

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