

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

transferred to a retired status after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.

(e) CONTINUED ELIGIBILITY FOR PROMOTION.—(1) An officer whose name is removed from a list under subsection (a), (b), or (c) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the Air Force may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the Space Force officer list, as the officer would have had if the officer's name had not been removed from the list.

(2) If such an officer who is in a grade below the grade of colonel is not recommended for promotion by the next selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to his promotion, the officer shall be considered for all purposes to have failed of selection for promotion to the next higher grade.

(f) APPLICABILITY OF PREVIOUS EXECUTIVE ORDER.—Except as otherwise provided by the President by Executive order, any Executive order issued before the date of the enactment of this section relating to functions of the President under section 629 or 14310 of this title shall apply in the same manner to functions of the President under this section.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 647; amended Pub. L. 118–159, div. A, title V, §509E, Dec. 23, 2024, 138 Stat. 1874.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (f), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

AMENDMENTS

2024—Subsec. (f). Pub. L. 118–159 substituted “section 629 or 14310” for “section 14310”.

§ 20242. Authority to vacate promotions to grade of brigadier general

(a) AUTHORITY.—The President may vacate the appointment of a Space Force officer to the grade of brigadier general if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

(b) EFFECT OF PROMOTION BEING VACATED.—An officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel. Upon assuming the grade of colonel under this section, the officer shall have the same position on the Space Force officer list as the officer would have had if the officer had not served in the higher grade.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 648.)

§ 20243. General officers ceasing to occupy positions commensurate with grade

(a) GENERAL OFFICERS.—Within 60 days after an officer of the Space Force on the Space Force officer list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary of the Air Force shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

(1) Transfer the officer in grade to the Space Force retired list, if the officer is qualified and applies for the transfer.

(2) Transfer the officer in grade to a Space Force inactive status, if the officer is qualified.

(3) Discharge the officer from the officer's appointment and, if the officer is qualified and applies therefor, appoint the officer in the grade held by the officer before the officer's appointment in a general officer grade.

(4) Discharge the officer from the officer's appointment.

(b) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

(Added Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 649; amended Pub. L. 118–159, div. A, title V, §521(t), Dec. 23, 2024, 138 Stat. 1883.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a)(3). Pub. L. 118–159 struck out “as a” after “held by the officer”.

SUBCHAPTER IV—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

Sec.	
20251.	Failure of selection for promotion.
20252.	Special selection boards; correction of errors.
20252a.	Special selection review boards; reference.
20253.	Retirement; retirement for years of service.

Editorial Notes

CODIFICATION

Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 634, 649, 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

2024—Pub. L. 118–159, div. A, title V, §521(v)(2), Dec. 23, 2024, 138 Stat. 1883, renumbered item 20251 “Special selection boards; correction of errors” as 20252.

2023—Pub. L. 118–31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 634, 649, 650, 653, added two items 20251 and items 20252a and 20253. Amendment was made pursuant to operation of section 102 of this title.