

Subtitle F—Alternative Military Personnel Systems

PART I—SPACE FORCE

Table with 2 columns: Chap. and Sec. listing sections 2001 through 2013.

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.

PART I—SPACE FORCE

Table with 2 columns: Chap. and Sec. listing sections 2001 through 2013.

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.

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

Table with 2 columns: Sec. and description of sections 20001, 20002, and 20003.

§ 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

“(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