

§ 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 I. Original Appointments ..... 20201
II. Selection Boards ..... 20211
III. Promotions ..... 20231
IV. Failure of Selection for Promotion and Involuntary Separation ..... 20251
V. Continuation on Active Duty and Selective Early Retirement; Other Provisions ..... 20261

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-