

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