

(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

Sec.

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

20502. Retention boards.

20503. Removal of officer: action by Secretary upon recommendation of retention board.

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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.)

§ 20502. Retention boards

(a) **CONVENING OF BOARDS TO CONSIDER OFFICERS REQUIRED TO SHOW CAUSE.**—The Secretary of the Air Force shall convene retention boards at such times and places as the Secretary may prescribe to receive evidence and make findings and recommendations as to whether an officer who is required under section 20501 of this title to show cause for retention in a space force active status should be retained in a space force active status. Each retention board shall be composed of not less than three officers having the qualifications prescribed by section 20506 of this title.

(b) **FAIR AND IMPARTIAL HEARING.**—A retention board shall give a fair and impartial hearing to each officer required under section 20501 of this title to show cause for retention in a space force active status.

(c) **EFFECT OF BOARD DETERMINATION THAT AN OFFICER HAS FAILED TO ESTABLISH THAT THE OFFICER SHOULD BE RETAINED.**—

(1) If a retention board determines that the officer has failed to establish that the officer should be retained in a space force active status, the board shall recommend to the Secretary of the Air Force one of the following:

(A) That the officer be transferred to an inactive status.

(B) That the officer, if qualified under any provision of law, be retired.

(C) That the officer be discharged from the Space Force.

(2) Under regulations prescribed by the Secretary of the Air Force, an officer as to whom a retention board makes a recommendation under paragraph (1) that the officer not be retained in a space force active status may be required to take leave pending the completion of the officer's case under this chapter. The officer may be required to begin such leave at any time following the officer's receipt of the report of the retention board, including the board's recommendation for removal from a space force active status, and the expiration of any period allowed for submission by the officer of a rebuttal to that report. The leave may be continued until the date on which action by the Secretary of the Air Force on the officer's case is completed or may be terminated at any earlier time.

(d) **EFFECT OF BOARD DETERMINATION THAT AN OFFICER HAS ESTABLISHED THAT THE OFFICER SHOULD BE RETAINED.**—

(1) If a retention board determines that the officer has established that the officer should be retained in a space force active status, the officer's case is closed.

(2) An officer who is required to show cause for retention in a space force active status under subsection (a) of section 20501 of this title and who is determined under paragraph (1) to have established that the officer should be retained in a space force active status may not again be required to show cause for retention in a space force active status under such subsection within the one-year period beginning on the date of that determination.

(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention in

a space force active status under subsection (b) of section 20501 of this title and who is determined under paragraph (1) to have established that the officer should be retained in a space force active status may again be required to show cause for retention at any time.

(B) An officer who has been required to show cause for retention in a space force active status under subsection (b) of section 20501 of this title and who is thereafter retained in an active status may not again be required to show cause for retention in a space force active status under such subsection solely because of conduct which was the subject of the previous proceedings, unless the findings or recommendations of the retention board that considered the officer's previous case are determined to have been obtained by fraud or collusion.

(4) In the case of an officer described in paragraph (2) or paragraph (3)(A), the retention board may recommend that the officer be required to complete additional training, professional education, or such other developmental programs as may be available to correct any identified deficiencies and improve the officer's performance within the Space Force.

(Added Pub. L. 118-31, div. A, title XVII, § 1719, Dec. 22, 2023, 137 Stat. 659; amended Pub. L. 118-159, div. A, title V, § 521(x), Dec. 23, 2024, 138 Stat. 1883.)

Editorial Notes**AMENDMENTS**

2024—Subsec. (c). Pub. L. 118-159, § 521(x)(1), substituted “That an Officer Has Failed to Establish That the Officer Should Be Retained” for “Than an Officer Has Failed to Establish That the Officer Should Be Retained” in heading and realigned margins.

Subsec. (d). Pub. L. 118-159, § 521(x)(2), substituted “That” for “Than” in heading.

§ 20503. Removal of officer: action by Secretary upon recommendation of retention board

The Secretary of the Air Force may remove an officer from space force active status if the removal of such officer from space force active status is recommended by a retention board convened under section 20502 of this title.

(Added Pub. L. 118-31, div. A, title XVII, § 1719, Dec. 22, 2023, 137 Stat. 661.)

§ 20504. Rights and procedures

(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of the Air Force, each officer required under section 20501 of this title to show cause for retention in a space force active status—

(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a retention board, of the reasons for which the officer is being required to show cause for retention in a space force active status;

(2) shall be allowed a reasonable time, as determined by the board, to prepare the officer's showing of cause for retention in a space force active status;

(3) shall be allowed to appear either in person or through electronic means and to be rep-