any certification submitted pursuant to subsection (a).

“(c) CONFORMING REPEAL.—

“(1) REPEAL.—Section 9085 of title 10, United States Code [now 10 U.S.C. 9086], relating to the composition of the Regular Space Force, is repealed.

“(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date on which the certification is submitted under subsection (a).

“SEC. 1736. END STRENGTH FLEXIBILITY.

“(a) ADDITIONAL AUTHORITY TO VARY END STRENGTHS.—

“(1) AUTHORITY.—Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance manning and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for a fiscal year as follows:

“(A) Increase the end strength authorized pursuant to section 115(a)(3) of such title for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.

“(B) Decrease the end strength authorized pursuant to section 115(a)(3) of such title for a fiscal year for the Space Force by a number equal to not more than 10 percent of such authorized end strength.

“(2) TERMINATION.—The authority provided under paragraph (1) shall terminate on the last day of the transition period.

“(b) TEMPORARY EXEMPTION FOR THE SPACE FORCE FROM END STRENGTH GRADE RESTRICTIONS.—Sections 517 and 523 of title 10, United States Code, shall not apply to the Space Force during the transition period.

“SEC. 1737. PROMOTION AUTHORITY FLEXIBILITY.

“(a) PROMOTION AUTHORITY FLEXIBILITY.—During the transition period, the Secretary of the Air Force may convene selection boards to consider officers on the space force officer list for promotion, and may promote Space Force officers selected by such boards, in accordance with any of the following provisions of title 10, United States Code:

“(1) Chapter 36.

“(2) Part III of subtitle E.

“(3) Chapter 2005, as added by section 1716.

“(b) COORDINATION OF PROVISIONS.—

“(1) For a selection board convened pursuant to subsection (a) to consider members of the Space Force for promotion in accordance with chapter 36 of such title—

“(A) provisions that apply to an officer of a regular component of the Armed Forces shall apply to an officer of the Space Force; and

“(B) the space force officer list shall be considered to be an active-duty list.

“(2) For a selection board convened pursuant to subsection (a) to consider members of the Space Force for promotion in accordance with part III of subtitle E of such title—

“(A) provisions that apply to an officer of a reserve component of the Armed Forces shall apply to an officer of the Space Force; and

“(B) the space force officer list shall be considered to be a reserve active-status list.

“(3) For a selection board convened pursuant to subsection (a) to consider members of the Space Force for promotion in accordance with either chapter 36 or part III of subtitle E of such title—

“(A) section 20212 of such title shall apply to the composition of the selection board;

“(B) the provisions of chapter 2005 of such title regarding officers on the space force officer list eligible to be considered for promotion to the grade of brigadier general or major general shall apply;

“(C) section 20216 of such title shall apply; and

“(D) the provisions of chapter 36 or part III of subtitle E of such title, as the case may be, regarding failure of selection for promotion shall apply.

“(c) EFFECT OF USING NEW CHAPTER 2005 AUTHORITY.—If the Secretary of the Air Force convenes a selection board under chapter 2005 of title 10, United States Code, as added by section 1716, to consider officers on the space force officer list in a particular grade and competitive category for selection for promotion to the next higher grade, the Secretary may not convene a future selection board pursuant to subsection (a) to consider officers of the same grade and competitive category under chapter 36 or part III of subtitle E of such title.”

#### § 20002. Members: duty status

Under regulations prescribed by the Secretary of the Air Force, each member of the Space Force shall be placed in one of the following duty statuses:

- (1) Space Force active status.
- (2) Space Force inactive status.
- (3) Space Force retired status.

(Added Pub. L. 118–31, div. A, title XVII, §1714, Dec. 22, 2023, 137 Stat. 626.)

#### § 20003. Members: minimum service requirement as applied to Space Force

(a) INAPPLICABILITY OF ACTIVE/RESERVE SERVICE DISTINCTION.—In applying section 651 of this title to a person who becomes a member of the Space Force, the provisions of the second sentence of subsection (a) and of subsection (b) of that section (relating to service in a reserve component) are inapplicable.

(b) TREATMENT UPON TRANSFER OUT OF SPACE FORCE.—A member of the Space Force who transfers to one of the other armed forces before completing the service required by subsection (a) of section 651 of this title shall upon such transfer be subject to section 651 of this title in the same manner as if such member had initially entered the armed force to which the member transfers.

(Added Pub. L. 118–31, div. A, title XVII, §1714, Dec. 22, 2023, 137 Stat. 626.)

### CHAPTER 2003—STATUS AND PARTICIPATION

Sec.

20101. Members in Space Force active status: amount of annual training or active duty service required.

Sec.

20102. Individual ready guardians: designation; mobilization category.

20103. Members not on sustained duty: agreements concerning conditions of service.

20104. Orders to active duty: with consent of member.

20105. Sustained duty.

20106. Orders to active duty: without consent of member.

20107. Transfer to inactive status: initial service obligation not complete.

20108. Members of Space Force: credit for service for purposes of laws providing pay and benefits for members, dependents, and survivors.

20109. Policy for order to active duty based upon determination by Congress.

#### § 20101. Members in Space Force active status: amount of annual training or active duty service required

Except as specifically provided in regulations prescribed by the Secretary of Defense, a member of the Space Force in a space force active status who is not serving on sustained duty shall be required to—

- (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for not less than 14 days (exclusive of travel time) during each year; or
- (2) serve on active duty for training for not more than 30 days during each year.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 627.)

#### § 20102. Individual ready guardians: designation; mobilization category

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may designate a member of the Space Force in a space force active status as an Individual Ready Guardian.

(b) MOBILIZATION CATEGORY.—

(1) IN GENERAL.—Among members of the Space Force designated as Individual Ready Guardians, there is a category of members (referred to as a “mobilization category”) who, as designated by the Secretary of the Air Force, are subject to being ordered to active duty without their consent in accordance with section 20106(a) of this title.

(2) LIMITATIONS ON PLACEMENT IN MOBILIZATION CATEGORY.—A member designated as an Individual Ready Guardian may not be placed in the mobilization category referred to in paragraph (1) unless—

(A) the member volunteers to be placed in that mobilization category; and

(B) the member is selected by the Secretary of the Air Force, based upon the needs of the Space Force and the grade and military skills of that member.

(3) LIMITATION ON TIME IN MOBILIZATION CATEGORY.—A member of the Space Force in a space force active status may not remain designated an Individual Ready Guardian in such mobilization category after the end of the 24-month period beginning on the date of the separation of the member from active service.

(4) DESIGNATION OF GRADES AND MILITARY SKILLS OR SPECIALTIES.—The Secretary of the

Air Force shall designate the grades and military skills or specialties of members to be eligible for placement in such mobilization category.

(5) **BENEFITS.**—A member in such mobilization category shall be eligible for benefits (other than pay and training) on the same basis as are available to members of the Individual Ready Reserve who are in the special mobilization category under section 10144(b) of this title, as determined by the Secretary of Defense.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 627.)

**§ 20103. Members not on sustained duty: agreements concerning conditions of service**

(a) **AGREEMENTS.**—The Secretary of the Air Force may enter into a written agreement with a member of the Space Force not on sustained duty—

- (1) requiring the member to serve on active duty for a definite period of time;
- (2) specifying the conditions of the member's service on active duty; and
- (3) for a member serving in a space force inactive status, specifying the conditions for the member's continued service as well as order to active duty with and without the consent of the member.

(b) **CONDITIONS OF SERVICE.**—An agreement under subsection (a) shall specify the conditions of service. The Secretary of the Air Force shall prescribe regulations establishing—

- (1) what conditions of service may be specified in the agreement;
- (2) the obligations of the parties; and
- (3) the consequences of failure to comply with the terms of the agreement.

(c) **AUTHORITY FOR RETENTION ON ACTIVE DUTY DURING WAR OR NATIONAL EMERGENCY.**—If the period of service on active duty of a member under an agreement under subsection (a) expires during a war or during a national emergency declared by Congress or the President, the member concerned may be kept on active duty, without the consent of the member, as otherwise prescribed by law.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 628.)

**§ 20104. Orders to active duty: with consent of member**

(a) **AUTHORITY.**—A member of the Space Force who is serving in a space force active status and is not on sustained duty, or who is serving in a space force inactive status, may, with the consent of the member, be ordered to active duty, or retained on active duty, under the following sections of chapter 1209 of this title in the same manner as applies to a member of a reserve component ordered to active duty, or retained on active duty, under that section with the consent of the member:

- (1) Section 12301(d), relating to orders to active duty at any time with the consent of the member.
- (2) Section 12301(h), relating to orders to active duty in connection with medical or health care matters.

(3) Section 12322, relating to active duty for health care.

(4) Section 12323, relating to active duty pending line of duty determination required for response to sexual assault.

(b) **APPLICABLE PROVISIONS OF LAW.**—The following sections of chapter 1209 of this title pertaining to a member of a reserve component ordered to active duty with the consent of the member apply to a member of the Space Force who is ordered to active duty under this section in the same manner as to such a reserve component member:

- (1) Section 12308, relating to retention after becoming qualified for retired pay.
- (2) Section 12309, relating to use of Reserve officers in expansion of armed forces.
- (3) Section 12313, relating to release of reserve members from active duty.
- (4) Section 12314, relating to kinds of duty.
- (5) Section 12315, relating to duty with or without pay.
- (6) Section 12316, relating to payment of certain Reserves while on duty.
- (7) Section 12318, relating to duties and funding of reserve members on active duty.
- (8) Section 12320, relating to grade in which ordered to active duty.
- (9) Section 12321, relating to a limitation on number of reserve members assigned to Reserve Officer Training Corps units.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 628.)

**§ 20105. Sustained duty**

(a) **ENLISTED MEMBERS.**—An authority designated by the Secretary of the Air Force may order an enlisted member of the Space Force in a space force active status to sustained duty, or retain an enlisted member on sustained duty, with the consent of that member, as specified in the terms of the member's enlistment or reenlistment agreement.

(b) **OFFICERS.**—

(1) An authority designated by the Secretary of the Air Force may order a Space Force officer in a space force active status to sustained duty—

- (A) with the consent of the officer; or
- (B) to fulfill the terms of an active-duty service commitment incurred by the officer under any provision of law.

(2) An officer ordered to sustained duty under paragraph (1) may not be released from sustained duty without the officer's consent except as provided in chapter 2009 or 2011 of this title.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 629.)

**§ 20106. Orders to active duty: without consent of member**

(a) **MEMBERS IN A SPACE FORCE ACTIVE STATUS.**—

(1) A member of the Space Force in a space force active status who is not on sustained duty, may, without the consent of the member, be ordered to active duty or inactive duty in the same manner as a member of a reserve

component ordered to active duty or inactive duty under the provisions of chapter 1209 of this title and any other provision of law authorizing the order to active duty of a member of a reserve component in an active status without the consent of the member.

(2) The provisions of chapter 1209 of this title, or other applicable provisions of law, pertaining to a member of the Ready Reserve when ordered to active duty shall apply to a member of the Space Force who is in a space force active status when ordered to active duty under paragraph (1).

(3) The provisions of section 12304 of this title pertaining to members in the Individual Ready Reserve mobilization category shall apply to a member of the Space Force who is designated an Individual Ready Guardian when ordered to active duty who meets the provisions of section 20102(b) of this title.

(b) MEMBERS IN A SPACE FORCE INACTIVE STATUS.—

(1) A member of the Space Force in a space force inactive status may be ordered to active duty under—

(A) the provisions of chapter 1209 of this title;

(B) any other provision of law authorizing the order to active duty of a member of a reserve component in an inactive status; and

(C) the terms of any agreement entered into by the member under section 20103 of this title.

(2) The provisions of chapter 1209 of this title, or other applicable provisions of law, pertaining to the Standby Reserve shall apply to a member of the Space Force who is in a space force inactive service when ordered to active duty.

(c) MEMBERS IN A SPACE FORCE RETIRED STATUS.—

(1) Chapters 39 and 1209 of this title include provisions authorizing the order to active duty of a member of the Space Force in a space force retired status.

(2) The provisions of sections 688, 688a, and 12407 of this title pertaining to a retired member or a member of the Retired Reserve shall apply to a member of the Space Force in a space force retired status when ordered to active duty.

(3) The provisions of section 689 of this title pertaining to a retired member ordered to active duty shall apply to a member of the Space Force in a space force retired status who is ordered to active duty.

(d) OTHER APPLICABLE PROVISIONS.—The following provisions of chapter 1209 of this title shall apply to a member of the Space Force ordered to active duty in the same manner as to a Reserve or member of the Retired Reserve ordered to active duty:

(1) Section 12305, relating to the authority of the President to suspend certain laws relating to promotion, retirement, and separation.

(2) Section 12308, relating to retention after becoming qualified for retired pay.

(3) Section 12313, relating to release from active duty.

(4) Section 12314, relating to kinds of duty.

(5) Section 12315, relating to duty with or without pay.

(6) Section 12316, relating to payment of certain Reserves while on duty.

(7) Section 12317, relating to theological students; limitations.

(8) Section 12320, relating to grade in which ordered to active duty.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 629; amended Pub. L. 118–159, div. A, title V, §521(m), Dec. 23, 2024, 138 Stat. 1882.)

## Editorial Notes

### AMENDMENTS

2024—Subsec. (d). Pub. L. 118–159 struck out “pertaining” before “shall apply” in introductory provisions.

### § 20107. Transfer to inactive status: initial service obligation not complete

(a) GENERAL RULE.—A member of the Space Force who has not completed the required minimum service obligation referred to in section 20003 of this title shall, if terminating space force active status, be transferred to a space force inactive status and, unless otherwise designated an Individual Ready Guardian under section 20102 of this title, shall remain subject to order to active duty without the member's consent under section 20106 of this title.

(b) EXCEPTION.—Subsection (a) does not apply to a member who is separated from the Space Force by the Secretary of the Air Force under section 20503 of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 630.)

### § 20108. Members of Space Force: credit for service for purposes of laws providing pay and benefits for members, dependents, and survivors

For the purposes of laws providing pay and benefits for members of the armed forces and their dependents and beneficiaries:

(1) Military training, duty, or other service performed by a member of the Space Force in a space force active status not on sustained duty shall be considered military training, duty, or other service, as the case may be, as a member of a reserve component.

(2) Sustained duty performed by a member of the Space Force under section 20105 of this title shall be considered active duty as a member of a regular component.

(3) Active duty performed by a member of the Space Force in a space force active status not on sustained duty shall be considered active duty as a member of a reserve component.

(4) Inactive-duty training performed by a member of the Space Force shall be considered inactive-duty training as a member of a reserve component.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 631.)

### § 20109. Policy for order to active duty based upon determination by Congress

Whenever Congress determines that more units and organizations capable of conducting space operations are needed for the national security than are available among those units comprised of members of the Space Force serving on active duty, members of the Space Force not serving on active duty shall be ordered to active duty and retained as long as so needed.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 631.)

## CHAPTER 2005—OFFICERS

Subchapter	Sec.
I. Original Appointments .....	20201
II. Selection Boards .....	20211
III. Promotions .....	20231
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### Editorial Notes

#### AMENDMENTS

Pub. L. 118–31, div. A, title XVII, §1716(a), (c), Dec. 22, 2023, 137 Stat. 631, 634, 638, 649, 653, added items for subchapters I to V. Amendments were made pursuant to operation of section 102 of this title. Amendment by section 1716(c) adding subchapters II to V to chapter “205” of this title was executed by adding items for subchapters II to V to the analysis for this chapter, which is chapter 2005, to reflect the probable intent of Congress.

### SUBCHAPTER I—ORIGINAL APPOINTMENTS

Sec.	
20201.	Original appointments: how made.
20202.	Original appointments: qualifications.
20203.	Original appointments: service credit.

### Editorial Notes

#### AMENDMENTS

Pub. L. 118–31, div. A, title XVII, §1716(a), Dec. 22, 2023, 137 Stat. 631, 632, added items 20201 to 20203. Amendment was made pursuant to operation of section 102 of this title.

### § 20201. Original appointments: how made

(a) IN GENERAL.—The provisions of section 531 of this title shall apply to original appointments of commissioned officers in the Space Force.

(b) GRADE UPON APPOINTMENT.—(1) The grade of a person receiving an appointment under this section who at the time of appointment is credited with service under section 20203 of this title shall be determined under regulations prescribed by the Secretary of the Defense based upon the amount of service credited.

(2) The grade of a person receiving an appointment under this section who at the time of the appointment is a commissioned officer of a reserve component shall be determined under section 20203(e) of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1716(a), Dec. 22, 2023, 137 Stat. 631.)

### § 20202. Original appointments: qualifications

(a) IN GENERAL.—An original appointment as a commissioned officer in the Space Force may be given only to a person who—

(1) is a citizen of the United States;

(2) is at least 18 years of age; and

(3) has such other physical, mental, moral, professional, and age qualifications as the Secretary of the Air Force may prescribe by regulation.

(b) EXCEPTION.—A person who is otherwise qualified, but who has a physical condition that the Secretary of the Air Force determines will not interfere with the performance of the duties to which that person may be assigned, may be appointed as an officer in the Space Force.

(Added Pub. L. 118–31, div. A, title XVII, §1716(a), Dec. 22, 2023, 137 Stat. 632.)

### § 20203. Original appointments: service credit

(a) IN GENERAL.—The provisions of section 533 of this title shall apply to the crediting of prior active commissioned service for original appointments of commissioned officers.

(b) CREDIT FOR PRIOR SERVICE.—(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade in the Space Force, such person shall be credited at the time of such appointment with any commissioned service (other than service as a commissioned warrant officer) that the person performed before such appointment—

(A) as a Space Force officer on active duty or in a space force active status; or

(B) as a regular officer, or as a reserve officer in an active status, in any uniformed service.

(2) The regulations prescribed by the Secretary of Defense under section 533 of this title shall apply to the Space Force to authorize the Secretary of the Air Force to limit the amount of prior active commissioned service with which a person receiving an original appointment may be credited under paragraph (1).

(b) CREDIT FOR EDUCATION, TRAINING, AND EXPERIENCE.—(1) Under regulations prescribed by the Secretary of the Air Force, the Secretary shall credit a person who is receiving an original appointment in a commissioned grade in the Space Force and who has advanced education, training, or special experience with constructive service for such education, training, or experience in a particular officer career field as designated by the Secretary of the Air Force, if such education, training, or experience is directly related to the operational needs of the Space Force.

(2)(A) The Secretary may credit a person with constructive service under this subsection for each instance of relevant advanced education or training or special experience regardless of whether two or more such instances are concurrent.

(B) The Secretary may not credit more than 20 persons with an amount of constructive credit under this paragraph in any year.

(3) The amount of constructive service credited an officer under this subsection may not ex-

ceed the amount required in order for the officer to be eligible for an original appointment in the grade of colonel.

(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

(5) Not later than December 1 of each year, the Secretary of the Air Force shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding the amount of constructive service credited under this subsection during the preceding calendar year.

(c) **AUTHORIZED USE OF CONSTRUCTIVE CREDIT.**—Constructive service credited an officer under subsection (b) shall be used only for determining the officer's—

- (1) initial grade;
- (2) rank in grade; and
- (3) service in grade for promotion eligibility.

(d) **EXCLUSION FOR GRADUATES OF THE SERVICE ACADEMIES.**—A graduate of a Service Academy (as such term is defined in section 347 of this title) is not entitled to service credit under this section for service performed, or education, training, or experience obtained, before graduation from such Service Academy.

(e) **RESERVE OFFICERS.**—A reserve officer (other than a warrant officer) who receives an original appointment as an officer in the Space Force shall—

(1) in the case of an officer on the active-duty list of an armed force immediately before that appointment, be appointed in the same grade and with the same date of rank as the grade and date of rank held by the officer on the active-duty list immediately before the appointment; and

(2) in the case of an officer not on the active-duty list immediately before that appointment, be appointed in the same grade and with the same date of rank as the grade and date of rank which the officer would have held had the officer been serving on the active-duty list on the date of the appointment.

(f) **CONTINUITY OF EXISTING DELEGATION OF PRESIDENTIAL APPOINTMENT FUNCTIONS.**—Except as otherwise provided by the President by Executive order, the provisions of Executive Order 13384 (10 U.S.C. 531 note) relating to the functions of the President under section 531(a) of this title shall apply in the same manner to functions of the President under section 20201 of this title.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(a), Dec. 22, 2023, 137 Stat. 632.)

#### Editorial Notes

##### REFERENCES IN TEXT

Executive Order 13384, referred to in subsec. (f), is Ex. Ord. No. 13384, July 27, 2005, 70 F.R. 43739, which is set out as a note under section 531 of this title.

#### SUBCHAPTER II—SELECTION BOARDS

Sec.	
20211.	Convening of selection boards.
20212.	Composition of selection boards.

Sec.	
20213.	Notice of convening of selection boards.
20214.	Information furnished to selection boards.
20215.	Recommendations for promotion by selection boards.
20216.	Reports of selection boards.
20217.	Action on reports of selection boards for promotion to brigadier general or major general.

#### Editorial Notes

##### CODIFICATION

Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 634, which directed amendment of chapter “205” of this title by adding this subchapter at the end, was executed by adding this subchapter at the end of this chapter, which is chapter 2005, to reflect the probable intent of Congress.

##### AMENDMENTS

Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 634–638, added items 20211 to 20217. Amendment was made pursuant to operation of section 102 of this title.

#### § 20211. Convening of selection boards

(a) **IN GENERAL.**—Whenever the needs of the service require, the Secretary of the Air Force shall convene selection boards to recommend for promotion to the next higher permanent grade officers of the Space Force in each permanent grade from first lieutenant through brigadier general.

(b) **EXCEPTION FOR OFFICERS IN GRADE OF FIRST LIEUTENANT.**—Subsection (a) does not require the convening of a selection board in the case of Space Force officers in the permanent grade of first lieutenant when the Secretary of the Air Force recommends for promotion to the grade of captain under section 20239(c)(4)(A) of this title all such officers whom the Secretary finds to be fully qualified for promotion.

(c) **SELECTION BOARDS FOR EARLY RETIREMENT OR DISCHARGE.**—The Secretary of the Air Force may convene selection boards to recommend officers for early retirement under section 20404(a) of this title or for discharge under section 20404(b) of this title.

(d) **REGULATIONS.**—The convening of selection boards under subsection (a) shall be under regulations prescribed by the Secretary of the Defense.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 634; amended Pub. L. 118–159, div. A, title V, § 521(n), Dec. 23, 2024, 138 Stat. 1882.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (b). Pub. L. 118–159 substituted “20239(c)(4)(A)” for “20238(a)(4)(A)”.

#### § 20212. Composition of selection boards

(a) **APPOINTMENT AND COMPOSITION OF BOARDS.**—

(1) **IN GENERAL.**—Members of a selection board shall be appointed by the Secretary of the Air Force in accordance with this section. A selection board shall consist of five or more officers of the Space Force. Each member of a



selection board must be serving in a grade higher than the grade of the officers under consideration by the board, except that no member of a board may be serving in a grade below major. The members of a selection board shall include at least one member serving on sustained duty and at least one member in a space force active status who is not serving on sustained duty. The ratio of the members of a selection board serving on sustained duty to members serving in a space force active status not on sustained duty shall, to the extent practicable, reflect the ratio of officers serving in each of those statuses who are being considered for promotion by the board. The members of a selection board shall represent the diverse population of the Space Force to the extent practicable.

(2) REPRESENTATION FROM COMPETITIVE CATEGORIES.—(A) Except as provided in subparagraph (B), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

(B) A selection board need not include an officer from a competitive category when there are no officers of that competitive category on the Space Force officer list in a grade higher than the grade of the officers to be considered by the board and eligible to serve on the board.

(3) RETIRED OFFICERS.—If qualified officers on the Space Force officer list are not available in sufficient number to comprise a selection board, the Secretary of the Air Force shall complete the membership of the board by appointing as members of the board—

(A) Space Force officers who hold a grade higher than the grade of the officers under consideration by the board and who are retired officers; and

(B) if sufficient Space Force officers are not available pursuant to subparagraph (A), Air Force officers who hold a grade higher than the grade of the officers under consideration by the board and who are retired officers, but only if the Air Force officer to be appointed to the board has served in the Space Force or in a space-related career field of the Air Force for sufficient time such that the Secretary of the Air Force determines that the retired Air Force officer has adequate knowledge concerning the standards of performance and conduct required of an officer of the Space Force.

(4) EXCLUSION OF RETIRED GENERAL OFFICERS ON ACTIVE DUTY TO SERVE ON A BOARD FROM NUMERIC GENERAL OFFICER ACTIVE-DUTY LIMITATIONS.—A retired general officer who is on active duty for the purpose of serving on a selection board shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.

(b) LIMITATION ON MEMBERSHIP ON CONSECUTIVE BOARDS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), no officer may be a member of two successive selection boards convened under section 20211 of this title for the consideration of officers of the same competitive category and grade.

(2) EXCEPTION FOR GENERAL OFFICER BOARDS.—Paragraph (1) does not apply with respect to selection boards convened under section 20211 of this title for the consideration of officers in the grade of colonel or brigadier general.

(c) JOINT QUALIFIED OFFICERS.—(1) Each selection board convened under section 20211 of this title that will consider an officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

(2) Paragraph (1) applies with respect to an officer who—

(A) is serving on, or has served on, the Joint Staff; or

(B) is a joint qualified officer.

(3) The Secretary of Defense may waive the requirement in paragraph (1) for any selection board of the Space Force.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 634; amended Pub. L. 118–159, div. A, title V, § 521(o), Dec. 23, 2024, 138 Stat. 1882.)

## Editorial Notes

### AMENDMENTS

2024—Subsec. (a)(1). Pub. L. 118–159 substituted “Secretary of the Air Force” for “Secretary of Air Force”.

## § 20213. Notice of convening of selection boards

(a) NOTICE TO ELIGIBLE OFFICERS.—At least 30 days before a selection board is convened under section 20211 of this title to recommend officers in a grade for promotion to the next higher grade, the Secretary of the Air Force shall—

(1) notify in writing the officers eligible for consideration for promotion of the date on which the board is to convene and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification; or

(2) issue a general written notice to the Space Force regarding the convening of the board which shall include the convening date of the board and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification.

(b) COMMUNICATION FROM OFFICERS.—An officer eligible for consideration by a selection board convened under section 20211 of this title (other than an officer who has been excluded under section 20231(d) of this title from consideration by the board) may send a written communication to the board, to arrive not later than 10 calendar days before the date on which the board convenes, calling attention to any matter concerning the officer that the officer considers important to the officer’s case. The selection board shall give consideration to any timely communication under this subsection.

(c) NOTICE OF INTENT OF CERTAIN OFFICERS TO SERVE ON OR OFF ACTIVE DUTY.—An officer on the Space Force officer list in the grade of colonel or brigadier general who receives a notice under subsection (a) shall inform the Secretary of the officer’s preference to serve either on or

off sustained duty if promoted to the grade of brigadier general or major general, respectively. (Added Pub. L. 118-31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 635.)

**§ 20214. Information furnished to selection boards**

The provisions of section 615 of this title shall apply to information furnished to selection boards.

(Added Pub. L. 118-31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 636.)

**§ 20215. Recommendations for promotion by selection boards**

(a) BOARD TO RECOMMEND OFFICERS BEST QUALIFIED FOR PROMOTION.—A selection board convened under section 20211 of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board, giving due consideration to the needs of the Space Force for officers with particular skills (as noted in the guidelines or information furnished the board under section 615(b) of this title), considers best qualified for promotion within each competitive category considered by the board.

(b) NUMBER TO BE RECOMMENDED.—The Secretary of the Air Force shall establish the number of officers such a selection board may recommend for promotion from among officers being considered.

(c) BOARD PROCEDURES FOR RECOMMENDATIONS; LIMITATIONS.—A selection board convened under section 20211 of this title may not recommend an officer for promotion unless—

(1) the officer receives the recommendation of a majority of the members of the board;

(2) a majority of the members of the board finds that the officer is fully qualified for promotion; and

(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the Space Force consistent with the requirement of exemplary conduct set forth in section 9233 of this title.

(d) LIMITATION ON PROMOTIONS UNDER OTHER AUTHORITY.—Except as otherwise provided by law, a Space Force officer may not be promoted to a higher grade under this chapter unless the officer is considered and recommended for promotion to that grade by a selection board convened under this chapter or, in the case of an officer transferring into the Space Force from another armed force, chapter 36 or chapter 1403 of this title.

(e) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a selection board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary of the Air Force to assist the board) until the written report of the recommendations of

the board, required by section 617 of this title, is signed by each member of the board.

(f) PROHIBITION ON ATTEMPTING TO INFLUENCE MEMBERS OF A BOARD.—The Secretary of the Air Force, and an officer or other official exercising authority over any member of a selection board, may not—

(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

(2) attempt to coerce or, by any unauthorized means, influence any action of a selection board or any member of a selection board in the formulation of the board's recommendations.

(g) HIGHER PLACEMENT ON PROMOTION LIST OF OFFICER OF PARTICULAR MERIT.—(1) In selecting the officers to be recommended for promotion, a selection board shall, when authorized by the Secretary of the Air Force, recommend officers of particular merit, pursuant to guidelines and procedures prescribed by the Secretary, from among those officers selected for promotion, to be placed higher on the promotion list established by the Secretary under section 624(a)(1) of this title.

(2) An officer may be recommended to be placed higher on a promotion list under paragraph (1) only if the officer receives the recommendation of at least a majority of the members of the board, unless the Secretary of the Air Force establishes an alternative requirement. Any such alternative requirement shall be furnished to the board as part of the guidelines furnished to the board under section 615 of this title.

(3) For the officers recommended to be placed higher on a promotion list under paragraph (1), the board shall recommend, pursuant to guidelines and procedures prescribed by the Secretary, the order in which those officers should be placed on the list.

(Added Pub. L. 118-31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 636.)

**§ 20216. Reports of selection boards**

(a) IN GENERAL.—Each selection board convened under section 20211 of this title shall submit to the Secretary of the Air Force a written report, signed by each member of the board, containing a list of the names of the officers it recommends for promotion and certifying—

(1) that the board has carefully considered the record of each officer whose name was furnished to it under section 615 of this title; and

(2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the Space Force (as noted in the guidelines or information furnished the board under section 615(b) of this title) among those officers whose names were furnished to the selection board.

(b) OFFICERS WHO SHOULD BE REQUIRED TO SHOW CAUSE FOR RETENTION.—A selection board convened under section 20211 of this title shall include in its report the name of any officer be-

fore it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required under section 20503 of this title to show cause for the officer's retention in a space force active status.

(c) OFFICERS RECOMMENDED TO BE PLACED HIGHER ON THE PROMOTION LIST.—A selection board convened under section 20211 of this title shall, when authorized under section 20215(g) of this title, include in its report the names of those officers recommended by the board to be placed higher on the promotion list and the order in which the board recommends that those officers should be placed on the list.

(d) RECOMMENDATION FOR OFFICERS TO BE EXCLUDED FROM FUTURE CONSIDERATION FOR PROMOTION.—A selection board convened under section 20211 of this title may include in its report a recommendation that an officer considered by the board be excluded from future consideration for promotion under this chapter.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 637; amended Pub. L. 118–159, div. A, title V, §521(p), Dec. 23, 2024, 138 Stat. 1882.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (c). Pub. L. 118–159 substituted “20215(g)” for “20214(g)”.

#### § 20217. Action on reports of selection boards for promotion to brigadier general or major general

(a) IN GENERAL.—After reviewing a report received under section 20215 of this title recommending officers on the Space Force officer list for promotion to the grade of brigadier general or major general, but before submitting the report to the Secretary of Defense, the Secretary of the Air Force may, under regulations prescribed by the Secretary of the Air Force, adjust the placement of officers as recommended in the report in order to ensure that sufficient number of officers on both sustained and non-sustained duty are promoted to meet the requirements of the Space Force to fill general officer vacancies.

(b) REPORT.—Whenever the Secretary of the Air Force uses the authority under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report informing the committees that the authority has been used and the reason for the use of the authority.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 638.)

#### SUBCHAPTER III—PROMOTIONS

Sec.	
20231.	Eligibility for consideration for promotion: general rules.
20232.	Authority to allow officers to opt out of selection board consideration.
20233.	Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to brigadier general; exceptions.
20234.	Opportunities for consideration for promotion.

Sec.	
20235.	Space Force officer list.
20236.	Competitive categories.
20237.	Numbers to be recommended for promotion.
20238.	Establishment of promotion zones.
20239.	Promotions: how made.
20240.	Acceptance of promotions; oath of office.
20241.	Removal of officers from a list of officers recommended for promotion.
20242.	Authority to vacate promotions to grade of brigadier general.
20243.	General officers ceasing to occupy positions commensurate with grade.

#### Editorial Notes

##### CODIFICATION

Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 634, 638, which directed amendment of chapter “205” of this title by adding this subchapter at the end, was executed by adding this subchapter at the end of this chapter, which is chapter 2005, to reflect the probable intent of Congress.

##### AMENDMENTS

Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 634, 638, 641–645, 647–649, added items 20231 to 20243. Amendment was made pursuant to operation of section 102 of this title.

#### § 20231. Eligibility for consideration for promotion: general rules

(a) IN GENERAL.—

(1) REQUIREMENT TO BE ON SPACE FORCE OFFICER LIST.—An officer is eligible under this chapter for consideration for promotion by a selection board convened under section 14101(a) of this title only if the officer is on the Space Force officer list.

(2) AUTHORITY TO PRECLUDE FROM CONSIDERATION CERTAIN OFFICERS BASED ON TIME OF ENTRY ON OR DEPARTURE FROM SUSTAINED DUTY.—The Secretary of the Air Force—

(A) may, by regulation, prescribe a period of time, not to exceed one year, from the time an officer on the Space Force officer list transfers on or off of sustained duty during which the officer shall be ineligible for consideration for promotion; and

(B) may, by regulation, provide for the exclusion from consideration for promotion by a selection board of an officer otherwise eligible to be considered by the board who has an established date for removal from the Space Force officer list that is not more than 90 days after the date on which the board is to be convened.

(b) CERTAIN OFFICERS NOT TO BE CONSIDERED.—A selection board convened under section 20211 of this title may not consider for promotion to the next higher grade any of the following officers:

(1) An officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 20151 of this title, under section 14101 or 14502 of this title, or under chapter 36 of this title.

(2) An officer who is recommended for promotion to that grade in the report of an earlier selection board convened under a provision referred to in paragraph (1), in the case of

such a report that has not yet been approved by the President.

(3) An officer who has been nominated by the President for promotion to that grade under any other provision of law, if that nomination is pending before the Senate.

(4) An officer in the grade of first lieutenant who is on an approved all-fully-qualified-officers list under section 20239(c)(4) of this title.

(5) An officer excluded under section 20232 of this title.

(6) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 20234 of this title.

(c) CERTAIN COLONELS.—

(1) AUTHORITY TO PRECLUDE FROM CONSIDERATION.—The Secretary of Defense may authorize the Secretary of the Air Force to preclude from consideration by selection boards for promotion to the grade of brigadier general, officers in the grade of colonel who—

(A) have been considered and not selected for promotion to the grade of brigadier general or by at least two selection boards; and

(B) are determined, in accordance with standards and procedures prescribed pursuant to paragraph (2), as not being exceptionally well qualified for promotion.

(2) REGULATIONS.—If the Secretary of Defense authorizes the Secretary of the Air Force to have the authority described in subparagraph (A), the Secretary shall prescribe by regulation the standards and procedures for the exercise of such authority. Those regulations shall apply uniformly among the military departments and shall include the following provisions:

(A) A requirement that the Secretary of the Air Force may exercise such authority in the case of a particular selection board only if the Secretary of Defense approves the exercise of that authority for that board.

(B) A requirement that an officer may be precluded from consideration by a selection board under this paragraph only upon the recommendation of a preselection board of officers convened by the Secretary of the military department concerned and composed of at least three officers all of whom are serving in a grade higher than the grade of such officer.

(C) A requirement that such a preselection board may not recommend that an officer be precluded from such consideration unless the Secretary of the Air Force has given the officer advance written notice of the convening of such board and of the military records that will be considered by the board and has given the officer a reasonable period before the convening of the board in which to submit comments to the board.

(D) A requirement that the Secretary of the Air Force shall provide general guidance to the board in accordance with standards and procedures prescribed by the Secretary of Defense in those regulations.

(E) A requirement that the preselection board may recommend that an officer be

precluded from consideration by a selection board only on the basis of the general guidance provided by the Secretary of the Air Force, information in the officer's official military personnel records that has been described in the notice provided the officer as required pursuant to subparagraph (C), and any communication to the board received from that officer before the board convenes.

(d) BRIGADIER GENERALS.—

(1) OFFICERS NOT ON SPACE FORCE OFFICER LIST.—A brigadier general who is not eligible for consideration for promotion because the officer is not on the Space Force officer list (as required by paragraph (1) of subsection (a) for such eligibility) is nevertheless eligible for consideration for promotion to the grade of major general by a selection board convened under section 20211(a) of this title if—

(A) as of the date of the convening of the promotion board, the officer has been in an inactive status for less than the minimum threshold established in paragraph (2) of subsection (a); and

(B) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served on the Space Force officer list for at least one year.

(2) OFFICERS NOT MEETING MINIMUM PARTICIPATION THRESHOLD.—A brigadier general who is on the Space Force officer list but who is not eligible for consideration for promotion because the officer's service does not meet the minimum participation threshold established under subsection (a)(2) is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 20211(a) of this title if—

(A) the officer was transferred from an inactive status to the reserve active-status list during the one-year period preceding the date of the convening of the promotion board;

(B) immediately before the date of the officer's most recent transfer to an active status, the officer had been in an inactive status for less than one year; and

(C) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served for at least one year on the reserve active-status list or the active-duty list (or a combination of the reserve active-status list and the active-duty list).

(e) OFFICERS ON EDUCATIONAL DELAY.—An officer on the Space Force officer list is ineligible for consideration for promotion, but shall remain on the Space Force officer list, while the officer—

(1) is pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

(2) is receiving from the Secretary financial assistance in connection with the pursuit of that program of education while in that status.

(f) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary

of the Air Force may provide that an officer who is in a space force active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section, shall not be considered for selection for promotion until completion of two years of service in such duty status. Any such officer may remain on the Space Force officer list.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 638; amended Pub. L. 118–159, div. A, title V, § 521(q), Dec. 23, 2024, 138 Stat. 1882.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (b)(4). Pub. L. 118–159, § 521(q)(1)(A), substituted “20239(c)(4)” for “20238(a)(4)”.

Subsec. (b)(5). Pub. L. 118–159, § 521(q)(1)(B), substituted “section 20232” for “20232”.

Subsec. (c)(2)(E). Pub. L. 118–159, § 521(q)(2), substituted “Secretary of the Air Force” for “Secretary Air Force”.

#### § 20232. Authority to allow officers to opt out of selection board consideration

(a) **AUTHORITY.**—The Secretary of the Air Force may provide that an officer on the Space Force officer list may, upon the officer’s request and with the approval of the Secretary, be excluded from consideration by a selection board convened under section 20211 of this title to consider officers for promotion to the next higher grade.

(b) **CRITERIA.**—The Secretary may only approve a request under subsection (a) as follows:

(1) **COMPLETION OF CERTAIN ASSIGNMENTS.**—If—

(A) the basis for the request is to allow an officer to complete a broadening assignment, an advanced education assignment, another assignment of significant value to the Department, or a career progression requirement delayed by such an assignment;

(B) the Secretary determines the exclusion from consideration is in the best interest of the Space Force; and

(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.

(2) **COMPLETION OF CERTAIN EDUCATION.**—If—

(A) the basis for the request is to allow an officer to complete advanced education or professional military education;

(B) the Secretary determines that it is in the best interests of the Space Force for the officer to continue to serve in current position and grade; and

(C) the officer has not previously opted out of a promotion board under this section.

(3) **SERVICE IN CRITICAL SKILL POSITION.**—If—

(A) the officer is serving in a critical skill position that cannot be filled by another Space Force officer serving in the same grade;

(B) the Secretary determines that it is in the best interests of the Space Force for the officer to continue to serve in their current position and grade; and

(C) the officer has not previously opted out of a promotion board under this section.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 641.)

#### § 20233. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to brigadier general; exceptions

(a) **GENERAL RULE.**—An officer on the Space Force officer list may not be appointed to the grade of brigadier general unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.

(b) **EXCEPTIONS.**—Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:

(1) When necessary for the good of the service.

(2) In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

(3) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general while serving in a joint duty assignment if—

(A) the officer’s total consecutive service in joint duty assignments is not less than two years; and

(B) the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title.

(4) In the case of an officer who—

(A) is selected by a promotion board for appointment to the grade of brigadier general;

(B) is not exempted under subsection (g); and

(C) has successfully completed the education requirements prescribed in subparagraph (A) of section 661(c)(1) of this title but has not been afforded the opportunity to complete the experience requirements described in subparagraph (B) of that section.

(c) **WAIVER TO BE INDIVIDUAL.**—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

(d) **SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.**—In the case of a waiver under subsection (b)(1), the Secretary of Defense shall provide that the first duty assignment as a general officer of the officer for whom the waiver is granted shall be in a joint duty assignment.

(e) **LIMITATION ON DELEGATION OF WAIVER AUTHORITY.**—The authority of the Secretary of Defense to grant a waiver under subsection (b)(4) may only be delegated as provided in section 619a(e) of this title.

(f) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to brigadier general is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

(g) **EXEMPTION.**—Subsection (a) shall not apply to an officer who transfers to the Space Force

from a reserve component before the first day of the sixth fiscal year beginning after the date of the enactment of this section, and who, as of the date of the transfer, is serving in the grade of major, lieutenant colonel, or colonel or, in the case of the Navy or Coast Guard, lieutenant commander, commander, or captain.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 642.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (g), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

#### § 20234. Opportunities for consideration for promotion

(a) SPECIFICATION OF NUMBER OF OPPORTUNITIES FOR CONSIDERATION FOR PROMOTION.—The Secretary of the Air Force shall specify the number of opportunities for consideration for promotion to be afforded to Space Force officers for promotion to each grade above the grade of captain.

(b) LIMITED AUTHORITY OF SECRETARY OF THE AIR FORCE TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of the Air Force may modify the number of opportunities for consideration for promotion to be afforded officers within a competitive category for promotion to a particular grade, as previously specified by the Secretary pursuant to subsection (a), not more frequently than once every five years.

(c) AUTHORITY OF SECRETARY OF DEFENSE TO MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of Defense may modify the number of opportunities for consideration for promotion to be afforded officers of the Space Force within a competitive category for promotion to a particular grade, as previously specified or modified pursuant to any provision of this section, at the discretion of the Secretary.

(d) LIMITATION ON NUMBER OF OPPORTUNITIES SPECIFIED.—The number of opportunities for consideration for promotion to be afforded officers of the Space Force within a competitive category for promotion to a particular grade, as specified or modified pursuant to any provision of this section, may not exceed five opportunities.

(e) EFFECT OF CERTAIN REDUCTION IN NUMBER OF OPPORTUNITIES SPECIFIED.—If, by reason of a reduction in the number of opportunities for consideration for promotion under this section, an officer would no longer have one or more opportunities for consideration for promotion that were available to the officer before the reduction, the officer shall be afforded one additional opportunity for consideration for promotion after the reduction.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 643; amended Pub. L. 118–159, div. A, title V, § 521(r), Dec. 23, 2024, 138 Stat. 1882.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (b). Pub. L. 118–159 substituted “pursuant to subsection (a)” for “pursuant subsection (a)”.

#### § 20235. Space Force officer list

(a) SINGLE LIST.—The Secretary of the Air Force shall maintain a single list of all Space Force officers serving in a space force active status. The list shall be known as the “Space Force officer list”.

(b) ORDER OF OFFICERS ON LIST.—Officers shall be carried on the Space Force officer list in the order of seniority of the grade in which they are serving. Officers serving in the same grade shall be carried in the order of their rank in that grade.

(c) EFFECT OF SERVICE IN A TEMPORARY APPOINTMENT.—An officer whose position on the Space Force officer list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on the Space Force officer list that the officer would have held if the officer had not received that appointment or assignment.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 643.)

#### § 20236. Competitive categories

(a) REQUIREMENT TO ESTABLISH COMPETITIVE CATEGORIES FOR PROMOTION.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force shall establish at least one competitive category for promotion for officers on the Space Force officer list. Each officer whose name appears on the Space Force officer list shall be carried in a competitive category of officers. Officers in the same competitive category shall compete among themselves for promotion.

(b) SINGLE COMPETITIVE CATEGORY FOR PROMOTION TO GENERAL OFFICER GRADES.—The Secretary of the Air Force shall establish a single competitive category for all officers on the Space Force officer list who will be considered by a selection board convened under section 20211 of this title for promotion to the grade of brigadier general or major general.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 644.)

#### § 20237. Numbers to be recommended for promotion

(a) PROMOTION TO GRADES BELOW BRIGADIER GENERAL.—

(1) DETERMINATION OF MAXIMUM NUMBER.—Before convening a selection board under section 20211 of this title to consider officers for recommendation for promotion to a grade below brigadier general and in any competitive category, the Secretary of the Air Force shall determine the maximum number of officers in that competitive category that the board may recommend for promotion.

(2) DETERMINATIONS.—In order to make the determination under paragraph (1), the Secretary shall determine—

(A) the number of positions needed to accomplish mission objectives which require officers of that competitive category in the grade to which the board will recommend officers for promotion;

(B) the estimated number of officers needed to fill vacancies in those positions during the period in which it is anticipated that officers selected for promotion will be promoted; and

(C) the number of officers in a space force active status authorized by the Secretary of the Air Force to serve both on sustained duty and not on sustained duty in the grade and competitive category under consideration.

(b) **PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL.—**

(1) **DETERMINATION OF MAXIMUM NUMBERS.—**Before convening a selection board under section 20211 of this title to consider officers for recommendation for promotion to the grade of brigadier general or major general, the Secretary of the Air Force shall determine the maximum number of officers serving in a space force active status on sustained duty, and the maximum number of officers serving in a space force active status not on sustained duty, that the board may recommend for promotion.

(2) **DETERMINATIONS.—**In order to make the determinations under paragraph (1), the Secretary shall determine—

(A) the number of positions needed to accomplish mission objectives which require officers serving in a space force active status on sustained duty, and in a space force active status not on sustained duty, in the grade to which the board will recommend officers for promotion; and

(B) the estimated number of officers on sustained duty and not on sustained duty needed to fill vacancies in those positions over the 24-month period beginning on the date on which the selection board convenes.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 644.)

**§ 20238. Establishment of promotion zones**

(a) **IN GENERAL.—**Before convening a selection board under section 20211 of this title to consider officers for promotion to any grade above first lieutenant or lieutenant (junior grade), the Secretary of the Air Force shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

(b) **DETERMINATION OF NUMBER.—**The Secretary of the Air Force shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category. Such determination shall be made on the basis of an estimate of—

(1) the number of officers needed in that competitive category in the next higher grade in each of the next five years;

(2) the number of officers to be serving in that competitive category in the next higher grade in each of the next five years;

(3) in the case of a promotion zone for officers to be promoted to a grade to which section 523 of this title is applicable, the number of officers authorized for such grade under

such section to be on sustained duty on the last day of each of the next five fiscal years; and

(4) the number of officers that should be placed in that promotion zone in each of the next five years to provide to officers in those years relatively similar opportunity for promotion.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 645.)

**§ 20239. Promotions: how made**

(a) **PROMOTION LISTS.—**

(1) **PLACEMENT OF NAMES ON PROMOTION LIST.—**When the report of a selection board convened under section 20211 of this title is approved by the President, the Secretary of the Air Force shall place the names of all officers approved for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of the seniority of such officers on the Space Force officer list or based on particular merit, as determined by the promotion board, or as modified by the Secretary of the Air Force under section 20217 of this title.

(2) **TIME OF ESTABLISHMENT OF PROMOTION LIST.—**A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under paragraph (1).

(b) **PROMOTIONS; HOW MADE; ORDER.—**

(1) **APPOINTMENT AUTHORITY.—**Officers on a promotion list shall be promoted by appointment in the manner specified in section 20201 of this title.

(2) **TIMING.—**Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the Air Force.

(3) **ORDER.—**Except as provided in subsections (e) and (f), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

(4) **PROMOTIONS TO GRADE OF FIRST LIEUTENANT.—**Officers to be promoted to the grade of first lieutenant shall be promoted in accordance with regulations prescribed by the Secretary of the Air Force.

(c) **PROMOTION OF FIRST LIEUTENANTS ON AN ALL-FULLY-QUALIFIED OFFICERS LIST.—**(1) Except as provided in subsection (f), officers on the Space Force officer list in the grade of first lieutenant who are on an approved all-fully-qualified-officers list shall be promoted to the grade of captain in accordance with regulations prescribed by the Secretary of the Air Force.

(2) An all-fully-qualified-officers list shall be considered to be approved for purposes of paragraph (1) when the list is approved by the President. When so approved, such a list shall be treated in the same manner as a promotion list under this chapter.

(3) The Secretary of the Air Force may make a recommendation to the President for approval of an all-fully-qualified-officers list only when

the Secretary determines that all officers on the list are needed in the next higher grade to accomplish mission objectives.

(4) For purposes of this paragraph, an all-fully-qualified-officers list is a list of all officers on the Space Force officer list in a grade who the Secretary of the Air Force determines—

(A) are fully qualified for promotion to the next higher grade; and

(B) would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 20211 of this title upon the convening of such a board.

(5) If the Secretary of the Air Force determines that one or more officers or former officers were not placed on an all-fully-qualified-list under this subsection because of administrative error, the Secretary may prepare a supplemental all-fully-qualified-officers list containing the names of any such officers for approval in accordance with this subsection.

(d) DATE OF RANK.—

(1) GENERAL RULE.—The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d) of this title.

(2) ADJUSTMENTS.—The date of rank of an officer appointed to a higher grade under this section may be adjusted in the same manner as an adjustment may be made under section 741(d)(4) of this title in the date of rank of an officer appointed to a higher grade under section 624(a) of this title. In any use of the authority under the preceding sentence, section 741(d)(4)(C)(ii) of this title shall be applied by substituting “Space Force officer list” for “active-duty list”.

(3) ADDITIONAL PAY AND ALLOWANCES PRECLUDED.—Except as provided in paragraph (2) or as otherwise specifically authorized by law, an officer is not entitled to additional pay or allowances if the effective date of the officer’s promotion is adjusted to reflect a date earlier than the actual date of the officer’s promotion.

(e) DELAY OF PROMOTIONS TO GENERAL OFFICER GRADES TO COMPLY WITH STRENGTH LIMITATIONS.—Under regulations prescribed by the Secretary of Defense, the promotion of an officer on the Space Force officer list to the grade of brigadier general or major general shall be delayed if that promotion would cause any strength limitation of section 526 of this title to be exceeded. The delay shall expire when the Secretary of the Air Force determines that the delay is no longer required to ensure compliance with the strength limitation.

(f) AUTHORITY TO DELAY APPOINTMENTS FOR SPECIFIED REASONS.—The provisions of section 14311 of this title shall apply to the appointment of an officer under this section in the same manner as they apply to an appointment of an officer under that section, and any reference in that section to an reserve active-status list shall be treated for purposes of applicability to an officer of the Space Force as referring to the Space Force officer list.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 645; amended Pub. L. 118–159, div. A, title V, §521(s), Dec. 23, 2024, 138 Stat. 1882.)

## Editorial Notes

### AMENDMENTS

2024—Subsec. (c)(2). Pub. L. 118–159, §521(s)(1), substituted “paragraph (1)” for “subparagraph (A)”.

Subsec. (d)(2). Pub. L. 118–159, §521(s)(2), substituted “section 741(d)(4)(C)(ii) of this title” for “subparagraph (C)(ii) of such section”.

### § 20240. Acceptance of promotions; oath of office

(a) ACCEPTANCE.—An officer who is appointed to a higher grade under section 20239 of this title is considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under section 20239 of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 647.)

### § 20241. Removal of officers from a list of officers recommended for promotion

(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

(c) REMOVAL AFTER 18 MONTHS.—(1) If an officer whose name is on a list of officers approved for promotion under section 20238(a) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and consent of the Senate is not appointed to that grade under such section during the officer’s promotion eligibility period, the officer’s name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

(3) In this subsection, the term “promotion eligibility period” means, with respect to an officer whose name is on a list of officers approved for promotion under section 20238(a) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.

(d) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary of the Air Force, if an officer on the Space Force officer list is discharged or dropped from the rolls or



transferred to a retired status after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.

(e) CONTINUED ELIGIBILITY FOR PROMOTION.—(1) An officer whose name is removed from a list under subsection (a), (b), or (c) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the Air Force may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the Space Force officer list, as the officer would have had if the officer's name had not been removed from the list.

(2) If such an officer who is in a grade below the grade of colonel is not recommended for promotion by the next selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to his promotion, the officer shall be considered for all purposes to have failed of selection for promotion to the next higher grade.

(f) APPLICABILITY OF PREVIOUS EXECUTIVE ORDER.—Except as otherwise provided by the President by Executive order, any Executive order issued before the date of the enactment of this section relating to functions of the President under section 629 or 14310 of this title shall apply in the same manner to functions of the President under this section.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 647; amended Pub. L. 118–159, div. A, title V, §509E, Dec. 23, 2024, 138 Stat. 1874.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (f), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

##### AMENDMENTS

2024—Subsec. (f). Pub. L. 118–159 substituted “section 629 or 14310” for “section 14310”.

#### § 20242. Authority to vacate promotions to grade of brigadier general

(a) AUTHORITY.—The President may vacate the appointment of a Space Force officer to the grade of brigadier general if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

(b) EFFECT OF PROMOTION BEING VACATED.—An officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel. Upon assuming the grade of colonel under this section, the officer shall have the same position on the Space Force officer list as the officer would have had if the officer had not served in the higher grade.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 648.)

#### § 20243. General officers ceasing to occupy positions commensurate with grade

(a) GENERAL OFFICERS.—Within 60 days after an officer of the Space Force on the Space Force officer list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary of the Air Force shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

(1) Transfer the officer in grade to the Space Force retired list, if the officer is qualified and applies for the transfer.

(2) Transfer the officer in grade to a Space Force inactive status, if the officer is qualified.

(3) Discharge the officer from the officer's appointment and, if the officer is qualified and applies therefor, appoint the officer in the grade held by the officer before the officer's appointment in a general officer grade.

(4) Discharge the officer from the officer's appointment.

(b) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 649; amended Pub. L. 118–159, div. A, title V, §521(t), Dec. 23, 2024, 138 Stat. 1883.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsec. (a)(3). Pub. L. 118–159 struck out “as a” after “held by the officer”.

#### SUBCHAPTER IV—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

Sec.	
20251.	Failure of selection for promotion.
20252.	Special selection boards; correction of errors.
20252a.	Special selection review boards; reference.
20253.	Retirement; retirement for years of service.

#### Editorial Notes

##### CODIFICATION

Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 634, 649, which directed amendment of chapter “205” of this title by adding this subchapter at the end, was executed by adding this subchapter at the end of this chapter, which is chapter 2005, to reflect the probable intent of Congress.

##### AMENDMENTS

2024—Pub. L. 118–159, div. A, title V, §521(v)(2), Dec. 23, 2024, 138 Stat. 1883, renumbered item 20251 “Special selection boards; correction of errors” as 20252.

2023—Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 634, 649, 650, 653, added two items 20251 and items 20252a and 20253. Amendment was made pursuant to operation of section 102 of this title.

**§ 20251. Failure of selection for promotion**

(a) IN GENERAL.—Except as provided in this section, sections 14501, 14503, and<sup>1</sup> 14504, 631, and 632 of this title shall apply to promotions of officers on the Space Force officer list. For the purpose of such applicability—

(1) any reference in those sections to the reserve active-status list or the active-duty list shall apply to the Space Force officer list; and

(2) any reference in those sections to a board convened under section 14201<sup>2</sup> or section 611 of this title shall apply to a board convened under section 20211 of this title.

(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—The reference in section 14501 of this title to an officer above the promotion zone shall not apply in the promotion of officers on the Space Force officer list.

(c) RETIREMENT AUTHORITIES.—In applying section 631 or 632 of this title to such an officer, the reference in subsection (a)(3) of that section to qualifying for retirement under certain sections of this title shall be deemed to refer to qualifying for retirement under any provision of law other than chapter 61 of this title.

(d) EFFECT OF FAILURE OF SELECTION.—In the administration of this chapter pursuant to subsection (a)—

(1) an officer on the Space Force officer list shall not be deemed to have failed twice of selection for promotion for purposes of section 629(e)(2) or 14501(b) of this title until the officer has failed selection of promotion to the next higher grade the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned under section 20234 of this title; and

(2) any reference in section 631(a) or 632(a) of this title, or in sections 14504 through 14506 of this title, to an officer who has failed of selection for promotion to the next higher grade for the second time shall be deemed to refer instead to an officer on the Space Force officer list who has failed of selection for promotion to the next higher grade for the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned under section 20234 of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 649; amended Pub. L. 118–159, div. A, title V, §521(u), Dec. 23, 2024, 138 Stat. 1883.)

**Editorial Notes****REFERENCES IN TEXT**

Section 14201 of this title, referred to in subsec. (a)(2), probably should be section 14101 of this title, which relates to convening of selection boards. There is no section 14201 of this title.

**CODIFICATION**

Another section 20251 was renumbered section 20252 of this title by section 521(v)(2) of Pub. L. 118–159. The

amendments made by section 521(u) of Pub. L. 118–159 to section 20251 of this title were executed to this section to reflect the probable intent of Congress.

**AMENDMENTS**

2024—Subsec. (a). Pub. L. 118–159, §521(u)(1)(A), substituted “14504, 631, and 632” for “14504 and section 631 and 632” in introductory provisions. See Codification note above.

Subsec. (a)(2). Pub. L. 118–159, §521(u)(1)(B), substituted “section 14201 or section 611” for “section 14201 or 611”. See Codification note above.

Subsec. (d)(1). Pub. L. 118–159, §521(u)(2), substituted “14501(b)” for “14502(b)”. See Codification note above.

**§ 20252. Special selection boards; correction of errors**

(a) PERSONS NOT CONSIDERED BY PROMOTION BOARD BECAUSE OF ADMINISTRATIVE ERROR.—

(1) CONVENING OF BOARD.—In the case of an officer or former officer who the Secretary of the Air Force determines was not considered for selection for promotion by a selection board convened under section 20211 of this title because of administrative error, the Secretary shall convene a special selection board under this subsection to determine whether that officer or former officer should be recommended for promotion.

(2) BOARD COMPOSITION; OATH.—Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 20212 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

(3) RECORD CONSIDERED BY BOARD.—A special selection board convened under paragraph (1) shall consider the record of the officer or former officer as that record would have appeared to the selection board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion, and those officers of the same grade and competitive category who were not recommended for promotion, by that board.

(4) EFFECT.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—

(1) CONVENING OF BOARD.—In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion by a selection board convened under section 20211 of this title but was not selected, the Secretary of the Air Force may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary must determine that—

<sup>1</sup> So in original.

<sup>2</sup> See References in Text note below.

(A) the action of the selection board that considered the officer or former officer was contrary to law in a matter material to the decision of the board or involved material error of fact or material administrative error; or

(B) the board did not have before it for its consideration material information.

(2) BOARD COMPOSITION; OATH.—A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 20212 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

(3) RECORD CONSIDERED BY BOARD.—The special selection board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the board that considered the officer or former officer. That record shall be compared with the records of a sampling of those officers of the same grade and competitive category who were recommended for promotion, and those officers of the same grade and competitive category who were not recommended for promotion, by that board.

(4) EFFECT.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer whose name was referred to it for consideration, the officer or former officer incurs no additional failure of selection for promotion.

(c) REPORT OF BOARD.—Each special selection board convened under this section shall submit to the Secretary of the Air Force a written report, signed by each member of the board, containing the name of each officer or former officer it recommends for promotion and certifying that the board has carefully considered the record of each officer or former officer whose name was referred to it.

(d) APPLICABLE PROVISIONS.—The provisions of sections 20215 and 20216 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a selection board convened under section 20211 of this title.

(e) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—

(1) PROMOTION.—An officer or former officer whose name is placed on a promotion list as a result of a recommendation for promotion by a special selection board convened under this section shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had the officer or former officer been recommended for promotion by the board which should have considered or which did consider the officer or former officer.

(2) STATUS OF PROMOTED OFFICER.—An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the

pay and allowances of that grade, and the same position on the Space Force officer list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

(3) CORRECTION OF MILITARY RECORD.—If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary of the Air Force may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

(f) PRESCRIBING OF CIRCUMSTANCES FOR CONSIDERATION BY BOARD.—The Secretary of Defense may prescribe by regulation—

(1) the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer; and

(2) time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

(g) CONVENING OF BOARDS.—A board convened under this section—

(1) shall be convened under regulations prescribed by the Secretary of Defense;

(2) shall be composed in accordance with section 20212 of this title and regulations prescribed by the Secretary of the Air Force; and

(3) shall be subject to the provisions of section 613 of this title.

(h) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have power or jurisdiction—

(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under this chapter until—

(A) the claim has been referred to a special selection board by the Secretary of the Air Force and acted upon by that board; or

(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer or former officer's claim.

(i) JUDICIAL REVIEW.—(1) A court of the United States may review a determination by the Secretary of the Air Force under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary, who shall provide for consideration of the officer or former of-

ficer by a special selection board under this section.

(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary, who shall provide the officer or former officer reconsideration by a new special selection board.

(j) DESIGNATION OF BOARDS.—The Secretary of the Air Force may designate a promotion board convened under section 20201(a) of this title as a special selection board convened under this section.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 650, § 20251; renumbered § 20252 and amended Pub. L. 118–159, div. A, title V, § 521(v), Dec. 23, 2024, 138 Stat. 1883.)

#### Editorial Notes

##### AMENDMENTS

2024—Pub. L. 118–159, § 521(v)(2), renumbered the second section 20251 of this title as this section.

Subsec. (b)(2). Pub. L. 118–159, § 521(v)(1)(A)(i), substituted “(1)” for “(1)” and “such” for “sch”.

Subsec. (b)(4). Pub. L. 118–159, § 521(v)(1)(A)(ii), substituted “an officer” for “a officer”.

Subsec. (f)(2). Pub. L. 118–159, § 521(v)(1)(B), substituted “which an officer” for “which of officer”.

#### § 20252a. Special selection review boards: reference

Section 628a of this title, relating to the convening of a special selection review board when credible information of an adverse nature was not furnished to a promotion board, applies with respect to persons recommended by a selection board for promotion to a grade at or below the grade of major general in the Space Force.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 653.)

#### § 20253. Retirement: retirement for years of service

Sections 633 through 636 of this title shall apply to the retirement of officers on the Space Force officer list in the same manner as to officers of the Regular Air Force.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 653.)

#### SUBCHAPTER V—CONTINUATION ON ACTIVE DUTY AND SELECTIVE EARLY RETIREMENT; OTHER PROVISIONS

Sec.

20261. Selection of officers for continuation on the Space Force officer list.

20262. Retirement: selective early retirement.

20263. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay.

20264. Other administrative authorities.

#### Editorial Notes

##### CODIFICATION

Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 634, 653, which directed amendment of chapter “205” of this title by adding this subchapter at

the end, was executed by adding this subchapter at the end of this chapter, which is chapter 2005, to reflect the probable intent of Congress.

##### AMENDMENTS

2023—Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 634, 653, added items 20261 to 20264. Amendment was made pursuant to operation of section 102 of this title.

#### § 20261. Selection of officers for continuation on the Space Force officer list

Section 14701 of this title shall apply in continuation or retention on the Space Force officer in the same manner as to continuation on the reserve active-status list.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 653.)

#### § 20262. Retirement: selective early retirement

Sections 638 and 638a of this title shall apply to the retirement of officers on the Space Force officer list in the same manner as to officers of the Regular Air Force.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 653.)

#### § 20263. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay

(a) SEPARATION PAY.—An officer who is discharged under this chapter is entitled, if eligible therefor, to separation pay under section 1174 of this title.

(b) RETIRED PAY.—An officer who is retired under this chapter is entitled to retired pay computed under chapter 71 or 1223 of this title, as applicable.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 653.)

#### § 20264. Other administrative authorities

The following provisions of this title shall apply to officers on the Space Force officer list in the same manner as to officers subject to those provisions:

(1) Section 14518, relating to continuation of officers to complete disciplinary action.

(2) Section 14519, relating to deferment of retirement or separation for medical reasons.

(3) Section 14704, relating to the selective early removal from the reserve active-status list.

(Added Pub. L. 118–31, div. A, title XVII, § 1716(c), Dec. 22, 2023, 137 Stat. 653.)

#### CHAPTER 2007—ENLISTED MEMBERS

Sec.

20301. Original enlistments: qualifications; grade.

20302. Enlisted members: term of enlistment.

20303. Reference to chapter 31.

#### § 20301. Original enlistments: qualifications; grade

(a) ORIGINAL ENLISTMENTS.—

(1) AUTHORITY TO ACCEPT.—The Secretary of the Air Force may accept original enlistments in the Space Force of qualified, effective, and able-bodied persons.

(2) AGE.—A person accepted for original enlistment shall be not less than seventeen years of age. However, no person under eighteen years of age may be originally enlisted without the written consent of the person's parent or guardian, if the person has a parent or guardian entitled to the person's custody and control.

(b) GRADE.—A person is enlisted in the Space Force in the grade prescribed by the Secretary of the Air Force.

(Added Pub. L. 118–31, div. A, title XVII, §1717(a), Dec. 22, 2023, 137 Stat. 654.)

**§ 20302. Enlisted members: term of enlistment**

(a) TERM OF ORIGINAL ENLISTMENTS.—The Secretary of the Air Force may accept original enlistments of persons for the duration of their minority or for a period of at least two but not more than eight years in the Space Force.

(b) TERM OF REENLISTMENTS.—The Secretary of the Air Force may accept a reenlistment in the Space Force for a period determined in accordance with paragraphs (2), (3), and (4) of section 505(d) of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1717(a), Dec. 22, 2023, 137 Stat. 654.)

**§ 20303. Reference to chapter 31**

For other provisions of this title applicable to enlistments in the Space Force, see chapter 31 of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1717(a), Dec. 22, 2023, 137 Stat. 654.)

**CHAPTER 2009—RETENTION AND SEPARATION GENERALLY**

Sec.	
20401.	Applicability of certain provisions of law related to separation.
20402.	Enlisted members: standards and qualifications for retention.
20403.	Officers: standards and qualifications for retention.
20404.	Selection of officers for early retirement or discharge.
20405.	Force shaping authority.

**Editorial Notes**

AMENDMENTS

2024—Pub. L. 118–159, div. A, title XVII, §1701(a)(49), Dec. 23, 2024, 138 Stat. 2206, renumbered item 20404 “Force shaping authority” as 20405.

**§ 20401. Applicability of certain provisions of law related to separation**

(a) OFFICER SEPARATION.—Except as specified in this section or otherwise modified in this chapter, the provisions of chapter 59 of this title applicable to officers of a regular component shall apply to officers of the Space Force.

(b) Except as specified in this section or otherwise modified in this chapter, the provisions of sections 1169, 1170, 1171, 1173, 1174(b), and 1176(a) of chapter 59 of this title applicable to enlisted members of a regular component shall apply to enlisted members of the Space Force.

(c) The provisions of section 1172 of this title pertaining to a person enlisted under section 518 of this title shall apply to an enlisted member of the Space Force.

(d) The provisions of section 1174 of this title—

(1) pertaining to a regular officer shall apply to a Space Force officer serving on sustained duty;

(2) pertaining to a regular enlisted member shall apply to an enlisted member of the Space Force serving on sustained duty; and

(3) pertaining to other members shall apply to members of the Space Force not serving on sustained duty.

(e) The provisions of section 1175 of this title pertaining to a voluntary appointment, enlistment, or transfer to a reserve component shall apply to the voluntary release from active duty of a member of the Space Force on sustained duty.

(f) The provisions of section 1176 of this title—

(1) pertaining to a regular enlisted member shall apply to an enlisted member of the Space Force serving on sustained duty; and

(2) pertaining to a reserve enlisted member serving in an active status shall apply to an enlisted member of the Space Force serving in a space force active status or on sustained duty.

(Added Pub. L. 118–31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 656; amended Pub. L. 118–159, div. A, title V, §521(w), Dec. 23, 2024, 138 Stat. 1883.)

**Editorial Notes**

**AMENDMENTS**

2024—Subsec. (b). Pub. L. 118–159 inserted “, and” after “1174(b)”.

**§ 20402. Enlisted members: standards and qualifications for retention**

(a) STANDARDS AND QUALIFICATIONS FOR RETENTION.—The Secretary of the Air Force shall, by regulation, prescribe—

(1) standards and qualifications for the retention of enlisted members of the Space Force; and

(2) equitable procedures for the periodic determination of the compliance of each such member with those standards and qualifications.

(b) EFFECT OF FAILURE TO COMPLY WITH STANDARDS AND QUALIFICATIONS.—If an enlisted member serving in Space Force active status fails to comply with the standards and qualifica-

tions prescribed under subsection (a), the member shall—

(1) if qualified, be transferred to Space Force inactive status;

(2) if qualified, be retired in accordance with section 20603 of this title; or

(3) have the member’s enlistment terminated.

(Added Pub. L. 118–31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 656.)

**§ 20403. Officers: standards and qualifications for retention**

(a) STANDARDS AND QUALIFICATIONS.—To be retained in an active status, a Space Force officer must—

(1) in any applicable yearly period, attain the number of points under section 12732(a)(2) of this title that are prescribed by the Secretary of the Air Force; and

(2) conform to such other standards and qualifications as the Secretary may prescribe for officers of the Space Force.

(b) LIMITATION ON MINIMUM NUMBER OF POINTS.—The Secretary may not prescribe a minimum of more than 50 points under subsection (a).

(c) RESULT OF FAILURE TO COMPLY.—A Space Force officer who fails to attain the number of points prescribed under subsection (a)(1), or to conform to the standards and qualifications prescribed under subsection (a)(2), may be referred to a board convened under section 20501(a) of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 656.)

**§ 20404. Selection of officers for early retirement or discharge**

(a) CONSIDERATION FOR EARLY RETIREMENT.—The Secretary of the Air Force may convene selection boards under section 20211(b) of this title to consider for early retirement officers on the Space Force officer list as follows:

(1) Officers in the grade of lieutenant colonel who have failed of selection for promotion at least one time and whose names are not on a list of officers recommended for promotion.

(2) Officers in the grade of colonel who have served in that grade for at least two years and whose names are not on a list of officers recommended for promotion.

(3) Officers, other than those described in paragraphs (1) and (2), holding a grade below the grade of colonel—

(A) who are eligible for retirement under section 20601 of this title or who after two additional years or less of active service would be eligible for retirement under that section; and

(B) whose names are not on a list of officers recommended for promotion.

(b) CONSIDERATION FOR DISCHARGE.—

(1) The Secretary of the Air Force may convene selection boards under section 20211 of this title to consider for discharge officers on the Space Force officer list—

(A) who have served at least one year of active status in the grade currently held;

(B) whose names are not on a list of officers recommended for promotion; and

(C) who are not eligible to be retired under any provision of law (other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993) and are not within two years of becoming so eligible.

(2) An officer who is recommended for discharge by a selection board convened pursuant to the authority of paragraph (1) and whose discharge is approved by the Secretary of the Air Force shall be discharged on a date specified by the Secretary.

(3) Selection of officers for discharge under paragraph (1) shall be based on the needs of the service.

(c) DISCHARGES AND RETIREMENTS CONSIDERED TO BE INVOLUNTARY.—The discharge or retirement of an officer pursuant to this section shall be considered to be involuntary for purposes of any other provision of law.

(Added Pub. L. 118–31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 657; amended Pub. L. 118–159, div. A, title XVII, §1701(a)(50), Dec. 23, 2024, 138 Stat. 2206.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 4403 of the National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (b)(1)(C), is section 4403 of Pub. L. 102–484, which is set out as a note under section 1293 of this title.

##### AMENDMENTS

2024—Subsecs. (a), (b)(1). Pub. L. 118–159 substituted “Space Force” for “space force” in introductory provisions.

#### § 20405. Force shaping authority

(a) AUTHORITY.—The Secretary of the Air Force may, solely for the purpose of restructuring the Space Force—

(1) discharge an officer described in subsection (b); or

(2) involuntarily release such an officer from sustained duty.

(b) COVERED OFFICERS.—

(1) The authority under this section may be exercised in the case of an officer of the Space Force serving on sustained duty who—

(A) has completed not more than six years of service as a commissioned officer in the armed forces; or

(B) has completed more than six years of service as a commissioned officer in the armed forces, but has not completed the minimum service obligation applicable to that officer.

(2) In this subsection, the term “minimum service obligation”, with respect to a member of the Space Force, means the initial period of required active duty service applicable to the member, together with any additional period of required active duty service incurred by that member during the member’s initial period of required active duty service.

(c) REGULATIONS.—The Secretary of the Air Force shall prescribe regulations for the exer-

cise of the Secretary’s authority under this section.

(Added Pub. L. 118–31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 658.)

#### CHAPTER 2011—SEPARATION OF OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

Sec.

20501. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons.

20502. Retention boards.

20503. Removal of officer: action by Secretary upon recommendation of retention board.

20504. Rights and procedures.

20505. Officer considered for removal: voluntary retirement or discharge.

20506. Officers eligible to serve on retention boards.

#### § 20501. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons

(a) PROCEDURES FOR REVIEW OF RECORD OF OFFICERS RELATING TO STANDARDS OF PERFORMANCE OF DUTY.—

(1) The Secretary of the Air Force shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a retired officer) of the Space Force in a space force active status to determine whether the officer shall be required, because of a reason stated in paragraph (2), to show cause for the officer’s retention in a space force active status.

(2) The reasons referred to in paragraph (1) are the following:

(A) The officer’s performance of duty has fallen below standards prescribed by the Secretary of Defense.

(B) The officer has failed to satisfy the standards and qualifications established under section 20403 of this title by the Secretary of the Air Force.

(b) PROCEDURES FOR REVIEW OF RECORD OF OFFICERS RELATING TO CERTAIN OTHER REASONS.—

(1) The Secretary of the Air Force shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a retired officer) of the Space Force in a space force active status to determine whether the officer should be required, because of a reason stated in paragraph (2), to show cause for the officer’s retention in a space force active status.

(2) The reasons referred to in paragraph (1) are the following:

(A) Misconduct.

(B) Moral or professional dereliction.

(C) The officer’s retention is not clearly consistent with the interests of national security.

(c) SECRETARY OF DEFENSE LIMITATIONS.—Regulations prescribed by the Secretary of the Air Force under this section are subject to such limitations as the Secretary of Defense may prescribe.

(Added Pub. L. 118–31, div. A, title XVII, §1719, Dec. 22, 2023, 137 Stat. 659.)

**§ 20502. Retention boards**

(a) **CONVENING OF BOARDS TO CONSIDER OFFICERS REQUIRED TO SHOW CAUSE.**—The Secretary of the Air Force shall convene retention boards at such times and places as the Secretary may prescribe to receive evidence and make findings and recommendations as to whether an officer who is required under section 20501 of this title to show cause for retention in a space force active status should be retained in a space force active status. Each retention board shall be composed of not less than three officers having the qualifications prescribed by section 20506 of this title.

(b) **FAIR AND IMPARTIAL HEARING.**—A retention board shall give a fair and impartial hearing to each officer required under section 20501 of this title to show cause for retention in a space force active status.

(c) **EFFECT OF BOARD DETERMINATION THAT AN OFFICER HAS FAILED TO ESTABLISH THAT THE OFFICER SHOULD BE RETAINED.**—

(1) If a retention board determines that the officer has failed to establish that the officer should be retained in a space force active status, the board shall recommend to the Secretary of the Air Force one of the following:

(A) That the officer be transferred to an inactive status.

(B) That the officer, if qualified under any provision of law, be retired.

(C) That the officer be discharged from the Space Force.

(2) Under regulations prescribed by the Secretary of the Air Force, an officer as to whom a retention board makes a recommendation under paragraph (1) that the officer not be retained in a space force active status may be required to take leave pending the completion of the officer's case under this chapter. The officer may be required to begin such leave at any time following the officer's receipt of the report of the retention board, including the board's recommendation for removal from a space force active status, and the expiration of any period allowed for submission by the officer of a rebuttal to that report. The leave may be continued until the date on which action by the Secretary of the Air Force on the officer's case is completed or may be terminated at any earlier time.

(d) **EFFECT OF BOARD DETERMINATION THAT AN OFFICER HAS ESTABLISHED THAT THE OFFICER SHOULD BE RETAINED.**—

(1) If a retention board determines that the officer has established that the officer should be retained in a space force active status, the officer's case is closed.

(2) An officer who is required to show cause for retention in a space force active status under subsection (a) of section 20501 of this title and who is determined under paragraph (1) to have established that the officer should be retained in a space force active status may not again be required to show cause for retention in a space force active status under such subsection within the one-year period beginning on the date of that determination.

(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention in

a space force active status under subsection (b) of section 20501 of this title and who is determined under paragraph (1) to have established that the officer should be retained in a space force active status may again be required to show cause for retention at any time.

(B) An officer who has been required to show cause for retention in a space force active status under subsection (b) of section 20501 of this title and who is thereafter retained in an active status may not again be required to show cause for retention in a space force active status under such subsection solely because of conduct which was the subject of the previous proceedings, unless the findings or recommendations of the retention board that considered the officer's previous case are determined to have been obtained by fraud or collusion.

(4) In the case of an officer described in paragraph (2) or paragraph (3)(A), the retention board may recommend that the officer be required to complete additional training, professional education, or such other developmental programs as may be available to correct any identified deficiencies and improve the officer's performance within the Space Force.

(Added Pub. L. 118-31, div. A, title XVII, § 1719, Dec. 22, 2023, 137 Stat. 659; amended Pub. L. 118-159, div. A, title V, § 521(x), Dec. 23, 2024, 138 Stat. 1883.)

**Editorial Notes****AMENDMENTS**

2024—Subsec. (c). Pub. L. 118-159, § 521(x)(1), substituted “That an Officer Has Failed to Establish That the Officer Should Be Retained” for “Than an Officer Has Failed to Establish That the Officer Should Be Retained” in heading and realigned margins.

Subsec. (d). Pub. L. 118-159, § 521(x)(2), substituted “That” for “Than” in heading.

**§ 20503. Removal of officer: action by Secretary upon recommendation of retention board**

The Secretary of the Air Force may remove an officer from space force active status if the removal of such officer from space force active status is recommended by a retention board convened under section 20502 of this title.

(Added Pub. L. 118-31, div. A, title XVII, § 1719, Dec. 22, 2023, 137 Stat. 661.)

**§ 20504. Rights and procedures**

(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of the Air Force, each officer required under section 20501 of this title to show cause for retention in a space force active status—

(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a retention board, of the reasons for which the officer is being required to show cause for retention in a space force active status;

(2) shall be allowed a reasonable time, as determined by the board, to prepare the officer's showing of cause for retention in a space force active status;

(3) shall be allowed to appear either in person or through electronic means and to be rep-



resented by counsel at proceedings before the board; and

(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the officer's case, except that the board shall withhold any record that the Secretary determines should be withheld in the interest of national security.

(b) SUMMARY OF RECORDS WITHHELD IN INTEREST OF NATIONAL SECURITY.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

(Added Pub. L. 118-31, div. A, title XVII, §1719, Dec. 22, 2023, 137 Stat. 661.)

**§ 20505. Officer considered for removal: voluntary retirement or discharge**

(a) IN GENERAL.—At any time during proceedings under this chapter with respect to the removal of an officer from a space force active status, the Secretary of the Air Force may grant a request by the officer—

(1) for voluntary retirement, if the officer is qualified for retirement; or

(2) for discharge in accordance with subsection (b)(2).

(b) RETIREMENT OR DISCHARGE.—An officer removed from a space force active status under section 20503 of this title shall—

(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which the officer would be eligible if retired under such provision; and

(2) if ineligible for voluntary retirement under any provision of law on the date of such removal—

(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 20501 of this title; or

(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 20501 of this title.

(c) SEPARATION PAY FOR DISCHARGED OFFICER.—An officer who is discharged under subsection (b)(2) is entitled, if eligible therefor, to separation pay under section 1174(a)(2) of this title.

(Added Pub. L. 118-31, div. A, title XVII, §1719, Dec. 22, 2023, 137 Stat. 661.)

**§ 20506. Officers eligible to serve on retention boards**

(a) IN GENERAL.—The provisions of section 1187 of this title apply to the membership of boards convened under this chapter in the same manner as to the membership of boards convened under chapter 60 of this title.

(b) RETIRED AIR FORCE OFFICERS.—

(1) AUTHORITY.—In applying subsection (b) of section 1187 of this title to a board convened under this chapter, the Secretary of the Air Force may appoint retired officers of the Air

Force, in addition to retired officers of the Space Force, to complete the membership of the board.

(2) LIMITATION.—A retired officer of the Air Force may be appointed to a board under paragraph (1) only if the officer served in a space-related career field of the Air Force for sufficient time such that the Secretary of the Air Force determines that the retired Air Force officer has adequate knowledge concerning the standards of performance and conduct required of an officer of the Space Force.

(Added Pub. L. 118-31, div. A, title XVII, §1719, Dec. 22, 2023, 137 Stat. 662.)

**CHAPTER 2013—VOLUNTARY RETIREMENT FOR LENGTH OF SERVICE**

Sec.	
20601.	Officers: voluntary retirement for length of service.
20602.	Officers: computation of years of service for voluntary retirement.
20603.	Enlisted members: voluntary retirement for length of service.
20604.	Enlisted members: computation of years of service for voluntary retirement.
20605.	Applicability of other provisions of law relating to retirement.

**§ 20601. Officers: voluntary retirement for length of service**

(a) TWENTY YEARS OR MORE.—The Secretary of the Air Force may, upon the officer's request, retire a commissioned officer of the Space Force who has at least 20 years of service computed under section 20602 of this title, at least 10 years of which have been active service as a commissioned officer.

(b) THIRTY YEARS OR MORE.—A commissioned officer of the Space Force who has at least 30 years of service computed under section 20602 of this title may be retired upon the officer's request, in the discretion of the President.

(c) FORTY YEARS OR MORE.—Except as provided in section 20503 of this title, a commissioned officer of the Space Force who has at least 40 years of service computed under section 20602 of this title shall be retired upon the officer's request.

(Added Pub. L. 118-31, div. A, title XVII, §1719A(a), Dec. 22, 2023, 137 Stat. 662.)

**§ 20602. Officers: computation of years of service for voluntary retirement**

(a) YEARS OF ACTIVE SERVICE.—For the purpose of determining whether an officer of the Space Force may be retired under section 20601 of this title, the officer's years of service are computed by adding all active service in the armed forces.

(b) REFERENCE TO SECTION EXCLUDING SERVICE DURING CERTAIN PERIODS.—Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.

(Added Pub. L. 118-31, div. A, title XVII, §1719A(a), Dec. 22, 2023, 137 Stat. 663.)

**§ 20603. Enlisted members: voluntary retirement for length of service**

(a) **TWENTY TO THIRTY YEARS.**—Under regulations to be prescribed by the Secretary of the Air Force, an enlisted member of the Space Force who has at least 20, but less than 30, years of service computed under section 20604 of this title may, upon the member's request, be retired.

(b) **THIRTY YEARS OR MORE.**—An enlisted member of the Space Force who has at least 30 years of service computed under section 20604 of this title shall be retired upon the member's request.

(Added Pub. L. 118-31, div. A, title XVII, § 1719A(a), Dec. 22, 2023, 137 Stat. 663.)

**§ 20604. Enlisted members: computation of years of service for voluntary retirement**

(a) **YEARS OF ACTIVE SERVICE.**—For the purpose of determining whether an enlisted member of the Space Force may be retired under section 20603 of this title, the member's years of service are computed by adding all active service in the armed forces.

(b) **REFERENCE TO SECTION EXCLUDING COUNTING OF CERTAIN SERVICE REQUIRED TO BE MADE UP.**—Time required to be made up under section 972(a) of this title may not be counted in computing years of service under subsection (a).

(Added Pub. L. 118-31, div. A, title XVII, § 1719A(a), Dec. 22, 2023, 137 Stat. 663.)

**§ 20605. Applicability of other provisions of law relating to retirement**

(a) **APPLICABILITY TO MEMBERS OF THE SPACE FORCE.**—Except as specifically provided for by this chapter, the provisions of this title specified in subsection (b) apply to members of the Space Force as follows:

(1) Provisions pertaining to an officer of the Air Force shall apply to an officer of the Space Force.

(2) Provisions pertaining to an enlisted member of the Air Force shall apply to an enlisted member of the Space Force.

(3) Provisions pertaining to a regular officer shall apply to an officer who is on sustained duty in the Space Force.

(4) Provisions pertaining to a regular enlisted member shall apply to an enlisted member who is on sustained duty in the Space Force.

(5) Provisions pertaining to a reserve officer shall apply to an officer who is in a space force active status but not on sustained duty.

(6) Provisions pertaining to a reserve enlisted member shall apply to an enlisted member who is in a space force active status but not on sustained duty.

(7) Provisions pertaining to service in a regular component shall apply to service on sustained duty.

(8) Provisions pertaining to service in a reserve component shall apply to service in a space force active status not on sustained duty.

(9) Provisions pertaining to a member of the Ready Reserve shall apply to a member of the Space Force who is in a space force active status prior to being ordered to active duty.

(10) Provisions pertaining to a member of the Retired Reserve shall apply to a member of the Space Force who has retired under chapter 1223 of this title.

(b) **PROVISIONS OF LAW.**—The provisions of this title referred to in subsection (a) are the following:

(1) Chapter 61, relating to retirement or separation for physical disability.

(2) Chapter 63, relating to retirement for age.

(3) Chapter 69, relating to retired grade.

(4) Chapter 71, relating to computation of retired pay.

(5) Chapter 941, relating to retirement from the Air Force for length of service.

(6) Chapter 945, relating to computation of retired pay.

(7) Chapter 1223, relating to retired pay for non-regular service.

(8) Chapter 1225, relating to retired grade.

(Added Pub. L. 118-31, div. A, title XVII, § 1719A(a), Dec. 22, 2023, 137 Stat. 663.)