

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.