

the Secretary determines that all officers on the list are needed in the next higher grade to accomplish mission objectives.

(4) For purposes of this paragraph, an all-fully-qualified-officers list is a list of all officers on the Space Force officer list in a grade who the Secretary of the Air Force determines—

(A) are fully qualified for promotion to the next higher grade; and

(B) would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 20211 of this title upon the convening of such a board.

(5) If the Secretary of the Air Force determines that one or more officers or former officers were not placed on an all-fully-qualified-list under this subsection because of administrative error, the Secretary may prepare a supplemental all-fully-qualified-officers list containing the names of any such officers for approval in accordance with this subsection.

(d) DATE OF RANK.—

(1) GENERAL RULE.—The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d) of this title.

(2) ADJUSTMENTS.—The date of rank of an officer appointed to a higher grade under this section may be adjusted in the same manner as an adjustment may be made under section 741(d)(4) of this title in the date of rank of an officer appointed to a higher grade under section 624(a) of this title. In any use of the authority under the preceding sentence, section 741(d)(4)(C)(ii) of this title shall be applied by substituting “Space Force officer list” for “active-duty list”.

(3) ADDITIONAL PAY AND ALLOWANCES PRECLUDED.—Except as provided in paragraph (2) or as otherwise specifically authorized by law, an officer is not entitled to additional pay or allowances if the effective date of the officer’s promotion is adjusted to reflect a date earlier than the actual date of the officer’s promotion.

(e) DELAY OF PROMOTIONS TO GENERAL OFFICER GRADES TO COMPLY WITH STRENGTH LIMITATIONS.—Under regulations prescribed by the Secretary of Defense, the promotion of an officer on the Space Force officer list to the grade of brigadier general or major general shall be delayed if that promotion would cause any strength limitation of section 526 of this title to be exceeded. The delay shall expire when the Secretary of the Air Force determines that the delay is no longer required to ensure compliance with the strength limitation.

(f) AUTHORITY TO DELAY APPOINTMENTS FOR SPECIFIED REASONS.—The provisions of section 14311 of this title shall apply to the appointment of an officer under this section in the same manner as they apply to an appointment of an officer under that section, and any reference in that section to an reserve active-status list shall be treated for purposes of applicability to an officer of the Space Force as referring to the Space Force officer list.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 645; amended Pub. L. 118–159, div. A, title V, §521(s), Dec. 23, 2024, 138 Stat. 1882.)

Editorial Notes

AMENDMENTS

2024—Subsec. (c)(2). Pub. L. 118–159, §521(s)(1), substituted “paragraph (1)” for “subparagraph (A)”.

Subsec. (d)(2). Pub. L. 118–159, §521(s)(2), substituted “section 741(d)(4)(C)(ii) of this title” for “subparagraph (C)(ii) of such section”.

§ 20240. Acceptance of promotions; oath of office

(a) ACCEPTANCE.—An officer who is appointed to a higher grade under section 20239 of this title is considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under section 20239 of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 647.)

§ 20241. Removal of officers from a list of officers recommended for promotion

(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

(c) REMOVAL AFTER 18 MONTHS.—(1) If an officer whose name is on a list of officers approved for promotion under section 20238(a) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and consent of the Senate is not appointed to that grade under such section during the officer’s promotion eligibility period, the officer’s name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

(3) In this subsection, the term “promotion eligibility period” means, with respect to an officer whose name is on a list of officers approved for promotion under section 20238(a) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.

(d) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary of the Air Force, if an officer on the Space Force officer list is discharged or dropped from the rolls or