

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