

§ 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

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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

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20212.	Composition of selection boards.

Sec.	
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#### 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