

**§ 20401. Applicability of certain provisions of law related to separation**

(a) OFFICER SEPARATION.—Except as specified in this section or otherwise modified in this chapter, the provisions of chapter 59 of this title applicable to officers of a regular component shall apply to officers of the Space Force.

(b) Except as specified in this section or otherwise modified in this chapter, the provisions of sections 1169, 1170, 1171, 1173, 1174(b), and 1176(a) of chapter 59 of this title applicable to enlisted members of a regular component shall apply to enlisted members of the Space Force.

(c) The provisions of section 1172 of this title pertaining to a person enlisted under section 518 of this title shall apply to an enlisted member of the Space Force.

(d) The provisions of section 1174 of this title—

(1) pertaining to a regular officer shall apply to a Space Force officer serving on sustained duty;

(2) pertaining to a regular enlisted member shall apply to an enlisted member of the Space Force serving on sustained duty; and

(3) pertaining to other members shall apply to members of the Space Force not serving on sustained duty.

(e) The provisions of section 1175 of this title pertaining to a voluntary appointment, enlistment, or transfer to a reserve component shall apply to the voluntary release from active duty of a member of the Space Force on sustained duty.

(f) The provisions of section 1176 of this title—

(1) pertaining to a regular enlisted member shall apply to an enlisted member of the Space Force serving on sustained duty; and

(2) pertaining to a reserve enlisted member serving in an active status shall apply to an enlisted member of the Space Force serving in a space force active status or on sustained duty.

(Added Pub. L. 118-31, div. A, title XVII, § 1718(a), Dec. 22, 2023, 137 Stat. 656; amended Pub. L. 118-159, div. A, title V, § 521(w), Dec. 23, 2024, 138 Stat. 1883.)

**Editorial Notes**

AMENDMENTS

2024—Subsec. (b). Pub. L. 118-159 inserted “, and” after “1174(b)”.

**§ 20402. Enlisted members: standards and qualifications for retention**

(a) STANDARDS AND QUALIFICATIONS FOR RETENTION.—The Secretary of the Air Force shall, by regulation, prescribe—

(1) standards and qualifications for the retention of enlisted members of the Space Force; and

(2) equitable procedures for the periodic determination of the compliance of each such member with those standards and qualifications.

(b) EFFECT OF FAILURE TO COMPLY WITH STANDARDS AND QUALIFICATIONS.—If an enlisted member serving in Space Force active status fails to comply with the standards and qualifica-

tions prescribed under subsection (a), the member shall—

(1) if qualified, be transferred to Space Force inactive status;

(2) if qualified, be retired in accordance with section 20603 of this title; or

(3) have the member’s enlistment terminated.

(Added Pub. L. 118-31, div. A, title XVII, § 1718(a), Dec. 22, 2023, 137 Stat. 656.)

**§ 20403. Officers: standards and qualifications for retention**

(a) STANDARDS AND QUALIFICATIONS.—To be retained in an active status, a Space Force officer must—

(1) in any applicable yearly period, attain the number of points under section 12732(a)(2) of this title that are prescribed by the Secretary of the Air Force; and

(2) conform to such other standards and qualifications as the Secretary may prescribe for officers of the Space Force.

(b) LIMITATION ON MINIMUM NUMBER OF POINTS.—The Secretary may not prescribe a minimum of more than 50 points under subsection (a).

(c) RESULT OF FAILURE TO COMPLY.—A Space Force officer who fails to attain the number of points prescribed under subsection (a)(1), or to conform to the standards and qualifications prescribed under subsection (a)(2), may be referred to a board convened under section 20501(a) of this title.

(Added Pub. L. 118-31, div. A, title XVII, § 1718(a), Dec. 22, 2023, 137 Stat. 656.)

**§ 20404. Selection of officers for early retirement or discharge**

(a) CONSIDERATION FOR EARLY RETIREMENT.—The Secretary of the Air Force may convene selection boards under section 20211(b) of this title to consider for early retirement officers on the Space Force officer list as follows:

(1) Officers in the grade of lieutenant colonel who have failed of selection for promotion at least one time and whose names are not on a list of officers recommended for promotion.

(2) Officers in the grade of colonel who have served in that grade for at least two years and whose names are not on a list of officers recommended for promotion.

(3) Officers, other than those described in paragraphs (1) and (2), holding a grade below the grade of colonel—

(A) who are eligible for retirement under section 20601 of this title or who after two additional years or less of active service would be eligible for retirement under that section; and

(B) whose names are not on a list of officers recommended for promotion.

(b) CONSIDERATION FOR DISCHARGE.—

(1) The Secretary of the Air Force may convene selection boards under section 20211 of this title to consider for discharge officers on the Space Force officer list—

(A) who have served at least one year of active status in the grade currently held;

(B) whose names are not on a list of officers recommended for promotion; and

(C) who are not eligible to be retired under any provision of law (other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993) and are not within two years of becoming so eligible.

(2) An officer who is recommended for discharge by a selection board convened pursuant to the authority of paragraph (1) and whose discharge is approved by the Secretary of the Air Force shall be discharged on a date specified by the Secretary.

(3) Selection of officers for discharge under paragraph (1) shall be based on the needs of the service.

(c) DISCHARGES AND RETIREMENTS CONSIDERED TO BE INVOLUNTARY.—The discharge or retirement of an officer pursuant to this section shall be considered to be involuntary for purposes of any other provision of law.

(Added Pub. L. 118-31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 657; amended Pub. L. 118-159, div. A, title XVII, §1701(a)(50), Dec. 23, 2024, 138 Stat. 2206.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 4403 of the National Defense Authorization Act for Fiscal Year 1993, referred to in subsec. (b)(1)(C), is section 4403 of Pub. L. 102-484, which is set out as a note under section 1293 of this title.

##### AMENDMENTS

2024—Subsecs. (a), (b)(1). Pub. L. 118-159 substituted “Space Force” for “space force” in introductory provisions.

#### § 20405. Force shaping authority

(a) AUTHORITY.—The Secretary of the Air Force may, solely for the purpose of restructuring the Space Force—

(1) discharge an officer described in subsection (b); or

(2) involuntarily release such an officer from sustained duty.

(b) COVERED OFFICERS.—

(1) The authority under this section may be exercised in the case of an officer of the Space Force serving on sustained duty who—

(A) has completed not more than six years of service as a commissioned officer in the armed forces; or

(B) has completed more than six years of service as a commissioned officer in the armed forces, but has not completed the minimum service obligation applicable to that officer.

(2) In this subsection, the term “minimum service obligation”, with respect to a member of the Space Force, means the initial period of required active duty service applicable to the member, together with any additional period of required active duty service incurred by that member during the member’s initial period of required active duty service.

(c) REGULATIONS.—The Secretary of the Air Force shall prescribe regulations for the exer-

cise of the Secretary’s authority under this section.

(Added Pub. L. 118-31, div. A, title XVII, §1718(a), Dec. 22, 2023, 137 Stat. 658.)

#### CHAPTER 2011—SEPARATION OF OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

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#### § 20501. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons

(a) PROCEDURES FOR REVIEW OF RECORD OF OFFICERS RELATING TO STANDARDS OF PERFORMANCE OF DUTY.—

(1) The Secretary of the Air Force shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a retired officer) of the Space Force in a space force active status to determine whether the officer shall be required, because of a reason stated in paragraph (2), to show cause for the officer’s retention in a space force active status.

(2) The reasons referred to in paragraph (1) are the following:

(A) The officer’s performance of duty has fallen below standards prescribed by the Secretary of Defense.

(B) The officer has failed to satisfy the standards and qualifications established under section 20403 of this title by the Secretary of the Air Force.

(b) PROCEDURES FOR REVIEW OF RECORD OF OFFICERS RELATING TO CERTAIN OTHER REASONS.—

(1) The Secretary of the Air Force shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a retired officer) of the Space Force in a space force active status to determine whether the officer should be required, because of a reason stated in paragraph (2), to show cause for the officer’s retention in a space force active status.

(2) The reasons referred to in paragraph (1) are the following:

(A) Misconduct.

(B) Moral or professional dereliction.

(C) The officer’s retention is not clearly consistent with the interests of national security.

(c) SECRETARY OF DEFENSE LIMITATIONS.—Regulations prescribed by the Secretary of the Air Force under this section are subject to such limitations as the Secretary of Defense may prescribe.

(Added Pub. L. 118-31, div. A, title XVII, §1719, Dec. 22, 2023, 137 Stat. 659.)