

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Pub. L. 116-283, div. A, title IX, §921(c), Jan. 1, 2021, 134 Stat. 3805, provided that: “The amendments made by this section [enacting this section and section 9084 of this title relating to general duties of the Office of the Chief of Space Operations, repealing former section 9083 of this title, and enacting provisions set out as a note below] shall take effect on the date on which the Secretary of the Air Force and the Chief of Space Operations jointly submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report detailing the functions that the headquarters staff of the Department of the Air Force will continue to perform in support of the Space Force.”

## NO AUTHORIZATION OF ADDITIONAL MILITARY BILLETS

Pub. L. 116-283, div. A, title IX, §921(d), Jan. 1, 2021, 134 Stat. 3806, provided that: “The Secretary shall establish the Office of the Chief of Space Operations under section 9083 of title 10, United States Code [now 10 U.S.C. 9084], as amended by subsection (a), using military personnel otherwise authorized. Nothing in this section [enacting this section and section 9084 of this title relating to general duties of the Office of the Chief of Space Operations, repealing former section 9083 of this title, and enacting provisions set out as a note above] or the amendments made by this section shall be construed to authorize additional military billets for the purposes of, or in connection with, the establishment of the Office of the Chief of Space Operations.”

**§ 9085. Office of the Chief of Space Operations: general duties**

(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force and to the Chief of Space Operations.

(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

(1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment of the Space Force, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Space Force, as will assist in the execution of any power, duty, or function of the Secretary of the Air Force or the Chief of Space Operations;

(2) investigate and report upon the efficiency of the Space Force and its preparation to support military operations by commanders of the combatant commands;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Secretary of the Air Force or the Chief of Space Operations, coordinate the action of organizations of the Space Force; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary of the Air Force.

(Added Pub. L. 116-283, div. A, title IX, §921(a), Jan. 1, 2021, 134 Stat. 3805, §9084; renumbered §9085, Pub. L. 118-159, div. A, title V, §509C(a)(1), Dec. 23, 2024, 138 Stat. 1873.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 9085 was renumbered section 9086 of this title.

## AMENDMENTS

2024—Pub. L. 118-159 renumbered section 9084 of this title as this section.

**§ 9086. Regular Space Force: composition**

(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

(b) COMPOSITION.—The Regular Space Force includes—

(1) the officers and enlisted members of the Regular Space Force; and

(2) the retired officers and enlisted members of the Regular Space Force.

(Added Pub. L. 116-283, div. A, title IX, §922(d), Jan. 1, 2021, 134 Stat. 3807, §9085; renumbered §9086, Pub. L. 118-159, div. A, title V, §509C(a)(1), Dec. 23, 2024, 138 Stat. 1873.)

## REPEAL OF SECTION

*Pub. L. 118-31, div. A, title XVII, §1735(c), Dec. 22, 2023, 137 Stat. 677, provided that, effective on the date on which the certification by the Secretary of the Air Force is submitted under section 1735(a) of Pub. L. 118-31, this section is repealed.*

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 9086 was renumbered section 9087 of this title.

## AMENDMENTS

2024—Pub. L. 118-159 renumbered section 9085 of this title as this section.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF REPEAL

Repeal effective on the date on which the certification by the Secretary of the Air Force is submitted under section 1735(a) of Pub. L. 118-31, see section 1735(c)(2) of Pub. L. 118-31, set out in a Transitions Provisions note under section 20001 of this title.

**§ 9087. Space Development Agency**

(a) IN GENERAL.—(1) There is a Space Development Agency of the Department of Defense (in this section referred to as the “Agency”). The Director of the Space Development Agency shall be the head of the Agency.

(2) Effective on October 1, 2022—

(A) the Agency shall be an element of the Space Force; and

(B) the Director shall report—

(i) pursuant to section 9016(b)(6)(B)(iv)(III) of this title, to the Assistant Secretary of the Air Force for Space Acquisition and Integration with respect to acquisition decisions; and

(ii) directly to the Chief of Space Operations with respect to requirements deci-

sions, personnel decisions, and any other matter not covered by clause (i).

(b) DEVELOPMENT AND INTEGRATION AUTHORITIES.—The Director shall lead—

(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that uses proliferated low-Earth orbit systems and services;

(2) the integration of next-generation space capabilities, such as novel sensors (including with respect to alternate navigation, and autonomous battle management features), and sensor and tracking components (including a hypersonic and ballistic missile tracking space sensor payload pursuant to section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021), into the architecture specified in paragraph (1) to address the requirements and needs of the armed forces and combatant commands for such capabilities;

(3) the procurement of commercial capabilities and services, including—

(A) options for integrating payloads on commercial buses and spacecraft into existing commercial architectures; and

(B) innovative commercial capabilities and services, such as on-orbit servicing or in-space transportation systems, that could extend the life of space systems, rapidly respond to threats, or contribute to resilience; and

(4) the rapid introduction, acquisition, and iteration of cost-effective, resilient solutions that leverage planned and existing commercial low-Earth orbit capabilities or innovative capabilities.

(c) BUDGET MATERIALS AND PROGRAM ELEMENTS.—Beginning not later than with respect to fiscal year 2023 and each fiscal year thereafter—

(1) in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for the activities of the Agency shall be separate from the other activities of the Space Force; and

(2) the Secretary of Defense shall ensure that the programs of the Agency are assigned program elements different from other program elements of the Space Force.

(d) DELEGATION OF AUTHORITIES.—(1) With respect to tranche 0 capabilities and tranche 1 capabilities, to the extent practicable, the Secretary of the Air Force, acting through the Service Acquisition Executive for Space Systems and Programs, shall ensure the delegation to the Agency of—

(A) head of contracting authority; and

(B) milestone decision authority for the middle tier of acquisition programs.

(2)(A) The Service Acquisition Executive for Space Systems and Programs may rescind the delegation of authority under paragraph (1) for cause or on a case-by-case basis.

(B) Not later than 30 days after the date of a rescission under subparagraph (A), the Sec-

retary of the Air Force shall notify the congressional defense committees of such rescission.

(3) In this subsection:

(A) The term “tranche 0 capabilities” means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2022.

(B) The term “tranche 1 capabilities” means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2024.

(Added Pub. L. 116–283, div. A, title XVI, §1601(a), Jan. 1, 2021, 134 Stat. 4041, §9084; renumbered §9086 and amended Pub. L. 117–81, div. A, title X, §1081(a)(33), title XVI, §1603, Dec. 27, 2021, 135 Stat. 1921, 2077; renumbered §9087, Pub. L. 118–159, div. A, title V, §509C(a)(1), Dec. 23, 2024, 138 Stat. 1873.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (b)(2), is section 1645 of Pub. L. 116–283, div. A, title XVI, Jan. 1, 2021, 134 Stat. 4064. Subsec. (g) of section 1645 amended provisions formerly set out as a note under section 2431 of this title. Subsecs. (a) to (f) of section 1645 are not classified to the Code.

##### AMENDMENTS

2024—Pub. L. 118–159 renumbered section 9086 of this title as this section.

2021—Pub. L. 117–81, §1081(a)(33), renumbered section 9084 of this title, as added by section 1601(a) of Pub. L. 116–283, as this section.

Subsec. (d). Pub. L. 117–81, §1603, added subsec. (d).

#### Statutory Notes and Related Subsidiaries

##### TRANSITION

Pub. L. 116–283, div. A, title XVI, §1601(d), Jan. 1, 2021, 134 Stat. 4042, provided that:

“(1) TRANSFER.—Effective on October 1, 2022, the Secretary of Defense shall transfer the Space Development Agency from the Office of the Secretary of Defense to the Space Force.

“(2) FUNDING, DUTIES, RESPONSIBILITIES, AND PERSONNEL.—Except as provided by section 9084 of title 10, United States Code [now 10 U.S.C. 9085], the transfer under paragraph (1) of the Space Development Agency from the Office of the Secretary of Defense to the Space Force shall include the transfer of the funding, duties, responsibilities, and personnel of the Agency as of the day before the date of the transfer.”

##### REVIEW OF SPACE DEVELOPMENT AGENCY EXEMPTION FROM JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM

Pub. L. 117–263, div. A, title XVI, §1608, Dec. 23, 2022, 136 Stat. 2932, provided that:

“(a) REVIEW.—Not later than March 31, 2023, the Secretary of Defense shall complete a review regarding whether the Space Development Agency should be exempt from the Joint Capabilities Integration and Development System.

“(b) RECOMMENDATION.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a recommendation as to

whether the exemption described in such subsection should apply to the Space Development Agency.

“(c) IMPLEMENTATION.—Not later than 60 days after the date on which the recommendation is submitted under subsection (b), the Secretary of the Air Force and the Director of the Space Development Agency shall implement the recommendation.”

PART II—PERSONNEL

Table with 2 columns: Chap. and Sec. listing various personnel categories and their corresponding section numbers.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31, div. A, title XVII, §1721(a)(5)(B), Dec. 22, 2023, 137 Stat. 666, added item for chapter 915 and struck out former item for chapter 915 “Appointments in the Regular Air Force and the Regular Space Force”.

2021—Pub. L. 116-283, div. A, title IX, §923(c)(3)(C), Jan. 1, 2021, 134 Stat. 3810, added item for chapter 915 and struck out former item for chapter 915 “Appointments in the Regular Air Force”.

2018—Pub. L. 115-232, div. A, title VIII, §806(e)(2), Aug. 13, 2018, 132 Stat. 1834, redesignated items for chapters 831 to 875 as 911 to 949 and redesignated section numbers 8201 to 9061 as 9110 to 9381. Section numbers were conformed to the first section appearing in each chapter after renumbering by Pub. L. 115-232 to reflect the probable intent of Congress.

2003—Pub. L. 108-136, div. A, title V, §576(c)(2), Nov. 24, 2003, 117 Stat. 1488, added item for chapter 875.

1994—Pub. L. 103-337, div. A, title XVI, §1674(a), Oct. 5, 1994, 108 Stat. 3016, struck out items for chapters 837 “Appointments as Reserve Officers” and 863 “Separation or Transfer to Retired Reserve”.

1980—Pub. L. 96-513, title V, §504(1), Dec. 12, 1980, 94 Stat. 2915, struck out items for chapters 859 “Separation from Regular Air Force for Substandard Performance of Duty”, 860 “Separation from Regular Air Force for Moral or Professional Dereliction or in Interests of National Security”, and 865 “Retirement for Age”.

1968—Pub. L. 90-377, §5, July 5, 1968, 82 Stat. 288, struck out item for chapter 851 “United States Disciplinary Barracks”.

Pub. L. 90-235, §8(6), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 847 “The Uniform”.

1960—Pub. L. 86-616, §§7(b), 8(b), July 12, 1960, 74 Stat. 393, 395, substituted “Substandard Performance of Duty” for “Failure to Meet Standards” in item for chapter 859 and added item for chapter 860.

1958—Pub. L. 85-861, §1(193), Sept. 2, 1958, 72 Stat. 1538, substituted “8841” for “[No present sections]” in item for chapter 863.

CHAPTER 911—STRENGTH

Table with 2 columns: Sec. and description of Regular Air Force: strength in grade; general officers.

Sec.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §806(d)(3)(A), (e)(1), Aug. 13, 2018, 132 Stat. 1833, redesignated chapter 831 of this title as this chapter and item 8210 as 9110.

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(2), Oct. 5, 1994, 108 Stat. 3016, struck out items 8212 “Air Reserve; Air National Guard of the United States: strength in grade; temporary increases”, 8217 “Reserves: commissioned officers in an active status”, 8218 “Reserves: strength in grade; general officers in an active status”, 8219 “Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status”, 8221 “Air Force Reserve”, 8222 “Air Force Reserve, exclusive of members on active duty”, 8223 “Air Force Reserve: warrant officers”, 8224 “Air National Guard of United States”, and 8225 “Air National Guard and Air National Guard of United States, exclusive of members on active duty”.

1990—Pub. L. 101-510, div. A, title IV, §403(b)(3)(B), Nov. 5, 1990, 104 Stat. 1545, struck out item 8202 “Air Force: strength in grade; general officers”.

1985—Pub. L. 99-145, title XIII, §1303(a)(26), Nov. 8, 1985, 99 Stat. 740, inserted “; general officers” after “grade” in item 8202.

1980—Pub. L. 96-513, title V, §504(6), Dec. 12, 1980, 94 Stat. 2916, struck out item 8201 “Air Force: members on active duty”, substituted “strength in grade” for “officers in certain commissioned grades” in item 8202, struck out items 8203 “Regular Air Force: members on active duty”, 8204 “Regular Air Force: commissioned officers on active list”, 8205 “Regular Air Force: commissioned officers on active list, exclusive of certain categories”, 8206 “Regular Air Force: commissioned officers on active list; Air Force nurses”, 8207 “Regular Air Force: commissioned officers on active list; medical specialists”, 8208 “Regular Air Force: commissioned officers on active list; female commissioned officers, other than those designated under section 8067 of this title to perform professional functions”, 8209 “Regular Air Force: commissioned officers on active list; special categories”, and 8211 “Regular Air Force: strength in grade; promotion-list officers”, substituted “Air Reserve; Air National Guard of the United States: strength in grade; temporary increases” for “Regular Air Force; Air Force Reserve; Air National Guard of the United States: strength in grade; temporary increases” in item 8212, and struck out items 8213 “Regular Air Force: warrant officers on active list”, 8214 “Regular Air Force: enlisted members on active duty”, 8215 “Regular Air Force: female warrant officers on active list”, and 8230 “Personnel detailed outside Department of Defense.”

1967—Pub. L. 90-130, §1(26)(F), Nov. 8, 1967, 81 Stat. 382, struck out “; female enlisted members on active duty” after “female warrant officers on active list” in item 8215.

1958—Pub. L. 85-861, §1(165), Sept. 2, 1958, 72 Stat. 1516, substituted “Air Force medical specialists” for “women medical specialists” in item 8207, inserted “Air Force Reserve; Air National Guard of United States” in item 8212, and added items 8217 to 8219 and 8230.

1967—Pub. L. 90-130, §1(26)(F), Nov. 8, 1967, 81 Stat. 382, struck out “; female enlisted members on active duty” after “female warrant officers on active list” in item 8215.

1958—Pub. L. 85-861, §1(165), Sept. 2, 1958, 72 Stat. 1516, substituted “Air Force medical specialists” for “women medical specialists” in item 8207, inserted “Air Force Reserve; Air National Guard of United States” in item 8212, and added items 8217 to 8219 and 8230.

1958—Pub. L. 85-861, §1(165), Sept. 2, 1958, 72 Stat. 1516, substituted “Air Force medical specialists” for “women medical specialists” in item 8207, inserted “Air Force Reserve; Air National Guard of United States” in item 8212, and added items 8217 to 8219 and 8230.

§ 9110. Regular Air Force: strength in grade; general officers

(a) Subject to section 526 of this title, the authorized strength of the Regular Air Force in general officers on the active-duty list is 75/10,000 of the authorized strength of the Regular Air Force in commissioned officers on the active-duty list. Of this authorized strength, not more than one-half may be in a regular grade above brigadier general.

(b) When the application of subsection (a) results in a fraction, a fraction of one-half or more