

A BILL

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America*
2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2023”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

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Sec. 2. Table of Contents.

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Sec. 103. Air Force and Space Force.
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Sec. 821. Department of Defense Small Business Innovation Research and Small Business Technology Transfer Budget calculation pilot program.

Sec. 822. Pilot program to authorize certain SBIR and STTR awards for technologies that align with Department of Defense modernization priorities.

Sec. 823. Pilot program for additional subsequent Phase II awards for small business concerns.

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Sec. 831. Amendments to contractor employee protections from reprisal for disclosure of certain information.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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Sec. 901. Increase in authorized number of Assistant and Deputy Assistant Secretaries of Defense.

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Sec. 911. Termination of administratively inactive Department of Defense advisory committees that are no longer necessary or have completed their intended purposes.

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TITLE I—PROCUREMENT

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2023 for procurement for the Army as follows:

- (1) For aircraft, \$2,849,655,000.
- (2) For missiles, \$3,761,915,000.
- (3) For ammunition, \$2,639,051,000.
- (4) For weapons and tracked combat vehicles, \$3,576,030,000.
- (5) For other procurement, \$8,457,509,000.

SEC. 102. NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for procurement for the Navy and Marine Corps as follows:

- (1) For aircraft, \$16,848,428,000.
- (2) For shipbuilding and conversion, \$27,917,854,000.
- (3) For ammunition procurement, Navy and Marine Corps, \$1,052,292,000.
- (4) For weapons, \$4,738,705,000.
- (5) For other procurement, \$11,746,503,000.
- (6) For procurement, Marine Corps, \$3,681,506,000.

SEC. 103. AIR FORCE AND SPACE FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2023 for procurement for the Air Force and Space Force as follows:

- (1) For aircraft, \$18,517,428,000.

1 (2) For missiles, \$2,962,417,000.

2 (3) For procurement, Space Force, \$3,629,669,000.

3 (4) For ammunition, \$903,630,000.

4 (5) For other procurement, \$25,691,113,000.

5 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

6 Funds are hereby authorized to be appropriated for fiscal year 2023 for Defense-wide
7 procurement in the amount of \$5,245,500,000.

8 **SEC. 105. DEFENSE PRODUCTION ACT PURCHASES.**

9 Funds are hereby authorized to be appropriated for fiscal year 2023 for purchases under
10 the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) in the amount of \$659,906,000.

11 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the
14 Department of Defense for research, development, test, and evaluation as follows:

15 (1) For the Army, \$13,710,273,000.

16 (2) For the Navy, \$24,078,718,000.

17 (3) For the Air Force, \$44,134,301,000.

18 (4) For the Space Force, \$15,819,372,000.

19 (5) For Defense-wide activities, \$32,077,552,000.

20 (6) For the Director of Operational Test and Evaluation, \$277,194,000.

21 **TITLE III—OPERATION AND MAINTENANCE**

22 **Subtitle A—Authorization of Appropriations**

23 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

1 Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the
2 Armed Forces and other activities and agencies of the Department of Defense for expenses, not
3 otherwise provided for, for operation and maintenance, in amounts as follows:

4 (1) For the Army, \$58,117,556,000.

5 (2) For the Navy, \$66,151,951,000.

6 (3) For the Marine Corps, \$9,660,944,000.

7 (4) For the Air Force, \$58,281,242,000.

8 (5) For the Space Force, \$4,034,658,000.

9 (6) For Defense-wide activities, \$48,406,516,000.

10 (7) For the Army Reserve, \$3,228,504,000.

11 (8) For the Navy Reserve, \$1,228,300,000.

12 (9) For the Marine Corps Reserve, \$304,233,000.

13 (10) For the Air Force Reserve, \$3,564,544,000.

14 (11) For the Army National Guard, \$8,157,237,000.

15 (12) For the Air National Guard, \$6,900,679,000.

16 (13) For the United States Court of Appeals for the Armed Forces, \$16,003,000.

17 (14) For Environmental Restoration, Army, \$196,244,000.

18 (15) For Environmental Restoration, Navy, \$359,348,000.

19 (16) For Environmental Restoration, Air Force, \$314,474,000.

20 (17) For Environmental Restoration, Defense-wide, \$8,924,000.

21 (18) For Environmental Restoration, Formerly Used Defense Sites, \$227,262,000.

22 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs,

23 \$112,800,000.

1 (20) For Cooperative Threat Reduction programs, \$341,598,000.

2 (21) For Department of Defense Acquisition Workforce Development Fund,
3 \$53,791,000.

4 (22) For Disposal of Department of Defense Real Property, \$7,555,000.

5 (23) For Lease of Department of Defense Real Property, \$32,276,000.

6 (24) For Counter-Islamic State of Iraq and Syria Train and Equip Fund,
7 \$541,692,000.

8 (25) For Red Hill Recovery Fund, \$1,000,000,000.

9 (26) For Support for International Sporting Competitions, \$10,377,000.

10 **Subtitle B—[Reserved]**

11 **Subtitle C—[Reserved]**

12 **Subtitle D—Other Matters**

13 **SEC. 331. AUTHORITY TO NAME OR DESIGNATE CERTAIN DEPARTMENT OF**
14 **DEFENSE REAL PROPERTY.**

15 (a) **AUTHORITY.**—The Secretary of Defense may name or otherwise designate real
16 property under the administrative control of the Secretary or the Secretary of a military
17 department as the Secretary of Defense considers appropriate to implement the plan submitted by
18 the commission that the Secretary of Defense established under section 370 of the William M.
19 (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-
20 283), without regard to whether the real property was previously named or designated by law.

21 (b) **REAL PROPERTY DEFINED.**—In this section, the term “real property” includes land and
22 anything erected thereon or affixed thereto.

1 **SEC. 332. INAPPLICABILITY OF ADVANCE BILLING DOLLAR LIMITATION FOR**
2 **RELIEF EFFORTS FOR MAJOR DISASTERS OR EMERGENCIES.**

3 Section 2208(1)(3) of title 10, United States Code, is amended by adding at the end the
4 following: “The dollar limitation in the preceding sentence on advance billing of a customer of a
5 working-capital fund shall not apply with respect to advance billing for relief efforts following a
6 declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5121 et seq.).”.

8 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

9 **Subtitle A—Active Forces**

10 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

11 The Armed Forces are authorized strengths for active duty personnel as of September 30,
12 2023, as follows:

- 13 (1) The Army, 473,000.
- 14 (2) The Navy, 346,300.
- 15 (3) The Marine Corps, 177,000.
- 16 (4) The Air Force, 323,400.
- 17 (5) The Space Force, 8,600.

18 **Subtitle B—Reserve Forces**

19 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

20 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve
21 personnel of the reserve components as of September 30, 2023, as follows:

- 22 (1) The Army National Guard of the United States, 336,000.
- 23 (2) The Army Reserve, 189,500.

1 (3) The Navy Reserve, 57,700.

2 (4) The Marine Corps Reserve, 33,000.

3 (5) The Air National Guard of the United States, 108,400.

4 (6) The Air Force Reserve, 70,000.

5 (7) The Coast Guard Reserve, 7,000.

6 (b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the
7 Selected Reserve of any reserve component shall be proportionately reduced by—

8 (1) the total authorized strength of units organized to serve as units of the Selected
9 Reserve of such component which are on active duty (other than for training) at the end
10 of the fiscal year; and

11 (2) the total number of individual members not in units organized to serve as units
12 of the Selected Reserve of such component who are on active duty (other than for
13 training or for unsatisfactory participation in training) without their consent at the end of
14 the fiscal year.

15 (c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected
16 Reserve for any reserve component are released from active duty during any fiscal year, the end
17 strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall
18 be increased proportionately by the total authorized strengths of such units and by the total
19 number of such individual members.

20 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
21 **THE RESERVES.**

22 Within the end strengths prescribed in section 411(a), the reserve components of the
23 Armed Forces are authorized, as of September 30, 2023, the following number of Reserves to be

1 serving on full-time active duty or full-time duty, in the case of members of the National Guard,
2 for the purpose of organizing, administering, recruiting, instructing, or training the reserve
3 components:

4 (1) The Army National Guard of the United States, 30,845.

5 (2) The Army Reserve, 16,511.

6 (3) The Navy Reserve, 10,077.

7 (4) The Marine Corps Reserve, 2,388.

8 (5) The Air National Guard of the United States, 26,630.

9 (6) The Air Force Reserve, 6,286.

10 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

11 The minimum number of military technicians (dual status) as of the last day of fiscal year
12 2023 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
13 title 10, United States Code) shall be the following:

14 (1) For the Army National Guard of the United States, 22,294.

15 (2) For the Army Reserve, 6,492.

16 (3) For the Air National Guard of the United States, 9,892.

17 (4) For the Air Force Reserve, 6,696.

18 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
19 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

20 During fiscal year 2023, the maximum number of members of the reserve components of
21 the Armed Forces who may be serving at any time on full-time operational support duty under
22 section 115(b) of title 10, United States Code, is the following:

23 (1) The Army National Guard of the United States, 17,000.

- 1 (2) The Army Reserve, 13,000.
- 2 (3) The Navy Reserve, 6,200.
- 3 (4) The Marine Corps Reserve, 3,000.
- 4 (5) The Air National Guard of the United States, 16,000.
- 5 (6) The Air Force Reserve, 14,000.

6 **Subtitle C—Authorization of Appropriations**

7 **SEC. 421. MILITARY PERSONNEL.**

8 There is hereby authorized to be appropriated for military personnel for fiscal year 2023 a
9 total of \$164,139,628,000.

10 **TITLE V—MILITARY PERSONNEL POLICY**

11 **Subtitle A—Officer Personnel Policy**

12 **SEC. 501. EXTENSION OF TIME LIMITATION FOR GRADE RETENTION WHILE**
13 **AWAITING RETIREMENT.**

14 Section 601(b)(5) of title 10, United States Code, is amended by striking “retirement, but
15 not for more than 60 days.” and inserting the following: “retirement, but—

16 “(A) subject to subparagraph (B), not for more than 60 days; and

17 “(B) with respect to an officer awaiting retirement following not less than
18 one year of consecutive deployment outside of the United States to a combat zone
19 (as defined in section 112(c) of the Internal Revenue Code of 1986) or in support
20 of a contingency operation, not for more than 90 days.”.

21 **SEC. 502. REALIGNMENT IN NAVY DISTRIBUTION OF FLAG OFFICERS**
22 **SERVING IN THE GRADES OF O-8 AND O-9.**

23 Section 525(a)(3) of title 10, United States Code, is amended—

1 (1) in subparagraph (B), by striking “33” and inserting “34”; and
2 (2) in subparagraph (C), by striking “50” and inserting “49”.

3 **Subtitle B—[Reserved]**

4 **Subtitle C—[Reserved]**

5 **Subtitle D—[Reserved]**

6 **Subtitle E—Military Justice**

7 **SEC. 541. APPELLATE MILITARY JUDGES.**

8 Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform
9 Code of Military Justice), is amended—

10 (1) in paragraph (1), by striking “such rules. Appellate” and inserting the
11 following: “such rules.

12 “(2) APPELLATE MILITARY JUDGES.—

13 “(A) CERTIFICATION.—Appellate”;

14 (2) in the first paragraph (2), as designated by paragraph (1) of this section, by
15 striking “an appellate military judge. The” and inserting the following: “an appellate
16 military judge.

17 “(3) CHIEF JUDGE.—The”;

18 (3) in the first paragraph (2), as so designated, by adding at the end the following
19 new subparagraph:

20 “(B) APPOINTMENT OF CIVILIAN APPELLATE MILITARY JUDGES.—The
21 Secretary of Defense may appoint civilians as appellate military judges and make
22 such civilians available for certification by the Judge Advocate General of the

1 Army, Navy, or Air Force for assignment to the Court of Criminal Appeals
2 established by the Judge Advocate General concerned.”;

3 (4) by redesignating the second paragraph (2) as subparagraph (C) and
4 transferring such subparagraph so as to appear after subparagraph (B) of the first
5 paragraph (2), as so designated;

6 (5) in subparagraph (C) of paragraph (2), as redesignated and transferred by
7 paragraph (4) of this section, by striking “paragraph (1)” and inserting “subparagraph
8 (A)”;

9 (6) in paragraph (3), as designated by paragraph (2) of this section, by striking
10 “each panel. In accordance” and inserting the following: “each panel.

11 “(4) MINIMUM ASSIGNMENT PERIODS.—In accordance”; and

12 (7) by adding at the end the following new paragraph:

13 “(5) DETAILING APPELLATE MILITARY JUDGES TO A DIFFERENT COURT OF
14 CRIMINAL APPEALS.—An appellate military judge may be detailed to sit in a panel or
15 with the court as a whole for a case that is assigned to a different Court of Criminal
16 Appeals in accordance with rules prescribed under subsection (h), if permitted by the
17 Judge Advocate General who has certified the appellate military judge.”.

18 **SEC. 542. APPELLATE REVIEW OF COURTS-MARTIAL.**

19 (a) WAIVER OF RIGHT TO APPEAL; WITHDRAWAL OF APPEAL—Section 861(d) of title 10,
20 United States Code (article 61(d) of the Uniform Code of Military Justice), is amended by
21 striking “A waiver” and inserting “Except as provided by section 869(c)(2) of this title (article
22 69(c)(2)), a waiver”.

1 (b) TRANSMITTAL AND REVIEW OF RECORDS.—Section 865 of title 10, United States
2 Code (article 65 of the Uniform Code of Military Justice), is amended by striking subsections (d)
3 and (e).

4 (c) COURTS OF CRIMINAL APPEALS.—Section 866 of title 10, United States Code (article
5 66 of the Uniform Code of Military Justice), is amended—

6 (1) in subsection (b), by striking paragraph (1) and inserting the following new
7 paragraph:

8 “(1) APPEALS BY ACCUSED.—A Court of Criminal Appeals shall have jurisdiction
9 over a timely appeal from the judgment of a court-martial, entered into the record under
10 section 860c(a) of this title (article 60c(a)), that includes a finding of guilty.”; and

11 (2) by striking subsection (c) and inserting the following new subsection:

12 “(c) TIMELINESS.—An appeal under subsection (b)(1) is timely if it is filed before the
13 later of—

14 “(1) the end of the 90-day period beginning on the date the accused is provided
15 notice of appellate rights under section 865(c) of this title (article 65(c)); and

16 “(2) the date set by the Court of Criminal Appeals by rule or order.”.

17 (d) REVIEW BY JUDGE ADVOCATE GENERAL.—Section 869 of title 10, United States Code
18 (article 69 of the Uniform Code of Military Justice), is amended—

19 (1) in subsection (a)—

20 (A) by inserting “or receipt of the record pursuant to section 864(c)(3) of
21 this title (article 64(c)(3))” after “application by the accused”; and

22 (B) by striking “court-martial that is not” and inserting “summary court-
23 martial or order a general or special court-martial”;

1 (2) by striking subsection (b) and inserting the following new subsection:

2 “(b) TIMING.—(1) To qualify for consideration, an application under subsection (a) must
3 be submitted to the Judge Advocate General not later than—

4 “(A) for a summary court-martial, one year after the date of completion of review
5 under section 864 of this title (article 64); or

6 “(B) for a general or special court-martial, one year after the end of the 90-day
7 period beginning on the date the accused is provided notice of appellate rights under
8 section 865(c) of this title (article 65(c)), unless the accused submitted a waiver or
9 withdrawal of appellate review under section 861 of this title (article 61) before being
10 provided notice of appellate rights, in which case the application must be submitted to the
11 Judge Advocate General not later than one year after the entry of judgment under section
12 860c of this title (article 60c).

13 “(2) The Judge Advocate General may, for good cause shown, extend the period for
14 submission of an application, but may not consider an application submitted more than three
15 years after such completion date.”;

16 (3) in subsection (c)—

17 (A) in paragraph (1)(A)—

18 (i) by striking “or 865(b)”; and

19 (ii) by striking “or 65(b)”; and

20 (B) in paragraph (2), by striking “order appropriate corrective action under
21 rules prescribed by the President” and inserting “send the case to the Court of
22 Criminal Appeals”; and

23 (4) by striking subsections (d) and (e).

1 **Subtitle F—[Reserved]**

2 **Subtitle G—Other Matters**

3 **SEC. 561. REMOTE ONLINE NOTARIZATION FOR MEMBERS OF THE ARMED**
4 **FORCES.**

5 Section 1044a of title 10, United States Code, is amended by adding at the end the
6 following new subsection:

7 “(e)(1) A person named in subsection (b) may exercise the powers described in
8 subsection (a) through remote online means, including under circumstances where the individual
9 with respect to whom such person is performing the notarial act is not physically present in the
10 same location as such person.

11 “(2) A determination of the authenticity of a notarial act authorized in this section shall
12 be made without regard to whether the notarial act was performed through remote online means.

13 “(3) A log or journal of a notarial act authorized in this section shall be considered for
14 evidentiary purposes without regard to whether the log or journal is in electronic form.”.

15 **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

16 **SEC. 601. CONFORMING AMENDMENTS TO UPDATE REFERENCES TO TRAVEL**
17 **AND TRANSPORTATION AUTHORITIES.**

18 (a) **BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.**—Section
19 256(g)(2)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C.
20 906(g)(2)(B)(ii)) is amended by striking “sections 403a and 475” and inserting “sections 403b
21 and 405”.

22 (b) **TITLE 5, U.S.C.**—Title 5, United States Code, is amended—

23 (1) in section 4109(a)(2)—

1 (A) in subparagraph (A), by striking “sections 474 and 475” and inserting
2 “sections 405 and 452”; and
3 (B) in subparagraph (B), by striking “sections 476 and 479” and inserting
4 “sections 452 and 453(c)”;

5 (2) in section 5725(c)(2)(B), by striking “section 476(b)(1)(H)(iii)” and inserting
6 “sections 453(c)(1)–(4) and 453(d)”;

7 (3) in section 5760(d)—

8 (A) in paragraph (2), by striking “section 474(d)” and inserting “section
9 464”; and

10 (B) in paragraph (3), by striking “section 481h(d)(1)” and inserting
11 “section 452(d)”.

12 (c) TITLE 10, U.S.C.—Title 10, United States Code, is amended—

13 (1) in section 710—

14 (A) in subsection (f)(4)(A), in the matter preceding clause (i), by striking
15 “section 474” and inserting “section 452”; and

16 (B) in subsection (h)(4), by striking “section 481f” and inserting “section
17 453(f)”;

18 (2) in section 1174a(b)(2)(B), by striking “sections 474 and 476” and inserting
19 “sections 452 and 453(c)”;

20 (3) in section 1175(j), by striking “sections 474 and 476” and inserting “sections
21 452 and 453(c)”;

22 (4) in section 1175a(e)(2)(B), by striking “sections 474 and 476” and inserting
23 “sections 452 and 453(c)”;

1 (5) in section 1491(d)(3), by striking “section 495(a)(2)” and inserting “section
2 435(a)(2)”;

3 (6) in section 2013(b)(2)—

4 (A) in subparagraph (A), by striking “sections 474 and 475” and inserting
5 “sections 405 and 452”; and

6 (B) in subparagraph (B), by striking “sections 476 and 479” and inserting
7 “sections 452 and 453(c)”;

8 (7) in section 2493(a)(4)(B)(ii), by striking “section 481f(d)” and inserting
9 “section 453(f)”;

10 (8) in section 2613(g), by striking “section 481h(b)” and inserting “section
11 451(a)(3)”;

12 (9) in section 12503—

13 (A) in subsection (a), in the second sentence, by striking “sections 206 and
14 495” and inserting “sections 206 and 435”;

15 (B) in subsection (b)(2)(A), by striking “section 495” and inserting
16 “section 435”; and

17 (C) in subsection (c), by striking “chapter 7” and inserting “section 452”.

18 (d) TITLE 14, U.S.C.—Section 2764 of title 14, United States Code, is amended, in the
19 first and third sentences, by striking “subsection (b) of section 476” and inserting “section
20 453(c)”.

21 (e) TITLE 32, U.S.C.—Section 115 of title 32, United States Code, is amended—

22 (1) in subsection (a), in the third sentence, by striking “sections 206 and 495” and
23 inserting “sections 206 and 435”;

1 (2) in subsection (b)(2)(A), by striking “section 495” and inserting “section 435”;

2 and

3 (3) in subsection (c), by striking “chapter 7” and inserting “section 452”.

4 (f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER
5 CORPS ACT OF 2002.—Section 236(f)(4)(A) of the National Oceanic and Atmospheric
6 Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3036(f)(4)(A)) is amended,
7 in the matter preceding clause (i), by striking “section 474” and inserting “section 452”.

8 (g) TITLE 36, U.S.C.—Section 2101(b)(2) of title 36, United States Code, is amended by
9 striking “section 475” and inserting “section 405”.

10 (h) TITLE 37, U.S.C.—Title 37, United States Code, is amended—

11 (1) in section 403—

12 (A) in subsection (d)(2)(A), by striking “section 476” and inserting
13 “section 452”; and

14 (B) in subsection (g)—

15 (i) in paragraph (2), in the second sentence, by striking “section
16 474” and inserting “section 452”; and

17 (ii) in paragraph (3), by striking “section 476” and inserting
18 “section 453(c)”;

19 (2) in section 420(b), by striking “sections 474–481” and inserting “section 452”;

20 (3) in section 422(a), by striking “section 480” and inserting “section 452”;

21 (4) in section 427—

22 (A) in subsection (a)(1)(A), by striking “section 476” and inserting
23 “section 452”; and

1 (B) in subsection (c), by striking “section 476” and inserting “section
2 452”;

3 (5) in section 433(b), by striking “section 474(d)(2)(A)” and inserting “section
4 452”;

5 (6) in section 451(a)(2)(H)—

6 (A) in clause (i), by striking “section 481f” and inserting “section 453(f)”;

7 (B) in clause (ii), by striking “section 481h” and inserting “section
8 452(b)(12)”;

9 (C) in clause (iii), by striking “section 481j” and inserting “section
10 452(b)(13)”;

11 (D) in clause (iv), by striking “section 481k” and inserting “section
12 452(b)(14)”;

13 (E) in clause (v), by striking “section 481l” and inserting “section
14 452(b)(15)”;

15 (7) in section 1002(b)(1), by striking “section 474(a)–(d), and (f)” and inserting
16 “section 452”;

17 (8) in section 1003, by striking “sections 402–403b, 474–477, 479–481, and 414”
18 and inserting “sections 402–403b, 405, 414, 452, and 453”; and

19 (9) in section 1006(g)—

20 (A) by striking “section 477” and inserting “section 452(c)(2)”; and
21 (B) by striking “section 475a(a)” and inserting “section 452(b)(11)”.

1 (i) CHILD NUTRITION ACT OF 1966.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of
2 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking “section 475” and inserting “section
3 405”.

4 **SEC. 602. AUTOMATIC COLLECTION OF SURVIVOR BENEFIT PLAN PREMIUMS**
5 **FROM VA DISABILITY COMPENSATION UNDER CERTAIN**
6 **CIRCUMSTANCES.**

7 (a) AMENDMENTS TO TITLE 10.—

8 (1) DEDUCTIONS.—Section 1452(d) of title 10, United States Code, is amended—

9 (A) by amending paragraph (1) to read as follows:

10 “(1) AUTHORIZED DEDUCTIONS. —If a person who has elected to participate in the
11 Plan has been awarded retired pay and is not entitled to that pay for any period, the
12 amount that would otherwise have been deducted from his pay for that period under this
13 section shall be deducted pursuant to subparagraph (A) or (B) of paragraph (2).”;

14 (B) in paragraph (2)—

15 (i) by inserting the following after “(2)”: “DEDUCTIONS

16 DESCRIBED.—

17 “(A)”; and

18 (ii) by adding at the end the following new subparagraph:

19 “(B) DEDUCTION FROM COMPENSATION.—In the case of a person who has
20 elected to participate in the Plan who is entitled to compensation under title 38,
21 and deductions required under this section exceed the person’s retired pay or
22 combat-related special compensation, if applicable, then the Secretary of Veterans
23 Affairs, pursuant to section 5301 of title 38, shall deduct from the person’s

1 compensation the amount that would otherwise have been deducted from the
2 person's retired pay or combat-related special compensation for that period.”;

3 (C) by redesignating paragraph (3) as paragraph (5);

4 (D) by inserting after paragraph (2) the following new paragraphs (3) and
5 (4):

6 “(3) COLLECTION OF PAYMENTS.—If a person who has elected to participate in the
7 Plan has been awarded retired pay and is not entitled to that pay for that period and if the
8 full deductions required by this section are not made under paragraph 2, the person shall
9 remit payment to the Secretary concerned in the amount that would otherwise have been
10 deducted from retired pay or combat-related special compensation for that period. If
11 payment is not remitted, the Secretary shall collect payment pursuant to title 31 section
12 3711.

13 “(4) DEPOSIT INTO MILITARY RETIREMENT FUND.—All amounts deducted under
14 paragraph (2) or collected under paragraph (3) shall be deposited into the Department of
15 Defense Military Retirement Fund.”; and

16 (E) in paragraph (5), as redesignated by subparagraph (C) of this
17 subsection, by striking “Paragraphs (1) and (2) do not apply” and inserting “This
18 section does not apply”.

19 (2) CONFORMING AMENDMENTS.— Section 1452(g)(4) of title 10, United States
20 Code, is amended—

21 (1) in the heading, by striking “FROM RETIRED PAY OR CRSC” and inserting
22 “FROM RETIRED PAY, CRSC, OR COMPENSATION”; and

1 (2) by striking “from the retired pay or combat-related special compensation” and
2 inserting “from the retired pay, combat-related special compensation, or compensation
3 under title 38”.

4 (b) AMENDMENTS TO TITLE 38.—Section 5301 of title 38, United States Code, is amended
5 by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting
6 after subsection (c) the following new subsection (d):

7 “(d) Notwithstanding any other provision of this section, in the case of a veteran who has
8 waived retired or retirement pay in order to receive compensation pursuant to section 5305 of
9 this title who has elected to participate in an annuity plan prescribed in chapter 73 of title 10—

10 “(1) if the deductions required by section 1452 of title 10 cannot be made in the
11 full amount, the amount required by such chapter 73 shall be deducted from the veteran’s
12 compensation; and

13 “(2) the deducted funds shall be credited to the Department of Defense Military
14 Retirement Fund under chapter 74 of title 10.”.

15 **TITLE VII—HEALTH CARE PROVISIONS**

16 **SEC. 701. EXPANSION OF ELIGIBILITY FOR DIRECT ACCEPTANCE OF GIFTS BY** 17 **MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF** 18 **DEFENSE AND COAST GUARD EMPLOYEES AND THEIR FAMILIES.**

19 Section 2601a of title 10, United States Code is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (2), by striking “; or” and inserting a semicolon;

22 (B) by redesignating paragraph (3) as paragraph (4); and

23 (C) by inserting after paragraph (2) the following new paragraph:

1 “(3) that results in enrollment in a Warriors in Transition program, as defined in
2 section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C.
3 1071 note); or”; and

4 (2) in subsection (c), by striking “or (3)” and inserting “, (3), or (4)”.

5 **SEC. 702. EXPANSION OF ACCRUAL FUNDING FOR ALL RETIREE HEALTH**
6 **CARE.**

7 (a) IN GENERAL.—(1) Section 1111(a) of title 10, United States Code, is amended to read
8 as follows:

9 “(a)(1) There is established on the books of the Treasury a fund to be known as the
10 Department of Defense Military Retiree Health Care Fund (hereinafter in this chapter referred to
11 as the ‘Fund’), which shall be administered by the Secretary of the Treasury. The Fund shall be
12 used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of
13 the uniformed services under uniformed services retiree health care programs for eligible
14 beneficiaries.

15 “(2)(A) The Fund referred to in paragraph (1) is the successor to the Medicare-Eligible
16 Retiree Health Care Fund (hereinafter in this section referred to as the ‘MERHCF’) as it existed
17 immediately prior to October 1, 2023. The MERHCF is reestablished as the Department of
18 Defense Military Retiree Health Care Fund, without closure under chapter 15 of title 31.

19 “(B) All assets and liabilities of the MERHCF are assets and liabilities of the Fund. All
20 actions taken with respect to the administration of the MERHCF that would have remained in
21 effect on or after October 1, 2023, are applicable to the Fund.

1 “(C) Except as provided in this chapter or as the context requires otherwise, any reference
2 to the MERHCF in a law, regulation, document, paper, or other record of the United States shall
3 be deemed to be a reference to the Fund.

4 “(D) The Secretary of Defense and Secretary of the Treasury are authorized to take such
5 actions as the Secretaries determine necessary to transition operations of the MERHCF to the
6 Fund.”.

7 (2) Section 1111(b) of such title is amended—

8 (A) by striking paragraph (3); and

9 (B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4),

10 respectively.

11 (3) Section 1112 of such title is amended by adding at the end the following new
12 paragraph:

13 “(5) Amounts collected by the Department of Defense, including through
14 enrollment fees, refunds, collections, or other transactions, incident to the operation of
15 uniformed services retiree health care programs for which the Fund is responsible.”.

16 (4) Section 1113 of such title is amended—

17 (A) in subsection (a)—

18 (i) by striking “and are medicare eligible”; and

19 (ii) by striking “who are medicare eligible”;

20 (B) in subsection (c)(1)—

21 (i) in the first sentence, by striking “who are medicare eligible”; and

22 (ii) in the second sentence, by striking the period at the end and inserting

23 “and the Fund.”; and

1 (C) in subsection (d), in the second sentence, by striking “who are medicare
2 eligible”.

3 (5) Section 1114(a) of such title is amended—

4 (A) in paragraph (1)—

5 (i) in the first sentence, by striking “Medicare-Eligible” and inserting
6 “Military”.

7 (6) Section 1115 of such title is amended—

8 (A) in subsection (a)—

9 (i) by amending the first two sentences to read as follows: “The Board
10 shall determine the amount that is the present value (as of October 1, 2023) of
11 future benefits payable from the Fund that are attributable to service in the
12 participating uniformed services performed before October 1, 2023 That amount,
13 less the assets in the Fund as of October 1, 2023, is the original unfunded liability
14 of the Fund.”; and

15 (ii) by adding at the end the following: “The Board may, if it determines it
16 to be in the best interest of administration of the Fund, maintain in the
17 amortization schedule a separate component for unfunded liabilities related to
18 retiree health program beneficiaries who are ‘medicare-eligible’ persons entitled
19 to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c
20 et seq.)”; and

21 (B) in subsection (c)(2), by striking “for medicare eligible beneficiaries”.

22 (b) CONFORMING AMENDMENTS.—(1) The heading for chapter 56 of such title is
23 amended to read as follows:

1 (b) EXPANSION OF PROGRAM.—Section 841(a) of such Act is amended—

2 (1) in the heading, by striking “IDENTIFICATION OF PERSONS AND ENTITIES” and
3 inserting “PROGRAM”;

4 (2) in the matter preceding paragraph (1), by striking “establish in” and all that
5 follows and inserting “establish a program to mitigate threats posed by vendors
6 supporting operations. The program shall use available intelligence, security, and law
7 enforcement information to identify persons and entities that—”;

8 (3) in paragraph (1), by striking “; or” and inserting a semicolon;

9 (4) in paragraph (2), by striking the period and inserting a semicolon; and

10 (5) by adding at the end the following new paragraphs:

11 “(3) directly or indirectly support a covered person or entity or otherwise pose a
12 force protection risk to personnel of the United States or coalition forces; or

13 “(4) pose an unacceptable national security risk.”.

14 (c) INCLUSION OF ALL CONTRACTS.—Sections 841 and 842 of such Act are further
15 amended by striking “covered contract” each place it appears and inserting “contract”.

16 (d) INCLUSION OF ALL COMBATANT COMMANDS.—Sections 841 and 842 of such Act are
17 further amended by striking “covered combatant command” each place it appears and inserting
18 “combatant command”.

19 (e) COVERED PERSON OR ENTITY.—Section 843(6) of such Act is amended to read as
20 follows:

21 “(6) COVERED PERSON OR ENTITY.—The term ‘covered person or entity’ means a
22 person that is—

1 “(A) engaging in acts of violence against personnel of the United States or
2 coalition forces;

3 “(B) providing financing, logistics, training, or intelligence to a person
4 described in subparagraph (A);

5 “(C) engaging in foreign intelligence activities against the United States or
6 against coalition forces;

7 “(D) engaging in transnational organized crime or criminal activities; or

8 “(E) engaging in other activities that present a direct or indirect risk to the
9 national security of the United States or coalition forces.”.

10 (f) DELEGATION AUTHORITY OF COMBATANT COMMANDER.—

11 (1) USE OF DESIGNEES.—Sections 841 and 842 of such Act are further amended
12 by striking “specified deputies” each place it appears and inserting “designee.”.

13 (2) REMOVAL OF LIMITATIONS ON DELEGATIONS.—Section 841 of such Act is
14 further amended by striking subsection (g).

15 (g) AUTHORITIES TO TERMINATE, VOID, AND RESTRICT.—Section 841(c) of such Act is
16 further amended—

17 (1) in paragraph (1)—

18 (A) by inserting “to a person or entity” after “concerned”; and

19 (B) by striking “the contract” and all that follows and inserting “the person
20 or entity has been identified under the program established under subsection (a).”;

21 (2) in paragraph (2), by striking “has failed” and all that follows and inserting
22 “has been identified under the program established under subsection (a).”; and

1 (3) in paragraph (3), by striking “the contract” and all that follows and inserting
2 “the contractor, or the recipient of the grant or cooperative agreement, has been identified
3 under the program established under subsection (a).”.

4 (h) CONTRACT CLAUSE.—Section 841(d)(2)(B) of such Act is amended by inserting “and
5 restrict future award to any contractor, or recipient of a grant or cooperative agreement, that has
6 been identified under the program established under subsection (a)” after “subsection (c)”.

7 (i) DISCLOSURE OF INFORMATION EXCEPTION.—Section 841(e) of such Act is amended by
8 inserting after paragraph (2) the following new paragraph:

9 “(3) To provide that full disclosure of information to the contractor or recipient of
10 a grant or cooperative agreement justifying an action taken under subsection (c) need not
11 be provided when such disclosure would compromise national security or would pose an
12 unacceptable threat to the personnel of the United States or coalition forces.”.

13 (j) PARTICIPATION OF SECRETARY OF STATE.—Section 841 of such Act is further
14 amended—

15 (1) in subsection (a) in the matter preceding paragraph (1), by striking “in
16 consultation with”; and

17 (2) in subsection (f)(1), by striking “in consultation with”.

18 (k) SHARING OF INFORMATION ON SUPPORTERS OF THE ENEMY.—Section 841(h)(1) of
19 such Act is further amended by striking “may be providing” and all that follows through “or
20 entity” and inserting “have been identified under the program established under subsection (a)”.

21 (l) REPEAL OF ANNUAL REPORTING REQUIREMENTS.—Sections 841 and 842 of such Act
22 are further amended—

23 (1) by striking subsection 841(i); and

1 (2) by striking subsection 842(b).

2 (m) ADDITION OF WAIVER.—Section 841 of such Act is further amended by inserting
3 after subsection (h) the following new subsection (i):

4 “(i) WAIVER.—The Secretary of Defense or the Secretary of State, with the concurrence
5 of the other Secretary, in consultation with the Director of National Intelligence, may waive any
6 requirement of this section upon determining that to do so is in the national interest of the United
7 States.”.

8 (n) INAPPLICABILITY TO CERTAIN CONTRACTS, GRANTS, AND COOPERATIVE
9 AGREEMENTS.—Section 841 of such Act is amended by striking subsection (j).

10 (o) CONSTRUCTION WITH OTHER AUTHORITIES.—Section 841 of such Act is further
11 amended—

12 (1) in subsection (l), by striking “Except as provided in subsection (m), the” and
13 inserting “The”; and

14 (2) by striking subsection (m).

15 (p) ADDITIONAL ACCESS TO RECORDS.—Section 842 of such Act is further amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “, except as provided under subsection

18 (c)(1),”;

19 (B) in paragraph (2), by striking “ensure that funds” and all that follows
20 and inserting “support the program established under section 841(a).”;

21 (C) in paragraph (3), by striking “that funds” and all that follows and
22 inserting “that the examination of such records will support the program
23 established under section 841(a).”; and

1 (D) in paragraph (4), by striking “if the subcontract or subgrant has an
2 estimated value in excess of \$50,000”; and

3 (2) by striking subsection (c).

4 (q) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of section 841 of such Act is amended by
6 striking “**PROHIBITION ON PROVIDING FUNDS TO THE ENEMY**” and inserting
7 “**THREAT MITIGATION IN COMMERCIAL SUPPORT TO OPERATIONS**”.

8 (2) REDESIGNATIONS.—Section 841 of such Act is further amended by
9 redesignating subsections (h) through (l) (as amended or added by subsections (a)
10 through (o) of this section) as subsections (g) through (j), respectively.

11 (3) DEFINITIONS.—Section 843 of such Act is amended—

12 (A) in paragraph (1)(A), by striking “and the Committee on
13 Appropriations” and inserting “the Committee on Appropriations, and the Select
14 Committee on Intelligence”; and

15 (B) in paragraph (1)(B), by striking “and the Committee on
16 Appropriations” and inserting “the Committee on Appropriations, and the
17 Permanent Select Committee on Intelligence”;

18 (C) by striking paragraphs (2), (4), and (5); and

19 (D) by redesignating paragraphs (3), (6), (7), (8), and (9) as paragraphs
20 (2), (3), (4), (5), and (6), respectively.

1 **Subtitle C—Industrial Base Matters**

2 **SEC. 821. DEPARTMENT OF DEFENSE SMALL BUSINESS INNOVATION**

3 **RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER**

4 **BUDGET CALCULATION PILOT PROGRAM.**

5 (a) SBIR BUDGET CALCULATION PILOT PROGRAM—

6 (1) PILOT PROGRAM.— Section (9)(f) of the Small Business Act (15 U.S.C.
7 638(f)) is amended—

8 (A) by redesignating paragraph (4) as paragraph (5); and

9 (B) by inserting after paragraph (3) the following new paragraph (4):

10 “(4) SBIR BUDGET CALCULATION PILOT PROGRAM IN DEPARTMENT OF
11 DEFENSE.—

12 “(A) The Secretary of Defense shall conduct a budget calculation pilot
13 program that requires total expenditures for the SBIR program in the Department
14 of Defense to be calculated as described in subparagraph (B), specifically in
15 connection with SBIR programs which meet the requirements of this section,
16 policy directives, and regulations issued under this section.

17 “(B) Beginning in fiscal year 2023, the Department of Defense shall
18 calculate required budget expenditures for its SBIR program as not less than 3.25
19 percent of the average of the total research, development, test, and evaluation
20 extramural budget of the Department for the two most recent fully obligated fiscal
21 year budgets.

22 “(C) The pilot program under this paragraph shall terminate on September
23 30, 2026.”.

1 (2) CONFORMING AMENDMENT.—Section 9(f) of such Act is further amended in
2 paragraph (1) by striking “Except as provided in paragraph (2)(B)” and inserting “Except
3 as provided in paragraphs (2)(B) and (4)”.

4 (b) STTR BUDGET CALCULATION PILOT PROGRAM.—

5 (1) PILOT PROGRAM.—Section (9)(n) of the Small Business Act (15 U.S.C.
6 638(n)) is amended by adding at the end the following new paragraph:

7 “(4) STTR BUDGET CALCULATION PILOT PROGRAM IN DEPARTMENT OF
8 DEFENSE.—

9 “(A) The Secretary of Defense shall conduct a budget expenditure pilot
10 program that requires total expenditures for STTR to be calculated as described in
11 subparagraph (B).

12 “(B) Beginning in fiscal year 2023, the Department of Defense shall
13 calculate required budget expenditures for its STTR program as not less than 0.46
14 percent of the average of the total research, development, test, and evaluation
15 extramural budget of the Department for the two most recent fully obligated fiscal
16 year budgets.

17 “(C) The pilot program under this paragraph shall terminate on September
18 30, 2026.”.

19 (2) CONFORMING AMENDMENT—Section 9(n) of such Act is further amended in
20 paragraph (1)(B) by striking “The percentage” and inserting “Except as provided in
21 paragraph (4), the percentage”.

1 **SEC. 822. PILOT PROGRAM TO AUTHORIZE CERTAIN SBIR AND STTR AWARDS**
2 **FOR TECHNOLOGIES THAT ALIGN WITH DEPARTMENT OF**
3 **DEFENSE MODERNIZATION PRIORITIES.**

4 (a) **AUTHORITY.**—The Secretary of Defense or the Secretary of a military department
5 may make a Phase II award under the Small Business Innovation Research program or the Small
6 Business Technology Transfer program that exceeds the limitation described in paragraph (1) of
7 section 9(aa) of the Small Business Act (15 U.S.C. 638(aa)) without seeking a waiver from the
8 Administrator of the Small Business Administration under paragraph (4) of such section, if the
9 award meets the requirements of subsection (b).

10 (b) **AWARD REQUIREMENTS.**—An award meets the requirements of this subsection if—

11 (1) the award does not exceed \$5,000,000; and

12 (2) the Secretary of Defense determines that the award is being made for a
13 technology that aligns with modernization priorities of the Department of Defense and
14 has a high potential for transition to a program of record or fielded system.

15 (c) **LIMITATION.**—For awards under the pilot program authorized under subsection (a),
16 the Secretary of Defense and the Secretary of each military department may allocate not more
17 than 10 percent of the funds allocated in a fiscal year to the SBIR program and the STTR
18 program for the Department of Defense or a military department, as the case may be.

19 (d) **RULE OF CONSTRUCTION.**—Nothing in this section affects the applicability of section
20 9(aa)(4) of the Small Business Act (15 U.S.C. 638(aa)(4)) with respect to an award that exceeds
21 \$5,000,000.

22 (e) **REPORTING.**—The Secretary of Defense shall include information on the awards made
23 under this section in complying with annual reporting requirements relating to the SBIR and

1 STTR programs, including the requirements of paragraph (2) of section 9(aa) of the Small
2 Business Act (15 U.S.C. 638(aa)).

3 (f) DEFINITIONS.—The definitions in section 9(e) of the Small Business Act (15 U.S.C.
4 638(e)) shall apply to the terms used in this section.

5 (g) SUNSET.—The authority under this section shall terminate on September 30, 2026.

6 **SEC. 823. PILOT PROGRAM FOR ADDITIONAL SUBSEQUENT PHASE II AWARDS**
7 **FOR SMALL BUSINESS CONCERNS.**

8 Section 9(ff) of the Small Business Act (15 U.S.C. 638(ff)) is amended by adding at the
9 end the following new paragraph:

10 “(3) DEPARTMENT OF DEFENSE PILOT AUTHORITY FOR AWARDING AN
11 ADDITIONAL SEQUENTIAL PHASE II AWARD.—

12 “(A) During fiscal years 2023 through 2026, the Secretary of Defense may
13 award one additional Phase II SBIR award or one additional Phase II STTR award
14 to a small business concern that received a Phase II award under paragraph (1) for
15 continued work on that project.

16 “(B) The Secretary of Defense may use not more than 3 percent of the
17 funds allocated to the SBIR and STTR programs in carrying out this paragraph
18 and shall submit an application to the Administrator for approval prior to any
19 award under subparagraph (A). The application shall include an explanation for
20 why the requirement could not be funded as a Phase III award and a description of
21 how the Department of Defense will minimize, to the maximum extent possible,
22 the number of awards under this paragraph.”

1 **Subtitle D—Other Matters**

2 **SEC. 831. AMENDMENTS TO CONTRACTOR EMPLOYEE PROTECTIONS FROM**
3 **REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.**

4 (a) ADDITION OF GRANTEES, SUBGRANTEES, AND PERSONAL SERVICES CONTRACTORS.—

5 Section 4701 of title 10, United States Code, is amended—

6 (1) in subsection (a), in paragraphs (2)(G) and (3)(A), by striking “or
7 subcontractor” and inserting “, subcontractor, grantee, subgrantee, or personal services
8 contractor”;

9 (2) in subsection (b)(1), by striking “contractor concerned” and inserting
10 “contractor, subcontractor, grantee, subgrantee, or personal services contractor
11 concerned”;

12 (3) in subsection (c)—

13 (A) in the matter preceding subparagraph (A) of paragraph (1), by striking
14 “contractor concerned” and inserting “contractor, subcontractor, grantee,
15 subgrantee, or personal services contractor concerned”; and

16 (B) in paragraphs (1)(A), (1)(B), (1)(C), and (2), by inserting after
17 “contractor” the following: “, subcontractor, grantee, subgrantee, or personal
18 services contractor”;

19 (4) in subsection (d), by striking “and subcontractors” and inserting “,
20 subcontractors, grantees, subgrantees, and personal services contractors”; and

21 (5) in subsection (e)(2), by striking “or grantee” and inserting “grantee,
22 subgrantee, or personal services contractor”.

23 (b) ADDITIONAL AMENDMENTS.—Such section is further amended—

1 (1) in subsection (a)(3)—

2 (A) by striking “and” at the end of subparagraph (A);

3 (B) by striking the period and inserting “; and” at the end of subparagraph

4 (B); and

5 (C) by adding at the end the following new subparagraph:

6 “(C) a Department or Administration official is prohibited from requesting
7 an action in reprisal, as described in paragraph (1), if the request takes the form of
8 a discretionary directive or is outside the authority of the Department or
9 Administration official.”; and

10 (2) in subsection (c)(1), by adding at the end the following new subparagraph:

11 “(D) Consider disciplinary or corrective action against any Department or
12 Administration official, if appropriate.”.

13 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
14 **MANAGEMENT**

15 **Subtitle A—Office of the Secretary of Defense and Related Matters**

16 **SEC. 901. INCREASE IN AUTHORIZED NUMBER OF ASSISTANT AND DEPUTY**
17 **ASSISTANT SECRETARIES OF DEFENSE.**

18 (a) INCREASE IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—

19 (1) INCREASE.—Section 138(a)(1) of title 10, United States Code, is amended by
20 striking “15” and inserting “18”.

21 (2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is
22 amended by striking “(14)” after “Assistant Secretaries of Defense” and inserting “(18)”.

1 (b) INCREASE IN AUTHORIZED NUMBER OF DEPUTY ASSISTANT SECRETARIES OF
2 DEFENSE.—

3 (1) INCREASE.— Section 138 of such title is amended by adding at the end the
4 following new subsection:

5 “(e) The maximum number of Deputy Assistant Secretaries of Defense is 57.”.

6 (2) CONFORMING REPEAL.—Section 908 of the National Defense Authorization
7 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 138 note) is repealed.

8 (c) ADDITIONAL AMENDMENTS.—

9 (1) AMENDMENTS FOR CONSISTENCY.—Section 138(b) of such title is amended—

10 (A) in paragraph (2)(A), in the matter preceding clause (i), by striking “He
11 shall have as his principal duty” and inserting “The principal duty of the Assistant
12 Secretary shall be”;

13 (B) in paragraph (2)(A)(ii), by striking subclause (III);

14 (C) in paragraph (3), by striking “He shall have as his principal duty” and
15 inserting “The principal duty of the Assistant Secretary shall be”;

16 (D) in paragraph (4)—

17 (i) by inserting “and” at the end of subparagraph (A);

18 (ii) by striking “; and” at the end of subparagraph (B) and inserting
19 a period; and

20 (iii) by striking subparagraph (C); and

21 (E) in paragraph (6), by striking “shall—” and all that follows and
22 inserting “shall advise the Under Secretary of Defense for Acquisition and
23 Sustainment on industrial base policies.”.

1 (2) AMENDMENT TO DELETE OBSOLETE REFERENCE.—Section 138(d) of such title
2 is amended by striking “the Chief Management Officer of the Department of Defense,”.

3 (3) TECHNICAL CORRECTION AMENDMENT.—Section 138(b)(2)(A)(i) of such title
4 is amended by striking the semicolon before the period at the end.

5 **Subtitle B—Other Matters**

6 **SEC. 911. TERMINATION OF ADMINISTRATIVELY INACTIVE DEPARTMENT OF** 7 **DEFENSE ADVISORY COMMITTEES THAT ARE NO LONGER** 8 **NECESSARY OR HAVE COMPLETED THEIR INTENDED PURPOSES.**

9 (a) REPEAL OF MISSOURI RIVER TASK FORCE, NORTH DAKOTA.—Section 705 of the
10 Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2696) is repealed.

11 (b) REPEAL OF MISSOURI RIVER TASK FORCE, SOUTH DAKOTA.—Section 905 of the Water
12 Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2709) is repealed.

13 (c) REPEAL OF LAKE EUFAULA ADVISORY COMMITTEE.—Section 3133(b) of the Water
14 Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1141) is repealed.

15 (d) REPEAL OF TABLE ROCK LAKE OVERSIGHT COMMITTEE.—Section 1185(c) of the
16 Water Infrastructure Improvements for the Nation Act (Public Law 114-332; 130 Stat. 1680) is
17 repealed.

18 **TITLE X—GENERAL PROVISIONS**

1 determination, enter such restraining orders or prohibitions, or take such other action as is
2 warranted, to prevent or remedy the act, practice, or conduct.

3 “(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit, affect,
4 or diminish—

5 “(1) the authority of the appropriate official to register any symbol, name phrase,
6 term, acronym, or abbreviation otherwise capable of registration under the provisions of
7 the Act of July 5, 1946, popularly known as the Lanham Act or the Trademark Act of
8 1946 (15 U.S.C. 1051 et seq.);

9 “(2) the applicability of section 8921 of this title; or

10 “(3) the applicability of section 934 of title 14.

11 “(e) EXCEPTION.—Subsection (b) shall not apply to the use of a covered insignia for
12 purposes of criticism, comment, news reporting, analysis, research, or scholarship.

13 “(f) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated
14 this section shall be made without regard to any use of a disclaimer of affiliation, connection, or
15 association with, endorsement by, or approval of the United States Government, the appropriate
16 official, or any subordinate thereof to the extent consistent with international obligations of the
17 United States.

18 “(g) DEFINITIONS.—In this section:

19 “(1) The term ‘appropriate official’ means—

20 “(A) the Secretary of Defense with respect to covered insignia of the
21 Department of Defense;

22 “(B) the Secretary concerned with respect to covered insignia of the armed
23 forces; and

1 “(C) the Chairman of the Joint Chiefs of Staff with respect to covered
2 insignia of the Joint Staff.

3 “(2) The term ‘covered insignia’ means the official insignia, seals, names, initials
4 and emblems of the Department of Defense, the armed forces, and the Joint Staff,
5 including the official insignia, seals, names, initials and emblems of the underlying units,
6 expeditionary forces, major commands, combatant commands, component commands,
7 numbered fleets, task forces, task groups, task units, and task elements.” .

8 (b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter
9 49 of title 10, United States Code, is amended by inserting after the item relating to section 974
10 the following new item:

 “975. Unauthorized use of official insignia, seals, and emblems of the Department of Defense.”.

11 **SEC. 1032. DEPARTMENT OF DEFENSE SUPPORT FOR FUNERALS AND**
12 **MEMORIAL EVENTS FOR MEMBERS AND FORMER MEMBERS OF**
13 **CONGRESS.**

14 (a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after
15 section 130 the following new section:

16 **”§ 130a. Department of Defense support for funerals and related memorial events for**
17 **Members and former Members of Congress**

18 “(a) SUPPORT FOR FUNERALS.—The Secretary of Defense may provide such support as
19 the Secretary considers appropriate for the funeral or related memorial events of a Member or
20 former Member of Congress, including support with respect to transportation to and from the
21 funeral or other memorial events.

22 “(b) USE OF FUNDS.—The Secretary may use funds authorized to be appropriated for
23 operations and maintenance to provide support under this section.”.

1 (b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such
2 chapter 3 is amended by inserting after the item relating to section 130 the following new item:

“130a. Department of Defense support for funerals and memorial events for Members and former Members of
Congress.”.

3 **SEC. 1033. PERMANENT AUTHORITY OF SECRETARY OF TRANSPORTATION TO**
4 **ISSUE NON-PREMIUM AVIATION INSURANCE.**

5 Section 44310 of title 49, United States Code, is amended—

6 (1) in subsection (a), by striking “(a) IN GENERAL.—”; and

7 (2) by striking subsection (b).

8 **SEC. 1034. REVISION OF DEFINITION OF AMERICAN AIRCRAFT.**

9 Section 44301(2) of title 49, United States Code, is amended—

10 (1) in subparagraph (A), by striking “and” at the end;

11 (2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

12 (3) by adding at the end the following new subparagraph:

13 “(C) an aircraft temporarily designated as a state aircraft of the United
14 States by a department, agency, or instrumentality of the United States
15 Government.”.

16 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

17 **SEC. 1101. AUTHORITY TO PROVIDE INCREASED VOLUNTARY SEPARATION**
18 **INCENTIVE PAY FOR CIVILIAN EMPLOYEES OF THE**
19 **DEPARTMENT OF DEFENSE.**

20 Section 9902(f)(5)(A)(ii) of title 5, United States Code, is amended by striking “\$25,000”
21 and inserting “an amount determined by the Secretary, not to exceed \$40,000”.

1 **SEC. 1102. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY**
2 **MEMBERS AT INTER-AMERICAN DEFENSE COLLEGE.**

3 (a) IN GENERAL.—Subsection (c) of section 1595 of title 10 , United States Code, is
4 amended by adding at the end the following new paragraph:

5 “(9) The United States Element of the Inter-American Defense College.”.

6 (b) CONFORMING AMENDMENTS.—Such section is further amended—

7 (1) in subsection (a), by striking “institutions” and inserting “organizations”; and

8 (2) in subsection (c)—

9 (A) in the subsection heading, by striking “INSTITUTIONS” and inserting
10 “ORGANIZATIONS”; and

11 (B) in the matter preceding paragraph (1), by striking “institutions” and
12 inserting “organizations”.

13 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

14 **Subtitle A—Assistance and Training**

15 **SEC. 1201. PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.**

16 Section 344(f) of title 10, United States Code, is amended—

17 (1) in paragraph (1), by striking “and” at the end;

18 (2) in paragraph (2), by striking the period at the end and inserting “; and”; and

19 (3) by adding at the end the following new paragraph:

20 “(3) the International Special Training Centre, established in 1979 and located in
21 Pfullendorf, Germany.”.

22 **SEC. 1202. MISSION TRAINING THROUGH DISTRIBUTED SIMULATION.**

23 (a) AUTHORITY.—Section 346 of title 10, United States Code, is amended—

1 (1) by striking the section designation and heading and inserting the following:

2 **“§346. Mission training of United States and foreign forces through distributed simulation**
3 **and networked technology”;**

4 (2) in subsection (a)—

5 (A) in the subsection heading, by inserting “TRAINING AND” before
6 DISTRIBUTION AUTHORIZED”;

7 (B) in the matter preceding paragraph (1), by striking “interoperability”
8 and inserting “interoperability and integration”;

9 (C) in paragraph (1), by inserting “persistent advanced networked training
10 and exercise activities, also referred to as mission training through distributed
11 simulation, and other” before “electronically-distributed learning content”; and

12 (D) in paragraph (2), by striking “computer software” and inserting
13 “hardware and software”; and

14 (3) in subsection (c)—

15 (A) in the matter preceding paragraph (1), by striking “shall include” and
16 inserting “may include”; and

17 (B) by adding at the end the following:

18 “(3) Advanced distributed network training events and computer-assisted
19 exercises.”.

20 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of
21 chapter 16 of such title is amended by striking the item relating to section 346 and inserting the
22 following new item:

“346. Mission training of United States and foreign forces through distributed simulation and networked
technology.”.

1 **Subtitle B—[Reserved]**

2 **Subtitle C—Matters Relating to Syria, Iraq, and Iran**

3 **SEC. 1221. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND**
4 **ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN**
5 **IRAQ.**

6 (a) EXTENSION.—Subsections (c) and (d) of section 1215 of the National Defense
7 Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) are each amended by striking
8 “fiscal year 2022” and inserting “fiscal year 2023”.

9 (b) FUNDING LIMITATION.—Subsection (c) of such section 1215, as amended by
10 subsection (a) of this section, is further amended by striking “\$25,000,000” and inserting
11 “\$30,000,000”.

12 **Subtitle D—Other Matters**

13 **SEC. 1231. EXTENSION AND MODIFICATION OF UKRAINE SECURITY**
14 **ASSISTANCE INITIATIVE.**

15 Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public
16 Law 114-92; 129 Stat. 1068), as most recently amended by section 1233 of the National Defense
17 Authorization Act for Fiscal Year 2022 (Public Law 117-81), is further amended—

18 (1) in subsection (c), by adding at the end the following new paragraph:

19 “(6) AVAILABILITY OF FUNDS FOR PROGRAMS ACROSS FISCAL YEARS.—Amounts
20 available in a fiscal year to carry out the authority in subsection (a) may be used for
21 programs under that authority that begin in such fiscal year and end not later than the end
22 of the second fiscal year thereafter.”;

23 (2) in subsection (f)—

1 (A) in the matter preceding paragraph (1), by striking “for overseas
2 contingency operations”; and

3 (B) by adding at the end the following new paragraph:

4 “(8) For fiscal year 2023, \$275,000,000.”; and

5 (3) in subsection (h), by striking “December 31, 2024” and inserting “December
6 31, 2026”.

7 **TITLE XIII—[RESERVED]**

8 **TITLE XIV—OTHER AUTHORIZATIONS**

9 **Subtitle A—Military Programs**

10 **SEC. 1401. WORKING CAPITAL FUNDS.**

11 Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the
12 Armed Forces and other activities and agencies of the Department of Defense for providing
13 capital for working capital and revolving funds in the amount of \$1,583,395,000.

14 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
16 appropriated for the Department of Defense for fiscal year 2023 for expenses, not otherwise
17 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
18 \$1,059,818,000 of which—

19 (1) \$84,612,000 is for Operation and Maintenance; and

20 (2) \$975,206,000 is for Research, Development, Test, and Evaluation.

21 (b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized
22 for—

1 (1) the destruction of lethal chemical agents and munitions in accordance with
2 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521);
3 and

4 (2) the destruction of chemical warfare materiel of the United States that is not
5 covered by section 1412 of such Act.

6 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE.**

7 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
8 year 2023 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
9 Activities, Defense, in the amount of \$855,728,000.

10 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

11 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
12 year 2023 for expenses, not otherwise provided for, for the Office of the Inspector General of the
13 Department of Defense, in the amount of \$479,359,000 of which—

14 (1) \$475,971,000 is for Operation and Maintenance;

15 (2) \$1,864,000 is for Research, Development, Test and Evaluation; and

16 (3) \$1,524,000 is for Procurement.

17 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

18 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
19 year 2023 for expenses, not otherwise provided for, for the Defense Health Program, in the
20 amount of \$36,932,174,000 of which—

21 (1) \$35,314,750,000 is for Operation and Maintenance;

22 (2) \$909,994,000 is for Research, Development, Test, and Evaluation;

23 (3) \$570,074,000 is for Procurement; and

1 (4) \$137,356,000 is for Software and Digital Technology Pilot Programs.

2 **Subtitle B—Other Matters**

3 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**
4 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**
5 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**
6 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

7 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated
8 for section 1405 and available for the Defense Health Program for operation and maintenance,
9 \$168,000,000 may be transferred by the Secretary of Defense to the Joint Department of
10 Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by
11 subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010
12 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any
13 funds so transferred shall be treated as amounts authorized and appropriated specifically for the
14 purpose of such a transfer.

15 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section
16 1704, facility operations for which funds transferred under subsection (a) may be used are
17 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North
18 Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting
19 facilities designated as a combined Federal medical facility under an operational agreement
20 covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal
21 Year 2009 (Public Law 110-417; 122 Stat. 4500).

22 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**
23 **RETIREMENT HOME.**

1 There is hereby authorized to be appropriated for fiscal year 2023 from the Armed Forces
2 Retirement Home Trust Fund the sum of \$152,360,000 of which—

3 (1) \$75,360,000 is for operation, maintenance, construction and renovation; and

4 (2) \$77,000,000 is for major construction.

5 **TITLE XV—[RESERVED]**

6 **TITLE XVI—[RESERVED]**

7 **TITLE XVII—SPACE COMPONENT**

8 **Subtitle A—Space Component**

9 **SEC. 1701. SHORT TITLE.**

10 This title may be cited as the “Space Component Act”.

11 **SEC. 1702. ESTABLISHMENT OF THE SPACE COMPONENT.**

12 (a) Title 10, United States Code, is amended by adding at the end the following new
13 subtitle:

14 **“SUBTITLE F—SPACE COMPONENT**

- “Chap.
- “2001. General Provisions
- “2002. Status and Participation.
- “2003. Enlisted Members.
- “2004. Officers.
- “2005. Separation and Retirements.

15 **SEC. 1703. GENERAL PROVISIONS**

16 (a) Subtitle F of such title, as added by section 1702, is further amended by adding at the
17 end the following new chapter:

18 **“CHAPTER 2001 – GENERAL PROVISIONS**

- “Sec.
- “20101. Space component.
- “20102. Applicability of other provisions of law.
- “20103. Basic policy for order into federal service.

“20104. Members: required service.

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“§20101. Space component.

“ ESTABLISHMENT.—There is established, within the United States Space Force, a Space Component.

“§20102. Applicability of other provisions of law.

“Except as specifically modified or provided for in this subtitle, the provisions of subtitles A, D, and E of this title shall apply to a member of the Space Component.

“(a) Provisions in subtitle A of this title referring to or regarding a member of a regular component of an armed force shall be deemed to refer to or regard a member of the Space Component on protracted active duty; and

“(b) Provisions in subtitles A, D, and E of this title referring to or regarding a Reserve or a member of a reserve component of an armed force, without specifying an element of a reserve component (as defined in section 10141 of this title) to which the provision applies, shall be deemed to refer to or regard a member of the Space Component not on protracted active duty.

“(c) Provisions in subtitles A, D, and E of this title applying to a member of the Ready Reserve or Selected Reserve shall be deemed to refer to or regard a member of the Space Component in a space component active status and not on protracted active duty.

“(d) Provisions in subtitles A, D, and E of this title applying to a member of the Individual Ready Reserve shall be deemed to refer to or regard a member of the Space Component designated an Individual Ready Guardian under section 20205 of this title.

“(e) Provisions in subtitles A, D, and E of this title applying to a member of the Standby Reserve, shall be deemed to refer to or regard a member of the Space Component in a space component inactive status as defined in section 101(f)(2) of this title (as amended by section 20211(b)(5)).

1 “(f) Provisions in subtitles A, D, and E of this title applying to a member of the Retired
2 Reserve, shall be deemed to refer to or regard a member of the Space Component who has
3 qualified for and is either receiving retired pay or has not yet reached the age of eligibility to
4 receive pay for non-regular service as prescribed in Chapter 1223 of this title.

5 **“§20103. Basic Policy for Order into Federal Service**

6 “Whenever Congress determines that more units and organizations capable of conducting
7 space operations are needed for the national security than are available among those units
8 comprised of members of the Space Component serving on active duty, members of the Space
9 Component not serving on active duty shall be ordered to active duty and retained as long as so
10 needed.

11 **“§20104. Members: required service**

12 “(a) Each person who becomes a member of the Space Component, other than a person
13 deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service
14 Act (50 U.S.C. 3806(d)(1)) shall serve in the Space Component for a total initial period of not
15 less than six years nor more than eight years, as provided in regulations prescribed by the
16 Secretary of Defense, unless such person is sooner discharged under such regulations because of
17 personal hardship.”

18 (b) CONFORMING AMENDMENTS.—

19 (1) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 908 of
20 title 10 is amended by-

21 (A) striking the item relating to section 9085 and inserting the following

22 new item:

 “Sec. 9085. Space Component: composition.”; and

1 (B) striking the item relating to section 9084. Space Development Agency

2 and inserting the following new item:

3 “Sec. 9086. Space Development Agency.”.

4
5 (2) THE UNITED STATES SPACE FORCE.—Section 9081 of such title is amended by
6 striking paragraph (b)(1) and inserting —

7 “(1) the Regular Space Force and the Space Component;

8 (3) THE REGULAR SPACE FORCE.—Section 9085 of such title is amended by
9 adding a new subsection as follows:

10 “(c) Disestablishment.—The Regular Space Force will be disestablished
11 upon the completion of the transfer of all Regular Space Force personnel to the
12 Space Component and certification by the Secretary of the Air Force to the
13 congressional defense committees that there are no longer any personnel who are
14 members of the Regular Space Force.

15 (4) SPACE COMPONENT: COMPOSITION.—Chapter 908 of such title is amended by
16 adding the following new section —

17 **“§9086. Space Component: composition**

18 “(a) IN GENERAL.—The Space Component is the component of the Space Force that
19 consists of persons whose continuous service on protracted active duty in both peace and war is
20 contemplated by law, persons whose continuous voluntary or involuntary availability for active
21 duty in both peace and war is contemplated by law, and of retired members of the Space
22 Component.

23 “(b) COMPOSITION.—The Space Component includes—

24 “(1) the officers and enlisted members of the Space Component; and

25 “(2) the retired officers and enlisted members of the Space Component.”

1 (5) SPACE DEVELOPMENT AGENCY.—Section 9084 of such title is amended by
2 striking the title and inserting—

3 **“§9087. Space Development Agency.”**

4 (c) TRANSFER OF INDIVIDUALS INTO THE SPACE COMPONENT.—

5 (1) Under regulations prescribed by the Secretary of Defense pursuant to section
6 716 of title 10, United States Code, the Secretary of the Air Force shall, with the consent
7 of the officer, transfer officers of the Regular Space Force and the Air Force Reserve into
8 the Space Component.

9 (2) Under regulations prescribed by the Secretary of Defense, the Secretary of the
10 Air Force shall, with the consent of the member, transfer enlisted members of the Regular
11 Space Force and the Air Force Reserve into the Space Component.

12 (3) For purposes of the transfer of both officers and enlisted members of the
13 Regular Space Force and the Air Force Reserve, the Space Component shall be deemed
14 to be a component of the same armed force.

15 (4) Notwithstanding any other provision of law, an officer transferring into the
16 Space Component from the Regular Space Force will not incur any additional service
17 commitment solely as a result of such transfer.

18 (5) Notwithstanding the provisions of section 505 of this title, the Secretary of the
19 Air Force may accept the enlistment of a member transferring from the Regular Space
20 Force into the Space Component for a period of less than 2 years, provided that the
21 period of enlistment in the Space Component shall not be less than the period of time
22 remaining in the member’s enlistment in the Regular Space Force before the transfer.

1 (6) The Secretary of the Air Force may accept the enlistment of a member
2 transferring from the Air Force Reserve into the Space Component for a period of less
3 than 2 years, provided that the period of enlistment in the Space Component shall not be
4 less than the period of time remaining in the member's enlistment in the Air Force
5 Reserve before the transfer.

6 (7) Officers of the Regular Space Force and Air Force Reserve transferring into
7 the Space Component shall be placed on the space component officer list as follows—

8 (A) Officers who are members of the Regular Space Force shall be placed
9 on the space component officer list in an order determined by their grades and
10 dates of rank.

11 (B) Officers who are members of a Reserve component of an armed force
12 shall be placed on the space component officer list in an order determined by their
13 grades and dates of rank.

14 (C) Among officers of the same grade and date of rank, placement on the
15 space officer list shall be in the order of their rank as determined in accordance
16 with Subsections (a), (b), and (c) of Section 741 of Title 10.

17 (8) If an officer or enlisted member of the Regular Space Force does not give his
18 or her consent to transfer into the Space Component, the Secretary of the Air Force
19 may—

20 (A) allow the member to request a transfer to the Regular Air Force or, in
21 the case of a member who transferred into the Regular Space Force, the regular
22 component of the armed force from which the member transferred;

1 (B) accept the retirement of the member if qualified under any provision
2 of law; or

3 (C) discharge the member from the Regular Space Force.

4 (9) If an officer or enlisted member of the Air Force Reserve does not give his or
5 her consent to transfer to the Space Component, the Secretary of the Air Force may
6 permit the member to request retraining and reassignment within the Air Force Reserve.

7 (10) The discharge of a member of the Regular Space Force under paragraph
8 (8)(C) shall not be considered to be an involuntary discharge under any provision of title
9 10.

10 (11) A member of the Regular Space Force or Air Force Reserve who fails to
11 satisfy service or eligibility requirements as a result of discharge under paragraph (8)(C),
12 may be subject to the repayment provisions of section 303a(e) or 373 of title 37.

13 (12) The transfer of personnel identified in paragraphs (1) and (2) shall be
14 completed no later than October 1, 2027.

15 (13) The Secretary of the Air Force shall take the necessary steps to disestablish
16 the Regular Space Force once there are no longer any members remaining in the
17 component.

18 (d) ADDITIONAL AUTHORITY TO VARY ENDSTRENGTH.—

19 (1) In general.—Notwithstanding section 115(g) of title 10, United States Code,
20 upon determination by the Secretary of the Air Force that such action would enhance
21 manning and readiness in essential units or in critical specialties, the Secretary may vary
22 the end strength authorized by Congress for each fiscal year as follows—

1 (A) Increase the end strength authorized pursuant to section 115(a)(1)(A)
2 for a fiscal year for the Space Force by a number equal to not more than 5 percent
3 of such authorized end strength.

4 (B) Decrease the end strength authorized pursuant to section 115(a)(1)(A)
5 for a fiscal year for the Space Force by a number equal to not more than 10
6 percent of such authorized end strength.

7 (C) Decrease the end strength authorized pursuant to section 115(a)(2) for
8 a fiscal year for the Air Force Reserve by a number equal to the number of Air
9 Force Reserve personnel who have transferred into the Space Force

10 (2) Termination.—The authority provided under paragraph (1) shall terminate on
11 October 1, 2027.

12 (e) TEMPORARY EXEMPTION FROM END STRENGTH GRADE RESTRICTIONS FOR THE SPACE
13 FORCE.—

14 (1) Sections 517 and 523 of title 10, United States Code, shall not apply to the
15 Space Force until October 1, 2027.

16 **SEC. 1704. STATUS AND PARTICIPATION.**

17 (a) Subtitle F of such title, as amended by section 1703, is further amended by adding at
18 the end the following new chapter:

19 **“CHAPTER 2002 – STATUS AND PARTICIPATION**

“Sec.

“20201. Status in the space component.

“20202. Standards and procedures: space component enlisted members.

“20203. Standards and qualifications: space component officers.

“20204. Active status: training required.

“20205. Individual ready guardians.

“20206. Agreement concerning conditions of service.

“20207. Voluntary active duty

“20208. Protracted active duty

“20209. Involuntary order to active duty.

“20210. Transfer to inactive status: minimum service obligation not complete.

“20211. Members of space component: credit for service.

1 **“§20201. Status in the space component**

2 “IN GENERAL. – Under regulations prescribed by the Secretary of the Air Force and
3 subject to other provisions of law, each member of the Space Component shall be placed in one
4 of the following statuses:

5 “(a) space component active status;

6 “(b) space component inactive status; or

7 “(c) space component retired status.

8 **“§20202. Standards and procedures: space component enlisted members**

9 “(a) The Secretary of the Air Force shall, by regulation, prescribe—

10 “(1) standards and qualifications for the retention of enlisted members of the
11 Space Component; and

12 “(2) equitable procedures for the periodic determination of the compliance of each
13 enlisted member of the Space Component with those standards and qualifications.

14 “(b) If an enlisted member of the Space Component serving in a space component active
15 status fails to comply with the standards and qualifications prescribed under subsection (a), the
16 member shall—

17 “(1) if qualified, be transferred to a space component inactive status;

18 “(2) if qualified, be retired in accordance with section 20512 of this title; or

19 “(3) have his or her enlistment terminated.

20 **“§20203. Standards and qualifications: space component officers**

21 “(a) IN GENERAL.—To be retained in an active status, a Space Component officer must—

1 “(1) attain the number of points in section 12732(a)(2) of this title that are prescribed by
2 the Secretary of the Air Force in accordance with subsection (b) and credited to the member in
3 accordance with regulations prescribed under subsection (c); and

4 “(2) conform to such other standards and qualifications as the Secretary of the Air Force
5 may prescribe for commissioned officers of the space component.

6 “(b) MINIMUM POINTS.—The Secretary may not prescribe a minimum of more than 50 points
7 in an annual period.

8 “(c) POINTS CREDITED.—If authorized under regulations prescribed by the Secretary of the
9 Air Force, a member may transfer points earned in a year that are in excess of the minimum
10 points prescribed by the Secretary under subsection (a) from the year in which the points were
11 earned to either the previous year or the subsequent year. Points, even if transferred, may only
12 be credited to a single year.

13 “(d) QUALIFYING YEAR OF CREDITABLE SERVICE FOR RETIREMENT.—For purposes of
14 determining whether a Space Component officer is entitled to retired pay under section 12731 of
15 this title, a year to which the officer transfers points under subsection (c) to attain the minimum
16 number of points prescribed under section (a) shall be considered a one-year period in which the
17 member has been credited with at least 50 points under section 12732(a)(2) of this title.

18 “(e) RESULT OF FAILURE TO COMPLY.— A Space Component officer who fails to attain the
19 number of points prescribed in paragraph (a)(1), or to conform to the standards and
20 qualifications, prescribed in paragraph (a)(2) may be referred to a board convened under section
21 20503(a) of this title.

22 **“§20204. Space Component Active status: training required**

1 “Except as specifically provided in regulations to be prescribed by the Secretary of
2 Defense, a member of the Space Component in a space component active status who is not
3 serving on protracted active duty shall be required to—

4 “(a) participate in at least 24 scheduled drills or training periods during each year and
5 serve on active duty for not less than 14 days (exclusive of travel time) during each year; or

6 “(b) serve on active duty for not more than 30 days during each year.

7 **“§20205. Individual ready guardians**

8 “(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air
9 Force may designate a member of the Space Component in a space component active status as an
10 individual ready guardian.

11 “(b) Among individual ready guardians, there is a category of members, as designated by
12 the Secretary of the Air Force, who are subject to being ordered to active duty involuntarily in
13 accordance with section 20209(a) of this title.

14 (1) A member may not be designated an individual ready guardian in such
15 mobilization category unless—

16 “(A) the member volunteers to be placed in that mobilization category;

17 and

18 “(B) the member is selected by the Secretary of the Air Force, based upon
19 the needs of the Space Force and the grade and military skills of that member.

20 “(2) A member of the Space Component in a space component active status may
21 not remain designated an individual ready guardian in such mobilization category after
22 the end of the 24-month period beginning on the date of the separation of the member
23 from active service.

1 “(3) The Secretary of the Air Force shall designate the grades and military skills
2 or specialties of members to be eligible for placement in such mobilization category.

3 “(4) A member in such mobilization category shall be eligible for benefits (other than pay
4 and training) on the same basis as are available to members of the individual ready reserve who
5 are in the special mobilization category under section 10144(b) of this title, as determined by the
6 Secretary of Defense.

7 **“§20206. Agreements concerning conditions of service**

8 “(a) The Secretary of the Air Force may enter into a written agreement with a member of
9 the Space Component not on protracted active duty—

10 “(1) requiring the member to serve for a definite period of time on active duty;

11 “(2) specifying the conditions of the member’s service on active duty; and

12 “(3) for a member serving in a space component inactive status, specifying the conditions
13 for the member’s participation as well as voluntary and/or involuntary activation.

14 “(b) Agreements made under subsection (a) will specify the conditions of service. The
15 Secretary of the Air Force shall prescribe regulations establishing what conditions of service may
16 be specified in such agreement, the obligations of the parties, and the consequences of failure to
17 comply with the terms of the agreement.

18 “(c) If an agreement to serve on active duty made under subsection (a) expires during a
19 war or during a national emergency declared by Congress or the President, the member
20 concerned may be kept on active duty, without his consent, as otherwise prescribed by law.

21 **“§20207. Voluntary active duty**

22 A member of the Space Component who is serving in a space component active status
23 and is not on protracted active duty, or who is serving in a space component inactive status, may,

1 with the consent of the member, be ordered to active duty under the provisions of chapter 1209
2 of this title. The provisions of chapter 1209 of this title pertaining to a member ordered to active
3 duty, with the consent of the member, shall be deemed to apply to a member of the Space
4 Component in a space component active or space component inactive status who consents to
5 serve on active duty.

6 **“§20208. Protracted active duty**

7 “At any time, an authority designated by the Secretary of the Air Force may order an
8 enlisted member of the Space Component in a space component active status to protracted active
9 duty, or retain an enlisted member on active duty, with the consent of that member, as
10 documented in the terms of the member’s enlistment or reenlistment agreement.

11 “(b)(1) An authority designated by the Secretary of the Air Force may order a Space
12 Component officer in a space component active status to protracted active duty to fulfill the
13 terms of an active duty service commitment incurred by the officer under any provision of this
14 title or, with the consent of the officer.

15 “(2) A Space Component officer ordered to active duty under paragraph (1) may not be
16 involuntarily released from protracted active duty except as provided for in chapter 2005 of this
17 title.

18 **“§20209. Involuntary order to active duty**

19 “(a) A member of the Space Component in a space component active status who is not on
20 protracted active duty, may, without the consent of the member, be ordered to active duty under
21 the provisions of Chapter 1209 of this title and any other provisions of law authorizing the order
22 to active duty of a member of a reserve component in an active status, without the consent of the
23 member. The provisions of Chapter 1209, or other applicable provisions of law, pertaining to the

1 Ready Reserve shall be deemed to pertain to a member of the Space Component who is in a
2 space component active status when ordered to active duty. The provisions of section 12304
3 pertaining to the Individual Ready Reserve mobilization category shall be deemed to pertain to a
4 member of the Space Component who is designated an individual ready guardian when ordered
5 to active duty and who meets the provisions of section 20205(b) of this title.

6 “(b) A member of the Space Component in a space component inactive status may be
7 ordered to active duty under the provisions of Chapter 1209 of this title, any other provisions of
8 law authorizing the order to active duty of a member of a reserve component in an inactive
9 status, and the terms of any agreement entered into under section 20206 of this title. The
10 provisions of Chapter 1209, or other applicable provisions of law, pertaining to the Standby
11 Reserve shall be deemed to pertain to a member of the Space Component who is in a space
12 component inactive service when ordered to active duty.

13 “(c) A member of the Space Component in a space component retired status may be
14 ordered to active duty under the provisions of Chapters 39, 47, or 1209 of this title. The
15 provisions of sections 688, 688a, and 12407 of this title pertaining to a retired member or a
16 Retired Reserve shall be deemed to pertain to a member of the Space Component in a space
17 component retired status when ordered to active duty.

18 “(d) Provisions of sections 12305, 12308, 12313, 12314, 12315, 12316, 12317, and
19 12320 pertaining to a Reserve or retired Reserve ordered to active duty shall be deemed to
20 pertain to a member of the Space Component ordered to active duty.

21 “(e) Provisions of sections 689 and 690 pertaining to a retired member ordered to active
22 duty shall be deemed to pertain to a member of the Space Component ordered to active duty.

23 **“§20210. Transfer to inactive status: initial service obligation not complete**

1 “(a) A member of the Space Component who has not completed the required minimum
2 service obligation incurred under section 20104 of this title shall, if terminating space component
3 active status, be transferred to a space component inactive status, and, unless otherwise
4 designated an individual ready guardian under section 20205 of this title, shall remain subject to
5 involuntary order to active duty under the provisions of section 20209 of this title.

6 “(b) Subparagraph (a) does not apply to a member who is separated from the Space
7 Component by the Secretary of the Air Force under section 20505 of this title.

8 **“§20211. Members of space component: credit for service**

9 “(a) For the purposes of laws providing benefits for members of the armed forces and
10 their dependents and beneficiaries—

11 “(1) military training, duty, or other service performed by a member of the Space
12 Component in a space component active status not on active duty shall be considered
13 military training, duty, or other service, as the case may be, as a member of a reserve
14 component;

15 “(2) Protracted active duty performed by a member of the Space Component
16 under section 20208 of this title shall be considered active duty as a member of a regular
17 component;

18 “(3) Active duty performed by a member of the Space Component in a space
19 component active status not on protracted active duty shall be considered active duty as a
20 member of the reserve component; and

21 “(4) inactive-duty training performed by a member of the Space Component, shall
22 be considered inactive-duty training as a member of a reserve component.”

23 (b) CONFORMING AMENDMENT.—Section 101 of title 10 is amended by—

1 (1) in paragraph (b)(10), inserting “or the space component” after “reserve
2 component”;

3 (2) in paragraph (c)(7), striking the first “or Marine Corps” and inserting “Marine
4 Corps, or Space Force” and striking the second “or Marine Corps” and inserting “Marine
5 Corps, or in a space component active status”.

6 (2) in paragraph (d)(1), inserting “protracted active duty in the Space
7 Component,” after “annual training duty,”;

8 (3) in subparagraph (d)(7)(A), inserting “or a member of the space component”
9 after “Reserves”;

10 (4) in subparagraph (d)(7)(B), inserting “or a member of the space component”
11 after “Reserves”;

12 (5) redesignating subsections (f), and (g) as subsections “(g)”, and “(h)”; and

13 (6) inserting a new subsection as follows:

14 “(f) SPACE COMPONENT—the following definitions relating to the Space Component
15 apply to this title:

16 “(1) The term “space component active status” means the status of a member of
17 the Space Component who is not in a space component inactive status, and not retired.

18 “(2) The term “space component inactive status” means the status of a member of
19 the Space Component not in a space component active status, and not retired.

20 “(3) The term “space component retired status” means the status of a member of
21 the Space Component who is receiving retired pay for regular service as prescribed in
22 sections 20510 or 20512 of this subtitle or who has qualified for and is either receiving

1 retired pay or has not yet reached the age of eligibility to receive pay for non-regular
2 service as prescribed in sections 20510(e) and 20512(d) of this title.

3 “(4) The term “protracted active duty” means full-time duty by a member of the
4 Space Component ordered to such duty by an authority designated by the Secretary of the
5 Air Force and (A) in the case of an enlisted member, with the consent of that member as
6 documented in the terms of the member’s enlistment or reenlistment agreement, or (B) in
7 the case of an officer, to fulfill the terms of an active duty service commitment incurred
8 by the officer under any provision of this title or, with the consent of the officer.”.

9 **SEC. 1705. ENLISTED MEMBERS.**

10 (a) Subtitle F of such title, as amended by section 1704, is further amended by adding at
11 the end the following new chapter:

12 **“CHAPTER 2003 – ENLISTED MEMBERS**

“Sec.

“20301. Applicability of other provisions of law.

“20302. Space component: enlisted members, qualifications, grade, term.

13 **“§20301. Applicability of other provisions of law**

14 “Except as otherwise provided in this chapter, the provisions of chapter 31 of subtitle A
15 of this title are applicable to enlistments within the space component.

16 **“§20302. Space component: enlisted members, qualifications, grade, term**

17 “(a) IN GENERAL.—The Secretary of the Air Force may accept original enlistments in the
18 Space Component of qualified, effective, and able-bodied persons.

19 “(b) AGE.—Persons accepted for original enlistments shall be not less than seventeen
20 years of age. However, no person under eighteen years of age may be originally enlisted without
21 the written consent of the person’s parent or guardian, if the person has a parent or guardian
22 entitled to the person’s custody and control.

1 “(c) GRADE.—A person is enlisted in the Space Component in the grade or rating
2 prescribed by the Secretary of the Air Force.

3 “(d) TERM.

4 “(1) The Secretary of the Air Force may accept original enlistments of persons for
5 the duration of their minority or for a period of at least two but not more than eight years
6 in the Space Component.

7 “(2) The Secretary of the Air Force may accept a reenlistment in the Space
8 Component for a period determined under this paragraph.

9 “(A) In the case of a member who has less than 10 years of service in the
10 armed forces as of the day before the first day of the period for which reenlisted,
11 the period for which the member reenlists shall be at least two years, but not more
12 than eight years.

13 “(B) In the case of a member who has at least 10 years of service in the
14 armed forces as of the day before the first day of the period for which reenlisted,
15 the Secretary of the Air Force may accept a reenlistment for either—

16 “(i) a specified period of at least two years but not more than eight
17 years; or

18 “(ii) an unspecified period.

19 “(e) INSANITY, DESERTION, FELONS, ETC.—No person who is insane, intoxicated, or a
20 deserter from an armed force, or who has been convicted of a felony, may be enlisted in the
21 Space Component. However, the Secretary of the Air Force may authorize exceptions, in
22 meritorious cases, for the enlistment of deserters and persons convicted of felonies.”

23 **SEC. 1706. OFFICERS.**

1 (a) Subtitle F of such title, as amended by section 1705, is further amended by adding at
2 the end the following new chapter:

3 **“CHAPTER 2004 – OFFICERS**

“Sec.

“20401. Applicability of other provisions of law.

“20403. Original appointments of commissioned officers.

“20404. Qualifications for original appointment as a commissioned officer.

“20405. Service credit upon original appointment as a commissioned officer.

“20406. Convening of selection boards.

“20407. Composition of selection boards.

“20408. Notice of convening of selection boards.

“20409. Recommendations for promotion by selection boards.

“20410. Reports of selection boards.

“20411. Action on reports of selection boards for brigadier general or major general.

“20412. Eligibility for consideration for promotion: time-in-grade and other requirements.

“20413. Eligibility for consideration for promotion: commander nomination

“20414. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to general; exceptions.

“20415. Opportunities for consideration for promotion.

“20416. Space component officer list.

“20417. Competitive categories.

“20418. Numbers to be recommended for promotion.

“20419. Promotions, how conducted: authorized delay of promotions.

“20420. Special selection boards.

“20421. Other promotion matters.

4 **“§20401. Applicability of other provisions of law**

5 “(a) Except as otherwise modified or provided for in this chapter, the provisions of
6 subchapters I, II, V, and VI of chapter 36 of this title shall apply to officer promotions within the
7 space component.

8 “(b) Except for sections 627, 631, and 632, which shall not apply to the Space
9 Component, the provisions of subchapter III of chapter 36 of this title shall apply to officers of
10 the Space Component.

11 “(c) Except for sections 637, 637a, and 638, which shall not apply to the Space
12 Component, the provisions of subchapter IV of chapter 36 of this title shall apply to officers of
13 the Space Component.

14 **“§20403. Original appointments of commissioned officers**

1 “(a) Original appointments in the grades of second lieutenant, first lieutenant, captain,
2 major, lieutenant colonel, and colonel in the Space Component shall be made by the Secretary of
3 Defense.

4 “(b) APPLICATION OF CONSTRUCTIVE CREDIT.—The grade of a person receiving an
5 appointment under this section who at the time of appointment is credited with service under
6 section 20405 of this title shall be determined under regulations prescribed by the Secretary of
7 the Air Force based upon the amount of service credited.

8 **“§20404. Qualifications for original appointment as a commissioned officer**

9 “(a) IN GENERAL.—An original appointment as a commissioned officer in the Space
10 Component may be given only to a person who—

11 “(2) is at least 18 years of age; and

12 “(3) has such other physical, mental, moral, professional, and age qualifications as
13 the Secretary of the Air Force may prescribe by regulation.

14 “(b) EXCEPTION.—A person who is otherwise qualified, but who has a physical defect
15 that the Secretary of the Air Force determines will not interfere with the performance of the
16 duties to which that person may be assigned, may be appointed to the Space Component.

17 **§20405. Service credit upon original appointment as a commissioned officer**

18 “(a) IN GENERAL.—(1) For the purpose of determining the grade and rank within grade of
19 a person receiving an original appointment in a commissioned grade in the Space Component,
20 such person shall be credited at the time of such appointment with any active commissioned
21 service (other than service as a commissioned warrant officer) that the person performed in any
22 armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service
23 before such appointment.

1 “(2) For the purpose of determining the grade and rank within grade of a person
2 receiving an original appointment in a commissioned grade in the Space Component,
3 such person may be credited at the time of such appointment with service as a civilian
4 employee of a federal agency provided such service was in an occupation code or career
5 field related to the skills and experience required for officers of the Space Component.
6 The Secretary of the Air Force shall prescribe regulations establishing which civilian
7 employee occupation codes and career fields may be considered as related to the skills
8 and experience required for officers of the Space Component.

9 “(3) The regulations prescribed by the Secretary of Defense under section 533 of
10 this title shall apply to the Space Force to authorize the Secretary of the Air Force to limit
11 the amount of prior active commissioned service with which a person receiving an
12 original appointment may be credited under paragraph (1).

13 “(b) CREDIT FOR EDUCATION, TRAINING, AND EXPERIENCE.—

14 “(1) Under regulations prescribed by the Secretary of the Air Force, the Secretary
15 shall credit a person who is receiving an original appointment in a commissioned grade in
16 the Space Component and who has advanced education, training, or special experience
17 with constructive service for such education, training, or experience in a particular officer
18 career field as designated by the Secretary of the Air Force, if such education, training, or
19 experience is directly related to the operational needs of the Space Force.

20 “(2) The Secretary may, in his or her discretion, credit a person for each instance
21 of relevant advanced education, training, or special experience that the person undergoes
22 even if they are concurrent.

1 “(3) The amount of constructive service credited an officer under this subsection
2 may not exceed the amount required in order for the officer to be eligible for an original
3 appointment in the grade of colonel.

4 “(4) Constructive service credited an officer under this subsection is in addition
5 to any service credited that officer under subsection (a) and shall be credited at the time
6 of the original appointment of the officer.

7 “(c) LIMITATION.—Constructive service credited an officer under subsection (b) shall be
8 used only for determining the officer's—

9 “(1) initial grade;

10 “(2) rank in grade; and

11 “(3) service in grade for promotion eligibility.

12 “(d) EXCLUSION.—A graduate of the United States Military Academy, the United States
13 Naval Academy, or the United States Air Force Academy is not entitled to service credit under
14 this section for service performed, or education, training, or experience obtained, before
15 graduation from such Academy.

16 **“§20406. Convening of selection boards**

17 “(a) Whenever the needs of the Space Force require, the Secretary of the Air Force shall
18 convene selection boards to recommend for promotion to the next higher permanent grade
19 officers of the Space component in each permanent grade from first lieutenant through brigadier
20 general. The preceding sentence does not require the convening of a selection board in the case
21 of officers in the permanent grade of first lieutenant when the Secretary of the Air Force
22 recommends for promotion to the next higher grade under section 20419(a)(4)(A) of this title all
23 such officers whom the Secretary finds to be fully qualified for promotion.

1 “(b) The convening of selection boards under subsection (a) shall be under regulations
2 prescribed by the Secretary of the Defense.

3 **“§20407. Composition of Selection Boards**

4 “(a)(1) Members of selection boards shall be appointed by the Secretary of Air Force in
5 accordance with this section. A selection board shall consist of five or more Space Force
6 officers. Each member of a selection board must be serving in a grade higher than the grade of
7 the officers under consideration by the board, except that no member of a board may be serving
8 in a grade below major. The members of a selection board shall include at least one member
9 serving on protracted active duty and at least one member in a space component active status
10 who is not serving on protracted active duty. The ratio of the members of a selection board
11 serving on protracted active duty to members serving in a space component active status not on
12 protracted active duty shall, to the extent practicable, reflect the ratio of officers serving in each
13 of those statuses who are being considered for promotion by the board. The members of a
14 selection board shall represent the diverse population of the Space Force concerned to the extent
15 practicable.

16 “(2)(A) Except as provided in subparagraph (B), a selection board shall include at
17 least one officer from each competitive category of officers to be considered by the
18 board.

19 “(B) A selection board need not include an officer from a competitive
20 category when there are no officers of that competitive category on the space
21 component officer list in a grade higher than the grade of the officers to be
22 considered by the board and eligible to serve on the board. However, in such a
23 case the Secretary of the Air Force concerned, in his or her discretion, may

1 appoint as a member of the board an officer from among Space Force officers
2 who hold a higher grade than the grade of the officers under consideration and
3 who are retired officers.

4 “(3) Except as provided in paragraph (2) if qualified officers on the space
5 component officer list are not available in sufficient number to comprise a selection
6 board, the Secretary of the Air Force, in his or her discretion, may complete the
7 membership of the board by appointing as members of the board Space Force officers
8 who hold a grade higher than the grade of the officers under consideration by the board
9 and who are retired officers.

10 “(4) A retired general officer who is on active duty for the purpose of serving on a
11 selection board shall not, while so serving, be counted against any limitation on the
12 number of Space Force general officers who may be on active duty.

13 “(b) No officer may be a member of two successive selection boards convened
14 under section 20406 of this title for the consideration of Space Component officers in the rank of
15 first lieutenant through lieutenant colonel.

16 “(c)(1) Each selection board convened under section 20406 of this title that will consider
17 an officer described in paragraph (2) shall include at least one officer designated by the
18 Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

19 “(2) Paragraph (1) applies with respect to an officer who-

20 “(A) is serving on, or has served on, the Joint Staff; or

21 “(B) is a joint qualified officer.

22 “(3) The Secretary of Defense may waive the requirement in paragraph (1) for the
23 Space Force.

1 **“§20408. Notice of convening of selection boards**

2 “(a) At least 30 days before a selection board is convened under section 20406 of this title
3 to recommend officers in a grade for promotion to the next higher grade, the Secretary of the Air
4 Force shall notify in writing the officers who are eligible for consideration by the selection board
5 and have not been excluded from consideration by the selection board under section 20411(d) of
6 this title of the date on which the board is to convene. In such notification, the Secretary will also
7 inform an eligible officer of how many times, if any, the officer has previously been considered
8 by a selection board convened under section 20406 for promotion to the next higher grade.

9 “(b) An officer eligible for consideration by a selection board convened under section
10 20406 of this title and who has not been excluded from consideration under 20412(d) may send a
11 written communication to the board, to arrive not later than 10 calendar days before the date the
12 board convenes, calling attention to any matter concerning him or herself that the officer
13 considers important to his or her case. The selection board shall give consideration to any timely
14 communication under this subsection.

15 “(c) Officers on the space component officer list in the grade of colonel or brigadier
16 general who receive notice from the Secretary of the Air Force required in paragraph (a) shall
17 inform the Secretary of their preference to serve either on or off protracted active duty if
18 promoted to the grade of brigadier general or major general, respectively.

19 **“§20409. Recommendations for promotion by selection boards**

20 “(a) A selection board convened under section 20406 of this title shall recommend for
21 promotion to the next higher grade those officers considered by the board whom the board,
22 giving due consideration to the needs of the Space Force for officers with particular skills (as

1 noted in the guidelines or information furnished the board under section 615(b) of this title),
2 considers best qualified for promotion within each competitive category considered by the board.

3 “(b) The Secretary of the Air Force shall establish the number of officers such a selection
4 board may recommend for promotion from among officers being considered.

5 “(c) A selection board convened under section 20406 of this title may not recommend an
6 officer for promotion unless-

7 “(1) the officer receives the recommendation of a majority of the members of the
8 board;

9 “(2) a majority of the members of the board finds that the officer is fully qualified
10 for promotion; and

11 “(3) a majority of the members of the board, after consideration by all members of
12 the board of any adverse information about the officer that is provided to the board
13 under section 615 of this title, finds that the officer is among the officers best qualified
14 for promotion to meet the needs of the Space Force consistent with the requirement of
15 exemplary conduct set forth in section 9233 of this title.

16 “(d) Except as otherwise provided by law, a Space Component officer may not be
17 promoted to a higher grade under this chapter unless the officer is considered and recommended
18 for promotion to that grade by a selection board convened under this chapter or, in the case of an
19 officer transferring into the Space Component from another service, chapter 36 or chapter 1403
20 of this title.

21 “(e) The recommendations of a selection board may be disclosed only in accordance with
22 regulations prescribed by the Secretary of Defense. Those recommendations may not be
23 disclosed to a person not a member of the board (or a member of the administrative staff

1 designated by the Secretary of the Air Force to assist the board) until the written report of the
2 recommendations of the board, required by section 617 of this title, is signed by each member of
3 the board.

4 “(f) The Secretary of the Air Force, and an officer or other official exercising authority
5 over any member of a selection board, may not-

6 “(1) censure, reprimand, or admonish the selection board or any member of the
7 board with respect to the recommendations of the board or the exercise of any lawful
8 function within the authorized discretion of the board; or

9 “(2) attempt to coerce or, by any unauthorized means, influence any action of a
10 selection board or any member of a selection board in the formulation of the board's
11 recommendations.

12 “(f)(1) In selecting the officers to be recommended for promotion, a selection board shall,
13 when authorized by the Secretary of the Air Force, recommend officers of particular merit,
14 pursuant to guidelines and procedures prescribed by the Secretary, from among those officers
15 selected for promotion, to be placed higher on the promotion list established by the Secretary
16 under section 624(a)(1) of this title.

17 “(2) An officer may be recommended to be placed higher on a promotion list
18 under paragraph (1) only if the officer receives the recommendation of at least a majority
19 of the members of the board, unless the Secretary of the Air Force establishes an
20 alternative requirement. Any such alternative requirement shall be furnished to the board
21 as part of the guidelines furnished to the board under section 615 of this title.

1 “(3) For the officers recommended to be placed higher on a promotion list under
2 paragraph (1), the board shall recommend, pursuant to guidelines and procedures
3 prescribed by the Secretary, the order in which those officers should be placed on the list.

4 **“§20410. Reports of selection boards**

5 “(a) Each selection board convened under section 20406 of this title shall submit to the
6 Secretary of the Air Force a written report, signed by each member of the board, containing a list
7 of the names of the officers it recommends for promotion and certifying (1) that the board has
8 carefully considered the record of each officer whose name was furnished to it under section 615
9 of this title, and (2) that, in the opinion of a majority of the members of the board, the officers
10 recommended for promotion by the board are best qualified for promotion to meet the needs of
11 the Space Component (as noted in the guidelines or information furnished the board
12 under section 615(b) of this title) among those officers whose names were furnished to the
13 selection board.

14 “(b) A selection board convened under section 20406 of this title shall include in its
15 report to the Secretary of the Air Force the name of any Space Component officer before it for
16 consideration for promotion whose record, in the opinion of a majority of the members of the
17 board, indicates that the officer should be required under section 20503 of this title to show cause
18 for his or her retention in a space component active status.

19 “(c) A selection board convened under section 20406 of this title shall, when authorized
20 under section 20409(f) of this title, include in its report to the Secretary of the Air Force the
21 names of those officers recommended by the board to be placed higher on the promotion list and
22 the order in which the board recommends that those officers should be placed on the list.

23 **“§20411. Action on reports of selection boards for brigadier general or major general**

1 “After reviewing a report received under section 20410 of this title recommending
2 officers on the space component officer list for promotion to brigadier general or major general,
3 but before submitting such report to the Secretary of Defense, the Secretary of the Air Force
4 may, under regulations prescribed by the Secretary of the Air Force, adjust the placement of
5 officers on the list in order to ensure Space Force mission accomplishment.

6 **“§20412. Eligibility for consideration for promotion: time-in-grade and other requirements**

7 “(a) TIME-IN-GRADE REQUIREMENTS.-(1) An officer who is in a space component active
8 status on the space component officer list and holds a permanent appointment in the grade of
9 second lieutenant or first lieutenant may not be promoted to the next higher permanent grade
10 until the officer has completed the following period of service in the grade in which the officer
11 holds a permanent appointment:

12 “(A) Eighteen months, in the case of an officer holding a permanent
13 appointment in the grade of second lieutenant.

14 “(B) Two years, in the case of an officer holding a permanent appointment
15 in the grade of first lieutenant.

16 “(2) Except as authorized by section 20413 of this title, an officer who is in a
17 space component active status on the space component officer list and holds a permanent
18 appointment in a grade above first lieutenant may not be considered for selection for
19 promotion to the next higher permanent grade until the officer has completed the
20 following period of service in the grade in which the officer holds a permanent
21 appointment:

22 “(A) Three years, in the case of an officer of the Space Force holding a
23 permanent appointment in the grade of captain, major, or lieutenant colonel.

1 “(B) One year, in the case of an officer of the Space Force holding a
2 permanent appointment in the grade of colonel or brigadier general.

3 “(3) When the needs of the service require, the Secretary of the Air Force may
4 prescribe a longer period of service in grade for eligibility for promotion, in the case of
5 officers to whom paragraph (1) applies, or for eligibility for consideration for promotion,
6 in the case of officers to whom paragraph (2) applies.

7 “(4) In computing service in grade for purposes of this section, service in a grade
8 held as a result of assignment to a position is counted as service in the grade in which the
9 officer would have served except for such assignment or appointment.

10 “(b) The Secretary of the Air Force-

11 “(1) may, by regulation, prescribe a period of time, not to exceed one year, from
12 the time an officer on the space component officer list transfers on or off of protracted
13 active duty during which the officer shall be ineligible for consideration for promotion;
14 and

15 “(2) may, by regulation, preclude from consideration by a selection board by
16 which the officer would otherwise be eligible to be considered, an officer who has an
17 established separation date that is within 90 days after the date the board is convened.

18 “(c) CERTAIN OFFICERS NOT TO BE CONSIDERED. – A selection board convened under
19 section 20406 of this title may not consider for promotion to the next higher grade any of the
20 following officers:

21 “(1) An officer whose name is on a promotion list for that grade as a result of the
22 officer’s selection for promotion to that grade by an earlier selection board convened
23 under that section.

1 “(2) An officer who is recommended for promotion to that grade in the report of
2 an earlier selection board convened under that section, in the case of such a report that
3 has not yet been approved by the President.

4 “(3) An officer in the grade of first lieutenant who is on an approved all-fully-
5 qualified-officers list under section 20419 of this title.

6 “(4) An officer excluded under subsection (d).

7 “(d) Authority To Allow Officers To Opt Out of Selection Board Consideration. – (1)
8 The Secretary of the Air Force may provide that an officer on the space component officer list
9 may, upon the officer’s request and with the approval of the Secretary, be excluded from
10 consideration by a selection board convened under section 20406 of this title to consider officers
11 for promotion to the next higher grade.

12 “(2) The Secretary of the Air Force may only approve a request under paragraph
13 (1) if the Secretary determines the exclusion from consideration is in the best interest of
14 the Space Force.

15 **“§20413. Eligibility to be considered for promotion: commander nomination**

16 “(a) IN GENERAL. – Under regulations prescribed by the Secretary of the Air Force,
17 boards convened under section 20406 of this title may consider for promotion to the next higher
18 grade officers in a space component active status on the space component officer list in the
19 grades of captain, major, and lieutenant colonel who:

20 “(1) do not meet the requirements of section 20412 of this title with respect to
21 time-in-grade; or

1 “(2) have already been considered for promotion by a selection board convened
2 under section 20406 of this title the maximum number of times as determined by the
3 Secretary under section 20415 of this title and failed for selection of promotion; and
4 “have been nominated in accordance with subsection (b).

5 “(b) NOMINATION REQUIRED. – Under regulations prescribed by the Secretary of the Air
6 Force, in order for an officer described in paragraph (a) to be considered for promotion by a
7 board convened under section 20406 of this title, the officer must be nominated by the
8 commanding general of the Space Force Field Command to which the officer is assigned or, in
9 the case of an officer on the space component officer list not assigned to a unit subordinate to a
10 Space Force Field Command, the first lieutenant general, or civilian equivalent, in the officer’s
11 chain of command or supervision. For officers on the space component officer list assigned to a
12 joint position, or a position within a federal department or agency outside of the Department of
13 the Air Force, the nomination may be prepared by a lieutenant general in the Army, Air Force, or
14 Marine Corps or, a Vice Admiral in the Navy, or the civilian equivalent.

15 “(c) Nomination. –

16 “(1) The Secretary of the Air Force shall prescribe regulations that establish clear,
17 competency-based criteria, for use by the nominating officer or official in determining
18 whether an officer described in paragraph (a) should be nominated for consideration for
19 promotion.

20 “(2) An officer on the space component officer list may only be nominated under
21 this section if: (A) the officer is not eligible for consideration for promotion by a
22 selection board convened under section 20406 of this title, and (B) the officer has not

1 twice previously been promoted to a higher grade on the space component officer list
2 under the provisions of this section.

3 “(3) The completed nomination shall be submitted to the Chief Human Capital
4 Officer of the Space Force and shall provide sufficient information and justification for
5 the opinion of the nominating officer, that the nominated officer meets the requisite
6 competency-based requirements for service in a higher grade and is exceptionally well
7 qualified for promotion despite not meeting the eligibility requirements for consideration
8 for promotion under section 20412 of this title.

9 **“§20414. Eligibility for consideration for promotion: designation as joint qualified officer**
10 **required before promotion to general; exceptions**

11 “(a) GENERAL RULE.-An officer on the space component officer list may not be appointed
12 to the grade of brigadier general unless the officer has been designated as a joint qualified officer
13 in accordance with section 661 of this title.

14 “(b) EXCEPTIONS.-Subject to subsection (c), the Secretary of Defense may waive
15 subsection (a) in the following circumstances:

16 “(1) When necessary for the good of the service.

17 “(2) In the case of an officer whose proposed selection for promotion is based
18 primarily upon scientific and technical qualifications for which joint requirements do not
19 exist.

20 “(3) In the case of an officer selected by a promotion board for appointment to the
21 grade of brigadier general while serving in a joint duty assignment if the officer's total
22 consecutive service in joint duty assignments is not less than two years and the officer

1 has successfully completed a program of education described in subsections (b) and (c)
2 of section 2155 of this title.

3 “(4) In the case of an officer in the Space Component who is selected by a
4 promotion board for appointment to the grade of brigadier general, who is not exempted
5 under subsection (g), and who has successfully completed the education requirements
6 prescribed in section 661(c)(A) of this title but has not been afforded the opportunity to
7 complete the experience requirements described in section 661(c)(B) of this title.

8 “(c) WAIVER TO BE INDIVIDUAL.-A waiver may be granted under subsection (b) only on a
9 case-by-case basis in the case of an individual officer.

10 “(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.-In the case of a waiver under
11 subsection (b)(1), the Secretary shall provide that the first duty assignment as a general or flag
12 officer of the officer for whom the waiver is granted shall be in a joint duty assignment.

13 “(e) LIMITATION ON DELEGATION OF WAIVER AUTHORITY.-The authority of the Secretary
14 of Defense to grant a waiver under subsection (b)(4) may be delegated to the Secretary of the Air
15 Force and may not be further delegated.

16 “(f) REGULATIONS.-The Secretary of Defense shall prescribe regulations to carry out this
17 section. The regulations shall specifically identify for purposes of subsection (b)(2) those
18 categories of officers for which selection for promotion to brigadier general is based primarily
19 upon scientific and technical qualifications for which joint requirements do not exist.

20 “(g) EXEMPTION. – Subsection (a) shall not apply to officers transferred into the Space
21 Component from the Reserve component of an armed force prior to October 1, 2028 who, as of
22 the date of their transfer, are serving in the grade of major, lieutenant colonel, or colonel or, in
23 the case of the Navy, lieutenant commander, commander, or captain.

1 **“§20415. Opportunities for consideration for promotion**

2 “(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air
3 Force shall specify the number of opportunities for consideration for promotion to be afforded to
4 Space Force officers for each grade.

5 “(b) The number of opportunities for consideration for promotion for each grade may not
6 be fewer than two opportunities and may not exceed five opportunities.

7 “(c) The Secretary of the Air Force may change the number of opportunities for
8 consideration for promotion to a particular grade not more frequently than once every five years.

9 “(d) The Secretary of Defense may, at his or her discretion, modify the number of
10 opportunities for consideration for promotion to a particular grade.

11 **“§20416. Space component officer list**

12 “(a) The Secretary of the Air Force shall maintain a single list of all Space Force officers
13 serving in an active space component status to be known as the space component officer list.

14 “(b) Officers shall be carried on the space component officer list in the order of seniority
15 of the grade in which they are serving. Officers serving in the same grade shall be carried in the
16 order of their rank in that grade.

17 “(c) An officer whose position on the space component officer list results from service
18 under a temporary appointment or in a grade held by reason of assignment to a position has,
19 when that appointment or assignment ends, the grade and position on the active-duty list that the
20 officer would have held if the officer had not received that appointment or assignment.

21 **“§20417. Competitive Categories.**

22 “(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air
23 Force shall establish at least one competitive category for promotion. Each officer whose name

1 appears on the space component officer list shall be carried in a competitive category of officers.
2 Officers in the same competitive category shall compete among themselves for promotion.

3 “(b) The Secretary of the Air Force shall establish a single competitive category for all
4 officers on the space component officer list who will be considered by a selection board
5 convened under section 20406 of this title for promotion to the grade of brigadier general or
6 major general.

7 **“§20418. Numbers to be recommended for promotion**

8 “(a) IN GENERAL. – Before convening a selection board under section 20406 of this
9 title for the grades of captain, major, lieutenant colonel, and colonel and for any competitive
10 category, the Secretary of the Air Force shall determine (1) the number of positions needed to
11 accomplish mission objectives which require officers of such competitive category in the grade
12 to which the board will recommend officers for promotion, (2) the estimated number of officers
13 needed to fill vacancies in such positions during the period in which it is anticipated that officers
14 selected for promotion will be promoted, and (3) the number of officers in a space component
15 active status authorized by the Secretary of the Air Force to serve on protracted active duty and
16 not on active duty in the grade and competitive category under consideration. Based on such
17 determinations, the Secretary of the Air Force shall determine the maximum number of officers
18 in such competitive category which the selection board may recommend for promotion.

19 “(b) PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL. – Before convening a
20 selection board under section 20406 of this title to consider officers for promotion to the grades
21 of brigadier general or major general, the Secretary of the Air Force shall determine (1) the
22 number of positions needed to accomplish mission objectives which require officers serving in a
23 space component active status on protracted active duty and in a space component active status

1 not on protracted active duty in the grade to which the board will recommend officers for
2 promotion, and (2) the estimated number of officers on protracted active duty and not on
3 protracted active duty needed to fill vacancies in such positions over the 24-month time period
4 beginning on the date the selection board convenes. Based on such determinations, the Secretary
5 of the Air Force shall determine the maximum number of officers serving in a space component
6 active status on protracted active duty and not on protracted active duty which the selection
7 board may recommend for promotion.

8 **“§20419. Promotions, how conducted: authorized delay of promotions**

9 “(a)(1) When the report of a selection board convened under section 20406 of this title is
10 approved by the President, the Secretary of the Air Force shall place the names of all officers
11 approved for promotion within a competitive category on a single list for that competitive
12 category, to be known as a promotion list, in the order of the seniority of such officers on the list
13 or based on particular merit, as determined by the promotion board, or as modified by the
14 Secretary of the Air Force under section 20411 of this title. A promotion list is considered to be
15 established under this section as of the date of the approval of the report of the selection board
16 under the preceding sentence.

17 “(2) Except as provided in subsection (d), officers on a promotion list for a
18 competitive category shall be promoted to the next higher grade when additional officers
19 in that grade and competitive category are needed. Promotions shall be made in the order
20 in which the names of officers appear on the promotion list and after officers previously
21 selected for promotion in that competitive category have been promoted. Officers to be
22 promoted to the grade of first lieutenant shall be promoted in accordance with regulations
23 prescribed by the Secretary of the Air Force.

1 “(3)(A) Under regulations prescribed by the Secretary of Defense, the promotion
2 of an officer on the space component officer list to the grade of brigadier general or major
3 general shall be delayed if such promotion would exceed any strength limitations of
4 section 526 of this title. The delay shall expire when the Secretary of the Air Force
5 determines that the delay is no longer required to ensure compliance with the strength
6 limitations.

7 “(4)(A) Except as provided in subsection (d), officers on the space component
8 officer list in the grade of first lieutenant who are on an approved all-fully-qualified-
9 officers list shall be promoted to the next higher grade in accordance with regulations
10 prescribed by the Secretary of the Air Force.

11 “(B) An all-fully-qualified-officers list shall be considered to be approved
12 for purposes of subparagraph (A) when the list is approved by the President.
13 When so approved, such a list shall be treated in the same manner as a promotion
14 list under this chapter.

15 “(C) The Secretary of the Air Force may make a recommendation to the
16 President for approval of an all-fully-qualified-officers list only when the
17 Secretary determines that all officers on the list are needed in the next higher
18 grade to accomplish mission objectives.

19 “(D) For purposes of this paragraph, an all-fully-qualified-officers list is a
20 list of all officers on the active-duty list in a grade who the Secretary of the Air
21 Force determines-

22 “(i) are fully qualified for promotion to the next higher grade; and

1 “(ii) would be eligible for consideration for promotion to the next higher
2 grade by a selection board convened under section 20406 of this title upon the
3 convening of such a board.

4 “(E) If the Secretary of the Air Force determines that one or more officers
5 or former officers were not placed on an all-fully-qualified-list under this
6 paragraph because of administrative error, the Secretary may prepare a
7 supplemental all-fully-qualified-officers list containing the names of any such
8 officers for approval in accordance with this paragraph.

9 “(b) The date of rank of an officer appointed to a higher grade under this section is
10 determined under section 741(d) of this title.

11 “(c) Appointments under this section shall be made by the President, by and with the
12 advice and consent of the Senate, except that appointments under this section in the grade of first
13 lieutenant or captain shall be made by the President alone.

14 “(d)(1) Under regulations prescribed by the Secretary of Defense, the appointment of an
15 officer under this section may be delayed if-

16 “(A) sworn charges against the officer have been received by an officer
17 exercising general court-martial jurisdiction over the officer and such charges
18 have not been disposed of;

19 “(B) an investigation is being conducted to determine whether disciplinary
20 action of any kind should be brought against the officer;

21 “(C) a board of officers has been convened under chapter 60 of this title to
22 review the record of the officer;

1 “(D) a criminal proceeding in a Federal or State court is pending against
2 the officer;

3 “(E) substantiated adverse information about the officer that is material to
4 the decision to appoint the officer is under review by the Secretary of Defense or
5 the Secretary of the Air Force; or

6 “(F) the Secretary of the Air Force determines that credible information of
7 an adverse nature, including a substantiated adverse finding or conclusion
8 described in section 615(a)(3)(A) of this title, with respect to the officer will result
9 in the convening of a special selection review board under section 628a of this
10 title to review the officer and recommend whether the recommendation for
11 promotion of the officer should be sustained.

12 “If no disciplinary action is taken against the officer, if the charges against the officer are
13 withdrawn or dismissed, if the officer is not ordered removed from active duty by the Secretary
14 of the Air Force under chapter 60 of this title, if the officer is acquitted of the charges brought
15 against him, or if, after a review of substantiated adverse information about the officer regarding
16 the requirement for exemplary conduct set forth in section 9233 of this title, the officer is
17 determined to be among the officers best qualified for promotion, as the case may be, then unless
18 action to delay an appointment has also been taken under paragraph (2) the officer shall be
19 retained on the promotion list (including an approved all-fully-qualified-officers list, if
20 applicable) and shall, upon promotion to the next higher grade, have the same date of rank, the
21 same effective date for the pay and allowances of the grade to which promoted, and the same
22 position on the space component officer list as the officer would have had if no delay had
23 intervened, unless the Secretary determines that the officer was unqualified for promotion for

1 any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such
2 date of rank, effective date of pay and allowances, and position on the active-duty list as the
3 Secretary considers appropriate under the circumstances.

4 “(2) Under regulations prescribed by the Secretary of Defense, the appointment of
5 an officer under this section may also be delayed in any case in which there is cause to
6 believe that the officer has not met the requirement for exemplary conduct set forth
7 in section 9233 of this title or is mentally, physically, morally, or professionally
8 unqualified to perform the duties of the grade for which the officer was selected for
9 promotion. If it is later determined by the Secretary of the Air Force that the officer is
10 qualified for promotion to such grade and, after a review of adverse information
11 regarding the requirement for exemplary conduct set forth in section 9233 of this title the
12 officer is determined to be among the officers best qualified for promotion to such grade,
13 the officer shall be retained on the promotion list (including an approved all-fully-
14 qualified-officers list, if applicable) and shall, upon such promotion, have the same date
15 of rank, the same effective date for pay and allowances in the higher grade to which
16 appointed, and the same position on the active-duty list as the officer would have had if
17 no delay had intervened, unless the Secretary determines that the officer was unqualified
18 for promotion for any part of the delay. If the Secretary makes such a determination, the
19 Secretary may adjust such date of rank, effective date of pay and allowances, and position
20 on the space component officer list as the Secretary considers appropriate under the
21 circumstances.

1 “(3) In the case of an officer whose promotion is delayed pursuant to paragraph
2 (1)(F) and whose recommendation for promotion is sustained, authorities for the
3 promotion of the officer are specified in section 628a(f) of this title.

4 “(4)(A) Except as provided in subparagraph (B), the appointment of an officer
5 may not be delayed under this subsection unless the officer has been given written notice
6 of the grounds for the delay, unless it is impracticable to give such written notice before
7 the effective date of the appointment, in which case such written notice shall be given as
8 soon as practicable. An officer whose promotion has been delayed under this subsection
9 shall be afforded an opportunity to make a written statement to the Secretary of the Air
10 Force in response to the action taken. Any such statement shall be given careful
11 consideration by the Secretary.

12 “(B) In the case of an officer whose promotion is delayed pursuant to
13 paragraph (1)(F), requirements applicable to notice and opportunity for response
14 to such delay are specified in section 628a(c)(3) of this title.

15 “(5) An appointment of an officer may not be delayed under this subsection for
16 more than six months after the date on which the officer would otherwise have been
17 appointed unless the Secretary concerned specifies a further period of delay. An officer's
18 appointment may not be delayed more than 90 days after final action has been taken in
19 any criminal case against such officer in a Federal or State court, more than 90 days after
20 final action has been taken in any court-martial case against such officer, or more than 18
21 months after the date on which such officer would otherwise have been appointed,
22 whichever is later. Except in cases where an appointment or confirmation has not
23 occurred, the officer's appointment may be further delayed.

1 **“§20420. Special selection boards**

2 “(a) PERSONS NOT CONSIDERED BY PROMOTION BOARDS DUE TO ADMINISTRATIVE
3 ERROR.-(1) If the Secretary of the Air Force determines that because of administrative error an
4 officer on the space component officer list who should have been considered for selection for
5 promotion by a selection board convened under section 20406 of this title was not so considered,
6 the Secretary shall convene a special selection board under this subsection to determine whether
7 that officer (whether or not then on active duty) should be recommended for promotion.

8 “(2) A special selection board convened under paragraph (1) shall consider the
9 record of the officer whose name was referred to it for consideration as that record would
10 have appeared to the board that should have considered the officer. That record shall be
11 compared with a sampling of the records of those officers of the same competitive
12 category who were recommended for promotion, and those officers who were not
13 recommended for promotion, by the board that should have considered the officer.

14 “(3) If a special selection board convened under paragraph (1) does not
15 recommend for promotion an officer whose name was referred to it for consideration for
16 selection for appointment to a grade other than a general officer or flag officer grade, the
17 officer shall be considered to have failed of selection for promotion.

18 “(b) PERSONS CONSIDERED BY PROMOTION BOARDS IN UNFAIR MANNER.-(1) If the
19 Secretary of the Air Force determines, in the case of an officer on the space component officer
20 list who was considered for selection for promotion by a board convened under section 20406 of
21 this title but was not selected, that there was material unfairness with respect to that officer, the
22 Secretary may convene a special selection board under this subsection to determine whether that

1 officer (whether or not then on active duty) should be recommended for promotion. In order to
2 determine that there was material unfairness, the Secretary must determine that-

3 “(A) the action of the selection board that considered the person was
4 contrary to law in a matter material to the decision of the board or involved
5 material error of fact or material administrative error; or

6 “(B) the board did not have before it for its consideration material
7 information.

8 “(2) A special selection board convened under paragraph (1) shall consider the
9 record of the officer whose name was referred to it for consideration as that record, if
10 corrected, would have appeared to the board that considered him. That record shall be
11 compared with the records of a sampling of those officers of the same competitive
12 category who were recommended for promotion, and those officers who were not
13 recommended for promotion, by the board that considered the officer.

14 “(3) If a special selection board convened under paragraph (1) does not
15 recommend for promotion an officer whose name was referred to it for consideration, the
16 officer incurs no additional failure of selection for promotion.

17 “(c) REPORTS OF BOARDS.-(1) Each special selection board convened under this section
18 shall submit to the Secretary of the Air Force a written report, signed by each member of the
19 board, containing the name of each officer it recommends for promotion and certifying that the
20 board has carefully considered the record of each officer whose name was referred to it.

21 “(2) The provisions of sections 20410 and 20411 of this title apply to the report
22 and proceedings of a special selection board convened under this section in the same

1 manner as they apply to the report and proceedings of a selection board convened
2 under section 20406 of this

3 “(d) APPOINTMENT OF PERSONS SELECTED BY BOARDS.-(1) If the report of a special
4 selection board convened under this section, as approved by the President, recommends for
5 promotion to the next higher grade an officer whose name was referred to it for consideration,
6 that officer shall, as soon as practicable, be appointed to that grade in accordance with
7 subsections (b), (c), and (d) of section 20419 of this title.

8 “(2) An officer who is appointed to the next higher grade as the result of the
9 recommendation of a special selection board convened under this section shall, upon that
10 appointment, have the same date of rank, the same effective date for the pay and
11 allowances of that grade, and the same position on the space component officer list as the
12 officer would have had if the officer had been recommended for promotion to that grade
13 by the board which should have considered, or which did consider, the officer.

14 “(e) DECEASED PERSONS.-If an officer whose name is being considered for referral to a
15 special selection board under this section dies before the completion of proceedings under this
16 section with respect to that person, this section shall be applied to that officer posthumously.

17 “(f) CONVENING OF BOARDS.-A board convened under this section-

18 “(1) shall be convened under regulations prescribed by the Secretary of Defense;

19 “(2) shall be composed in accordance with section 20407 of this title and
20 regulations prescribed by the Secretary of the Air Force; and

21 “(3) shall be subject to the provisions of section 613 of this title.

22 “(g) JUDICIAL REVIEW.-(1)(A) A court of the United States may review a determination
23 by the Secretary of the Air Force under subsection (a)(1) or (b)(1) not to convene a special

1 selection board in the case of any officer on the space component officer list. In any such case,
2 the court may set aside the Secretary's determination only if the court finds the determination to
3 be-

4 “(i) arbitrary or capricious;

5 “(ii) not based on substantial evidence;

6 “(iii) a result of material error of fact or material administrative error; or

7 “(iv) otherwise contrary to law.

8 “(B) If a court sets aside a determination by the Secretary of the Air Force
9 not to convene a special selection board under this section, it shall remand the
10 case to the Secretary, who shall provide for consideration by such a board.

11 “(2) A court of the United States may review the action of a special selection
12 board convened under this section or an action of the Secretary of the Air Force on the
13 report of such a board. In any such case, a court may set aside the action only if the court
14 finds that the action was-

15 “(A) arbitrary or capricious;

16 “(B) not based on substantial evidence;

17 “(C) a result of material error of fact or material administrative error; or

18 “(D) otherwise contrary to law.

19 “(3)(A) If, six months after receiving a complete application for consideration by
20 a special selection board under this section in any case, the Secretary of the Air Force has
21 not convened such a board and has not denied consideration by such a board in that case,
22 the Secretary shall be deemed for the purposes of this subsection to have denied the
23 consideration of the case by such a board.

1 “(B) If, six months after the convening of a special selection board under
2 this section in any case, the Secretary of the Air Force has not taken final action
3 on the report of the board, the Secretary shall be deemed for the purposes of this
4 subsection to have denied relief in such case.

5 “(C) Under regulations prescribed under subsection (j), the Secretary of
6 the Air Force may waive the applicability of subparagraph (A) or (B) in a case if
7 the Secretary determines that a longer period for consideration of the case is
8 warranted. Such a waiver may be for an additional period of not more than six
9 months. The Secretary may not delegate authority to make a determination under
10 this subparagraph.

11 “(h) LIMITATIONS OF OTHER JURISDICTION.-No official or court of the United States may,
12 with respect to a claim based to any extent on the failure of an officer on the space component
13 officer list to be selected for promotion by a promotion board-

14 “(1) consider the claim unless the officer has first been referred by the Secretary
15 of the Air Force to a special selection board convened under this section and acted upon
16 by that board and the report of the board has been approved by the President; or

17 “(2) except as provided in subsection (g), grant any relief on the claim unless the
18 officer has been selected for promotion by a special selection board convened under this
19 section to consider the person for recommendation for promotion and the report of the
20 board has been approved by the President.

21 “(i) EXISTING JURISDICTION.-Nothing in this section limits-

22 “(1) the jurisdiction of any court of the United States under any provision of law
23 to determine the validity of any law, regulation, or policy relating to selection boards; or

1 “(2) the authority of the Secretary of the Air Force to correct a military record
2 under section 1552 of this title.

3 “(j) REGULATIONS.—(1) The Secretary of the Air Force shall prescribe regulations to carry
4 out this section. Regulations under this subsection may not apply to subsection (g), other than to
5 paragraph (3)(C) of that subsection.

6 “(2) The Secretary may prescribe in the regulations under paragraph (1) the
7 circumstances under which consideration by a special selection board may be provided
8 for under this section, including the following:

9 “(A) The circumstances under which consideration of a person's case by a
10 special selection board is contingent upon application by or for that person.

11 “(B) Any time limits applicable to the filing of an application for such
12 consideration.

13 “(3) Regulations prescribed by the Secretary of the Air Force under this
14 subsection may not take effect until approved by the Secretary of Defense.

15 **“§20421. Other promotion matters**

16 “(a) SPECIAL SELECTION BOARD MATTERS. — The reference in section 628(a)(1) of this
17 title to a person above the promotion zone shall not apply in the promotion of officers on the
18 space component officer list.

19 “(b) With respect to the promotion of officers on the space component officer list, the
20 provisions in Part II of Subtitle A which refer to the effect of twice failing of selection for
21 promotion do not apply.”

22 (b) PROMOTION AUTHORITY FLEXIBILITY.—

1 (1) The Secretary of the Air Force may convene selection boards to consider
2 officers on the space component officer list for promotion, and may promote space
3 component officers selected by such boards, under the provisions of either chapter 36,
4 Part III of Subtitle E, or chapter 2004 of title 10, as added by section 1706.

5 (2) For a selection board convened under the provisions of chapter 36 of title 10
6 to consider members of the space component for promotion:

7 (A) provisions that apply to an officer of a regular component of the
8 armed forces shall be deemed to apply to an officer of the Space Component;

9 (B) the space component officer list shall be deemed to be an active duty
10 list.

11 (3) For a selection board convened under the provisions of Part III of Subtitle E of
12 title 10 to consider members of the space component for promotion:

13 (A) provisions that apply to an officer of a reserve component of the
14 armed forces shall be deemed to apply to an officer of the Space Component;

15 (B) the space component officer list shall be deemed to be a reserve active
16 status list.

17 (3) For a selection board convened under the provisions of either chapter 36 or
18 Part III of Subtitle E of title 10, as amended:

19 (A) the provisions of section 20407 of title 10, as amended, shall apply to
20 the composition of a selection board;

21 (B) the provisions of chapter 2004 of title 10, as amended, regarding
22 officers on the space component officer list eligible to be considered for
23 promotion to brigadier general or major general shall apply;

1 (C) the provisions of section 20411 of title 10, as amended, shall apply;

2 and

3 (D) the provisions of chapter 36 or Part III of Subtitle E of title 10, as
4 amended, regarding failure of selection for promotion shall apply.

5 (4) If the Secretary of the Air Force convenes a selection board under the
6 provisions of chapter 2004 of title 10, as amended, to consider officers on the space
7 component officer list in a particular grade and competitive category for selection for
8 promotion to the next higher grade, the Secretary may not convene a future selection
9 board to consider officers of the same grade and competitive under the provisions of
10 chapter 36 or Part III of Subtitle E of title 10, as amended.

11 **SEC. 1707. SEPARATION AND RETIREMENT.**

12 (a) Subtitle F of such title, as amended by section 1706, is further amended by adding at
13 the end the following new chapter:

14

15 **“CHAPTER 2005 – SEPARATION AND RETIREMENT**

“Sec.

“20501. Applicability of other provisions of law related to separations.

“20502. Force shaping authority.

“20503. Authority to establish procedures to consider the separation of officers for substandard performance of duties and for certain other reasons.

“20504. Retention boards within the space component.

“20505. Removal of officer: action by secretary upon recommendation of retention board.

“20506. Rights and procedures.

“20507. Officer considered for removal: voluntary retirement or discharge.

“20508. Officers eligible to serve on retention boards.

“20509. Selection of space component officers for early discharge or early retirement.

“20510. Voluntary retirement of commissioned officers.

“20511. Computation of years of service: voluntary retirement; space component commissioned officers.

“20512. Voluntary retirement: enlisted members of space component.

“20513. Computation of years of service: voluntary retirement, enlisted members of space component.

“20514. Applicability of other provisions of law related to retirement.

16 **“§ 20501. Applicability of other provisions of law related to separations**

1 “(a) Except as specified in this section or otherwise modified in this chapter, the
2 provisions of chapter 59 applicable to officers of a regular component shall be deemed to apply
3 to Space Component officers.

4 “(b) Except as specified in this section or otherwise modified in this chapter, the
5 provisions of chapter 59 applicable to enlisted members of a regular component shall be deemed
6 to apply to enlisted members of the Space Component.

7 “(c) The provisions of section 1172 of this title pertaining to a person enlisted under
8 section 518 shall be deemed to apply to an enlisted member of the space component.

9 “(d) The provisions of section 1174 of this title –

10 “(1) pertaining to a regular officer shall be deemed to pertain to a space
11 component officer serving on protracted active duty; and

12 “(2) pertaining to a regular enlisted member shall be deemed to pertain to an
13 enlisted member of the space component serving on protracted active duty.

14 “(e) The provisions of section 1175 of this title pertaining to a voluntary appointment,
15 enlistment, or transfer to a reserve component shall be deemed to pertain to the voluntary release
16 from active duty of a member of the space component on protracted active duty.

17 “(f) The provisions of section 1176 of this title –

18 “(1) pertaining to a regular enlisted member shall be deemed to pertain to an
19 enlisted member of the space component serving on protracted active duty; and

20 “(2) pertaining to a reserve enlisted member serving in an active status shall be
21 deemed to pertain to an enlisted member of the space component serving in a space
22 component active status or on active duty under section 20207 or 20209.

23 **“§20502. Force shaping authority**

1 “(a) AUTHORITY.- The Secretary of the Air Force may, solely for the purpose of
2 restructuring the Space Component -

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

4 “(2) involuntarily release such an officer from protracted active duty.

5 “(b) COVERED OFFICERS.- (1) The authority under this section may be exercised in the
6 case of an officer who-

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

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

12 “(2) In this subsection, the term "minimum service obligation" means the initial
13 period of required active duty service together with any additional period of required
14 active duty service incurred during the initial period of required active duty service.

15 “(c) REGULATIONS.-The Secretary of the Air Force shall prescribe regulations for the
16 exercise of the Secretary's authority under this section.

17 **“§20503. Authority to establish procedures to consider the separation of officers for**
18 **substandard performance of duties and for certain other reasons**

19 “(a) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary
20 of the Air Force shall prescribe, by regulation, procedures for the review at any time of the
21 record of any commissioned officer (other than a retired officer) of the Space Component to
22 determine whether such officer shall be required to show cause for his or her retention in a space
23 component active status because, (1) the officer’s performance of duty has fallen below

1 standards prescribed by the Secretary of Defense, or (2) because the officer has failed to satisfy
2 the standards and qualifications established under section 20203 of this title by the Secretary of
3 the Air Force.

4 “(b) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary
5 of the Air Force shall prescribe, by regulation, procedures for the review at any time of the
6 record of any commissioned officer (other than a retired officer) of the Space Component to
7 determine whether such officer should be required, because of misconduct, because of moral or
8 professional dereliction, or because the officer’s retention is not clearly consistent with the
9 interests of national security, to show cause for his or her retention in a space component active
10 status.

11 **“§20504. Retention boards within the space component**

12 “(a) The Secretary of the Air Force shall convene retention boards at such times and
13 places as the Secretary may prescribe to receive evidence and make findings and
14 recommendations as to whether an officer who is required under section 20503 of this title to
15 show cause for retention within the Space Component should be retained in a space component
16 active status. Each retention board shall be composed of not less than three officers having the
17 qualifications prescribed by section 20508 of this title.

18 “(b) A retention board shall give a fair and impartial hearing to each officer required
19 under section 20503 of this title to show cause for retention in a space component active status.

20 “(c)(1) If a retention board determines that the officer has failed to establish that the
21 officer should be retained in a space component active status in the Space Component, it
22 shall recommend to the Secretary of the Air Force that:

23 “(A) the officer be transferred to an inactive status; or

1 “(B) the officer, if qualified under any provision of law, be retired; or

2 “(C) the officer be discharged from the space component.

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

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

15 “(2) An officer who is required to show cause for retention in a space
16 component active status under subsection (a) of section 20503 of this title and
17 who is determined under paragraph (1) to have established that the officer should
18 be retained in a space component active status may not again be required to show
19 cause for retention in a space component active status under such subsection
20 within the one-year period beginning on the date of that determination.

21 “(3)(A) Subject to subparagraph (B), an officer who is required to show
22 cause for retention in a space component active status under subsection (b)
23 of section 20503 of this title and who is determined under paragraph (1) to have

1 established that the officer should be retained in a space component active status
2 may again be required to show cause for retention at any time.

3 “(B) An officer who has been required to show cause for retention in a
4 space component active status under subsection (b) of section 20503 of this
5 title and who is thereafter retained in an active status may not again be required to
6 show cause for retention in a space component active status under such subsection
7 solely because of conduct which was the subject of the previous proceedings,
8 unless the findings or recommendations of the retention board that considered his
9 case are determined to have been obtained by fraud or collusion.

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

15 **“§20505. Removal of officer: action by Secretary upon recommendation of retention board**

16 “The Secretary of the Air Force may remove an officer from space component active
17 status if the removal of such officer from space component active status is recommended by a
18 retention board convened under section 20504 of this title.

19 **“§20506. Rights and procedures**

20 “(a) Under regulations prescribed by the Secretary of the Air Force, each officer required
21 under section 20503 of this title to show cause for retention in a space component active status-

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

4 “(2) shall be allowed a reasonable time, as determined by the board, to prepare his
5 or her showing of cause for retention in a space component active status;

6 “(3) shall be allowed to appear either in person or through electronic means and to
7 be represented by counsel at proceedings before the retention board; and

8 “(4) shall be allowed full access to, and shall be furnished copies of, records
9 relevant to his or her case, except that the retention board shall withhold any record that
10 the Secretary of the Air Force determines should be withheld in the interest of national
11 security.

12 “(b) When a record is withheld under subsection (a)(4), the officer whose case is under
13 consideration shall, to the extent that the interest of national security permits, be furnished a
14 summary of the record so withheld.

15 **“§20507. Officer considered for removal: voluntary retirement or discharge**

16 “(a) At any time during proceedings under this chapter with respect to the removal of an
17 officer from a space component active status , the Secretary of the Air Force may grant a request
18 by the officer-

19 “(1) for voluntary retirement, if the officer is qualified for retirement; or

20 “(2) for discharge in accordance with subsection (b)(2).

21 “(b) An officer removed from a space component active status under section 20505 of
22 this title shall-

1 “(1) if eligible for voluntary retirement under any provision of law on the date of
2 such removal, be retired in the grade and with the retired pay for which the officer would
3 be eligible if retired under such provision; and

4 “(2) if ineligible for voluntary retirement under any provision of law on the date
5 of such removal-

6 “(A) be honorably discharged in the grade then held, in the case of an
7 officer whose case was brought under subsection (a) of section 20503 of this title;
8 or

9 “(B) be discharged in the grade then held, in the case of an officer whose
10 case was brought under subsection (b) of section 20503 of this title.

11 “(c) An officer who is discharged under subsection (b)(2) is entitled, if eligible therefor,
12 to separation pay under section 1174(a)(2) of this title.

13 **“§20508. Officers eligible to serve on retention boards**

14 “(a) IN GENERAL.-Except as provided in subsection (b), each board convened under this
15 chapter shall consist of officers appointed as follows:

16 “(1) Each member of the board shall be an officer on the space component officer
17 list.

18 “(2) Each member of the board shall be in a grade above major, except that at
19 least one member of the board shall be in a grade above lieutenant colonel.

20 “(3) Each member of the board shall be senior in grade to any officer to be
21 considered by the board.

22 “(b) RETIRED OFFICERS.-If qualified officers are not available in sufficient numbers to
23 comprise a board convened under this chapter, the Secretary of the Air Force shall complete the

1 membership of the board by appointing to the board retired officers of the Space Force or the Air
2 Force. A retired officer may be appointed to such a board only if the retired grade of that officer-

3 “(1) is above major or lieutenant commander or, in the case of an officer to be the
4 senior officer of the board, above lieutenant colonel or commander; and

5 “(2) is senior to the grade of any officer to be considered by the board; and

6 “(3) in the case of a retired officer of the Air Force, served in a space related
7 career field of the Air Force for sufficient time such that the Secretary of the Air Force
8 may determine that the retired Air Force officer has adequate knowledge concerning the
9 standards of performance and conduct required of an officer serving in the Space Force.

10 “(c) INELIGIBILITY BY REASON OF PREVIOUS CONSIDERATION OF SAME OFFICER.-No
11 person may be a member of more than one board convened under this chapter to consider the
12 same officer.

13 “(d) EXCLUSION FROM STRENGTH LIMITATION.-A retired general officer who is on active
14 duty for the purpose of serving on a board convened under this chapter shall not, while so
15 serving, be counted against any limitation on the number of general officers who may be on
16 active duty.

17 **“§20509. Selection of space component officers for early discharge or early retirement**

18 “(a) The Secretary of the Air Force, with the authorization of the Secretary of Defense,
19 may convene selection boards under section 20406 of this title to consider officers on the space
20 component officer list for early retirement as follows:

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

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

3 “(3) Officers, other than those described in subparagraphs (1) and (2), holding a
4 grade below the grade of colonel who are eligible for retirement under section 20510 of
5 this title, or who after two additional years or less of active service would be eligible for
6 retirement under that section and whose names are not on a list of officers recommended
7 for promotion.

8 “(b) The Secretary of the Air Force, with the authorization of the Secretary of Defense,
9 may convene selection boards under section 20406 of this title to consider officers on the space
10 component officer list for early discharge-

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

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

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

16 **“§20510. Voluntary retirement of commissioned officers**

17 “(a) The Secretary of the Air Force may, upon the officer's request, retire a commissioned
18 officer of the Space Component serving in a space component active status who has at least 20
19 years of service computed under section 20511 of this title, at least 10 years of which have been
20 active service as a commissioned officer.

21 “(b) A commissioned officer of the Space Component who has at least 30 years of
22 service computed under section 20511 of this title may be retired upon the officer's request, in
23 the discretion of the President.

1 location where it occurs “ and the Regular Space Force;” and inserting, “the Regular
2 Space Force and the Space Component” to include the heading.

3 (2) REGULAR AIR FORCE AND REGULAR SPACE FORCE: GENDER-FREE BASIS FOR
4 ACCEPTANCE OF ORIGINAL ENLISTMENTS – Section 9132 of such title is amended by
5 striking in both locations where it occurs “and Regular Space Force;” and inserting, “,
6 Regular Space Force, and the Space Component” to include the heading.

7 (3) WARRANT OFFICERS: ORIGINAL APPOINTMENT; QUALIFICATIONS – Section 9160
8 of such title is amended by striking “Regular Space Force”.

9 (4) CHAPTER HEADING – The heading of chapter 915 of such title is amended to read as follows:

10 **“CHAPTER 915 – APPOINTMENTS IN THE REGULAR AIR FORCE, THE REGULAR**
11 **SPACE FORCE AND THE SPACE COMPONENT”.**

12 (5) TABLES OF CHAPTERS. – The table of chapters at the beginning of subtitle D of
13 such title, and at the beginning of part II of subtitle D of such title, are each amended by
14 striking the item and inserting the following new item:

15 “Appointments in the Regular Air Force and the Space
16 Component.....9151”.

17 (6) SERVICE CREDIT: REGULAR ENLISTED MEMBERS; SERVICE AS AN OFFICER TO BE
18 COUNTED AS ENLISTED SERVICE – Section 9252 of such title is amended by inserting,
19 “Space Component”.

20 (7) SERVICE CREDIT: REGULAR ENLISTED MEMBERS; SERVICE AS AN OFFICER TO BE
21 COUNTED AS ENLISTED SERVICE – Section 9344 such title is amended by:

22 (A) in paragraph (b)(2), inserting “or the Space Component;”.

23 (8) RETIRED LISTS – Section 9346 of such title is amended by:

1 (A) in subsection (a), inserting "Space Component";

2 (B) in subsection (b)(1), inserting "of the Space Component who qualified
3 for retirement under section 20510 of this title"; and

4 (C) in subsection (d), inserting with "Space Component".

5 (c) TRAINING—

6 (1) Members of Air Force and Space Force: detail as students, observers and
7 investigators at educational institutions, industrial plants, and hospitals – Section 9401 of
8 such title is amended by:

9 (A) in subsection (b) inserting, "including a Space Component officer in a
10 space component active status," after "on the active-duty list,";

11 (B) in subsection (c) by striking, "or Reserve of the Space Force" and
12 replacing with ",or member of the Space Component in a space component active
13 status", striking "Reserve's consent" and replacing with "member's consent",
14 and

15 (C) in subsection (f), striking "Regular Space Force" and replacing with
16 "Air Force Reserve".

17 (2) RECRUIT BASIC TRAINING: SEPARATE HOUSING FOR MALE AND FEMALE
18 RECRUITS – Section 9419 of such title, subsection (d), is amended by inserting "or the
19 Space Force" after "training program of the Air Force".

20 (3) PERMANENT PROFESSORS; DIRECTOR OF ADMISSIONS – Section 9436 of such
21 title is amended by striking subsection (a) and replacing with, "(a) A permanent professor
22 of the Academy who is the head of a department of instruction, or who has served as such
23 a professor for more than six years, has the grade of colonel in the Air Force or the Space

1 Force. However, a permanent professor appointed from the Regular Air Force or the
2 Space Component has the grade of colonel after the date when such person completes six
3 years of service as a professor, or after the date on which such person would have been
4 promoted had such person been selected for promotion from among officers in the
5 promotion zone, whichever is earlier. All other permanent professors have the grade of
6 lieutenant colonel in the Air Force or the Space Force.”

7 (4) CADETS: APPOINTMENT; NUMBERS, TERRITORIAL DISTRIBUTION – Section 9442
8 of such title is amended by:

9 (A) in subsection (b)(1)(C), inserting ", or the Space Component," after
10 "members of reserve components"; and

11 (B) in subsection (b)(2), inserting "Space Component".

12 (5) CADETS: AGREEMENT TO SERVE AS OFFICER – Section 9448 of such title is
13 amended by:

14 (A) in subsection (a)(2)(A), inserting "or the Space Component";

15 (B) in subsection (a)(3), inserting ", or leave active duty in the Space
16 Component," after "resign as a regular officer";

17 (C) in subsection (a)(3)(A), striking "or as a Reserve in the Space Force
18 for service in the Space Force Reserve" and replacing with "or will accept a
19 transfer to a space component active status in the Space Component"; and

20 (D) in subsection (a)(3)(B), inserting ", or the Space Component," after
21 "that reserve component".

22 (6) CADETS: HAZING – Section 9452 of such title is amended in subsection (c) by
23 inserting, “ or the Space Component".

1 (7) CADETS: DEGREE AND COMMISSION ON GRADUATION – Section 9453 of such
2 title is amended in subsection (b) inserting "or the Space Component of the Space Force",
3 insert "or section 20403" after "section 531".

4 (8) ESTABLISHMENT: PURPOSE – Section 9481 of such title is amended by striking
5 “or the Space Force Reserve” and inserting “or as officers, or enlistment as
6 noncommissioned officers, for service in the Space Component.”

7 (9) SCHOOLS AND CAMPS: OPERATION – Section 9482 of such title is amended by
8 inserting ", or members of the Space Component in an active status"

9 **SEC. 1712. AMENDMENTS TO OTHER PROVISIONS OF TITLE 10, UNITED STATES**

10 **CODE.**

11 (a) SPACE COMPONENT MANPOWER.—Section 115a of such title is amended—

12 (1) in subparagraph (d)(3)(E), by striking “and” after “promotions”;

13 (2) in subparagraph (d)(3)(F) by striking “.” after “active duty” and inserting “;”
14 after “active duty”; and

15 (3) by adding, at the end of the paragraph, a new subparagraph “(G) officers on
16 the space component officer list ordered to active duty not under section 20208(b) of this
17 title.”

18 (b) SUSPENSION OF END-STRENGTH AND OTHER STRENGTH LIMITATIONS IN TIME OF WAR OR
19 NATIONAL EMERGENCY – Section 123a of such title is amended in paragraph (a)(2) by inserting
20 “or the space component” after “a reserve component”.

21 (c) COMMANDERS OF COMBATANT COMMANDS: ASSIGNMENT; POWERS AND DUTIES –
22 Section 164 of such title is amended in paragraph (e)(4), by inserting, “or an officer of the Space
23 Component whose prior service includes service in a space component active status other than

1 protracted active duty and” after “armed forces”, and inserting “or an officer of the Space
2 Component whose prior service includes service in a space component active status other than
3 protracted active duty” after “unless a reserve component officer”.

4 (d) READINESS REPORTS – Section 482 such title is amended by inserting “and the space
5 component” after “active and reserve components” in paragraphs (a)(1) and (a)(2).

6 (e) ENLISTMENTS: RECRUITING CAMPAIGNS; COMPILATION OF DIRECTORY INFORMATION -
7 Section 503 of such title, subsection (a) is amended by inserting “the Space Component” after
8 “Regular Marine Corps”.

9 (f) REGULAR COMPONENTS: QUALIFICATIONS, TERM, GRADE – Section 505 of such title is
10 amended by inserting “the Space Component” after “Regular Marine Corps,” in subsections (a),
11 (b), (c), and paragraph (d)(1).

12 (g) REGULAR COMPONENTS: EXTENSION OF ENLISTMENTS DURING WAR – Section 506 of
13 such title is amended by inserting “the Space Component” after “Regular Marine Corps,”.

14 (h) REENLISTMENT: QUALIFICATIONS – Section 508 of such title is amended by inserting
15 “the Space Component” after “Regular Marine Corps,” in subsections (b), and (c).

16 (i) ENLISTMENT INCENTIVES FOR PURSUIT OF SKILLS TO FACILITATE NATIONAL SERVICE –
17 Section 510 of such title is amended-

18 (1) in paragraph (c)(2) by inserting "or the Space Component" after "Selected
19 Reserve";

20 (2) in subparagraph (c)(3)(D) by striking "or" after "purposes of this section;"

21 (3) by redesignating subparagraph (c)(3)(E) as subparagraph (c)(3)(F); and

22 (4) by inserting a new subparagraph (c)(3)(E) after subparagraph (c)(3)(D) "(E)
23 the Space Component; or".

1 (j) THE COLLEGE FIRST PROGRAM –Section 511 of such title is amended in subparagraph
2 (b)(1)(A), by inserting, "or as a member of the Space Component," after "reserve component,".

3 (k) ENLISTMENTS: DELAYED ENTRY PROGRAM –Section 513 of such title, subsection (a), is
4 amended by:

5 (1) inserting, ", or who is qualified under section 20201 of this title and applicable
6 regulations for enlistment in the Space Component," after "armed force"; and

7 (2) by inserting ", or be enlisted as a member of the space component," after
8 ""Coast Guard Reserve".

9 (l) EFFECT UPON ENLISTED STATUS OF ACCEPTANCE OF APPOINTMENT AS CADET OR
10 MIDSHIPMAN –Section 516 of such title, subsection (b), is amended by inserting "or in the Space
11 Component," after "armed force".

12
13 (p) POSITIONS OF IMPORTANCE AND RESPONSIBILITY: GENERALS AND LIEUTENANT
14 GENERALS; ADMIRALS AND VICE ADMIRALS – Subsection (e) of section 601 of such title, is
15 amended by striking "or" after "Air Force," and striking "or the commensurate grades in the
16 Space Force," after "admiral in the Navy," and inserting " or Space Force," after "Marine Corps,"

17 (q) Promotion to certain grades for officers with critical skills: colonel, lieutenant colonel,
18 major, captain; captain, commander, lieutenant commander, lieutenant – Section 605 of such
19 title, relating to the temporary promotion of officers with critical skills, is amended by:

20 (1) striking "or" after "Air Force," and inserting " or Space Force," after "Marine
21 Corps," in subsection (a), subparagraph (b)(2)(A), and paragraphs (f)(1), and (f)(2);

22 (2) in subsection (g):

1 (A) striking paragraph (g)(2) and inserting a new paragraph (g)(2) as
2 follows, "(2) In the case of the Air Force-(A) as captain 95; (B) as major, 305; (C)
3 as lieutenant colonel, 165; and (D) as colonel, 75."; and

4 (B) inserting a new subparagraph (g)(5) as follows, "In the case of the
5 Space Force- (A) as captain, 5; (B) as major, 20; (C) as lieutenant colonel, 10; and
6 (D) as colonel, 5."

7 (r) NONDISCLOSURE OF BOARD PROCEEDINGS – Section 613a of such title is amended by
8 striking “573, 611, or 628” and inserting "573, 611, 628, or 20406" in subsections (a) and (c).

9 (s) INFORMATION FURNISHED TO SELECTION BOARDS - Section 615 of such title is
10 amended by:

11 (1) in paragraph (1)(a), inserting “or 20406” after “611(a)”.

12 (2) in clause (i) of subparagraph (a)(3)(B), striking “or in the case of the Space
13 Force, the equivalent grade” and inserting “or an officer in the Space Component” after
14 “regular officer”.

15 (3) in subparagraph (D) of paragraph (a)(3), striking “or, in the case of the Space
16 Force, the equivalent grade,”.

17 (t) ELIGIBILITY FOR CONSIDERATION FOR PROMOTION: TIME-IN-GRADE AND OTHER
18 REQUIREMENTS – Section 619 of such title is amended by striking “, or Space Force” and
19 inserting “or” before “Marine Corps” in paragraphs (a)(1) and (a)(2) and subparagraphs (a)(2)(A)
20 and (a)(2)(B).

21 (u) AUTHORITY TO VACATE PROMOTIONS TO GRADES OF BRIGADIER GENERAL AND REAR
22 ADMIRAL (LOWER HALF) – Subsection (b) of section 625 of such title is amended by striking “, or
23 Space Force” and inserting “An officer of the Space Force whose promotion is vacated under

1 this section holds the grade of colonel, if the officer is a space component officer, or the reserve
2 grade of colonel, if the officer is a reserve officer.” after “or the reserve grade of captain, if a
3 reserve officer.”.

4 (v) ACCEPTANCE OF PROMOTIONS; OATH OF OFFICE – Subsections (a) and (b) of section
5 626 of such title are amended by striking “section 624 of this title” and inserting “section 624 or
6 20420 of this title”.

7 (w) SPECIAL SELECTION REVIEW BOARD – Section 628a of such title is amended by:

8 (1) in subsection (a), striking the comma after “major general” and inserting “or”
9 and striking “,or an equivalent grade in the Space Force” after “in the Navy”,

10 (2) in paragraph (e)(2), inserting at the end the following: “However, in the case
11 of an officer on the space component officer list, the provisions of sections 618, 20410
12 and 20411 of this title apply to the report and proceedings of a special selection review
13 board convened under this section in the same manner as they apply to report and
14 proceedings of a promotion board convened under section 20406 of this title.”, and

15 (3) in paragraph (f)(1), inserting at the end the following, “However, if the report
16 of a special selection review board convened under this section recommends the
17 sustainment of the recommendation for promotion to the next higher grade of an officer
18 on the space component officer list who was referred to it for review under this section,
19 and the President approves the report, the officer shall, as soon as practicable, be
20 appointed to the grade in accordance with subsections (b) and (c) of section 20420 of this
21 title.”.

22 (x) Removal from a list of officers recommended for promotion – Section 629 of such
23 title is amended by:

1 (1) inserting “or section 20420(c)” after “section 624(c)” in subsections (b), and
2 in paragraphs (c)(1) and (c)(4), and

3 (2) inserting “or section 20420(a)” after “section 624(a)” in paragraphs (c)(1) and
4 (c)(4).

5 (y) Effects of failure of selection for promotion: first lieutenants and lieutenants (Junior
6 Grade) – Section 631 of such title is amended by:

7 (1) in subsection (a), inserting “or the space component officer list” after “active-
8 duty list”;

9 (2) in paragraph (a)(3) striking “or 9311” and insert “9311, or 20510”; and

10 (3) in subsection (d) inserting “or section 20406” after “section 611(a)” and
11 inserting “or section 20420(a)(4)” after “section 624(a)(3)”

12 (z) RETIREMENT FOR YEARS OF SERVICE: REGULAR LIEUTENANT COLONEL AND
13 COMMANDERS – Section 633 of such title is amended—

14 (1) in the heading, by inserting “and space component” after “regular”; and

15 (2) in subsection (a), by inserting “each officer of the Space Component who
16 holds the grade of lieutenant colonel,” after “who holds the regular grade of lieutenant
17 colonel,”.

18 (aa) RETIREMENT FOR YEARS OF SERVICE: REGULAR COLONELS AND NAVY CAPTAINS –
19 Section 634(a) of such title is amended—

20 (1) in the heading, by inserting “and space component” after “regular”; and

21 (2) by inserting "each officer of the Space Component who holds the grade of
22 colonel," after "who holds the regular grade of colonel,".

1 (ab) RETIREMENT FOR YEARS OF SERVICE: REGULAR BRIGADIER GENERALS AND REAR
2 ADMIRALS (LOWER HALF) – Section 635 of such title is amended—

3 (1) in the heading, by inserting “and space component” after “regular”; and

4 (2) by inserting "each officer of the Space Component who holds the grade of
5 brigadier general," after "who holds the regular grade of brigadier general,"

6 (ac) RETIREMENT FOR YEARS OF SERVICE: REGULAR OFFICERS IN GRADES ABOVE
7 BRIGADIER GENERAL AND REAR ADMIRAL (LOWER HALF) – Section 636(a) of such title is
8 amended—

9 (1) in the heading, by inserting “and space component” after “regular”; and

10 (2) by inserting "each officer of the Space Component who holds the grade of
11 major general," after "who holds the regular grade of major general,".

12 (ad) MEMBERS: REQUIRED SERVICE – Section 651 of such title is amended in subsection
13 (a) by striking “Each” and replacing with “Except as specified in section 20104 of this title,
14 each”.

15 (ae) MANAGEMENT POLICIES FOR JOINT QUALIFIED OFFICERS - Section 661 of such title is
16 amended in subsection (a) by striking “, and Space Force” after “Marine Corps” and inserting “,
17 and officers of the Space Force on the space component officer list” after “active-duty list”.

18 (af) Retired members: authority to order to active duty; duties –Section 688 of such title
19 is amended by:

20 (1) inserting paragraph (b)(4) after paragraph (b)(3) as follows:

21 “(4) A retired member of the Space Component.”

1 (ag) RETIRED MEMBERS ORDERED TO ACTIVE DUTY: LIMITATION ON NUMBER – Subsection
2 (a) of section 690 of such title is amended by striking “or” after “Air Force,” and inserting, “or
3 the Space Force,” after “Marine Corps,”.

4 (ah) ENTITLEMENT AND ACCUMULATION –Section 701 of such title is amended by—

5 (1) in paragraph (i)(2) inserting a new subparagraph, “(D) A member of the Space
6 Component in a space component active status, not on protracted active duty.” and

7 (2) inserting “, or of the Space Component,” after “member of a reserve
8 component” in subsection (i) paragraphs (6) and (7), and in subsection (k).

9 (ai) PAYMENT UPON DISAPPROVAL OF CERTAIN BOARD OF INQUIRY RECOMMENDATIONS
10 FOR EXCESS LEAVE REQUIRED TO BE TAKEN – Paragraph (a)(1) of section 707a of such title is
11 amended by striking “section 1182(c)(2) of this title” and inserting “section 1182(c)(2) or section
12 20503 of this title”

13 (aj) CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS – Section 710 of such title
14 is amended by:

15 (1) in subsection (a), inserting “or of the Space Component” after “regular
16 components”;

17 (2) in paragraph (b)(2), inserting “or a Space Component officer in a space
18 component active status not on active duty under section 20208(b) of this title” after
19 “officer”;

20 (3) in paragraph (c)(1), inserting at the end “In the case of a member of the Space
21 Component on protracted active duty, to accept release from protracted active duty orders
22 and to serve in a space component active status.”; and

1 (4) in subsection (g), striking “chapter 36 or 1405 of this title” and replacing it
2 with “chapter 36, 1405, or 2004 of this title.”

3 (ak) RANK: COMMISSIONED OFFICERS OF THE ARMED FORCES— Subsection (a) of section
4 741 of such title is amended by striking “and Marine Corps” and inserting “Marine Corps, and
5 Space Force” in the title line of the table.

6 (al) WHEN WEARING BY PERSONS NOT ON ACTIVE DUTY AUTHORIZED – Section 772 of such
7 title is amended in subsection (i), by striking all after “may prescribe,” and inserting “a citizen of
8 a foreign country who graduates from an Air Force or Space Force school may wear the
9 appropriate aviation or space badges of the Air Force or Space Force.”.

10 (am) WEARING OF INSIGNIA OF HIGHER GRADE BEFORE PROMOTION (FROCKING)
11 AUTHORITY; RESTRICTIONS – Subsection (d)(2) of Section 777 of such title is amended by
12 inserting “, or for the Space Force, the space component officer list,” after “active duty list”.

13 (an) PERSONS SUBJECT TO THIS CHAPTER – Section 802 of such title is amended by:

14 (1) in subsection (a)(1), inserting “and members of the Space Component on
15 active duty under section 20208 of this title,” after “regular component of the armed
16 forces,”;

17 (2) in clause (a)(3)(A)(i), inserting “or the Space Component” after “reserve
18 component”;

19 (3) in subsection (a)(5), inserting “, or retired members of the space component
20 who qualified for a non-regular retirement and are receiving pay,” after “a reserve
21 component”;

1 (4) in subsection (a), adding at the end a new paragraph “(14) Retired members of
2 the Space Component who qualified for a regular retirement under section 20512 of this
3 title and are receiving pay.”

4 (5) in subsection (d)(1), inserting “or the space component” after “reserve
5 component”

6 (6) in subsection (d)(2), inserting “or the space component” after “a reserve
7 component”.

8 (ao) JURISDICTION TO TRY CERTAIN PERSONNEL – Subsection (c) of section 803 of such
9 title is amended by inserting, “or the space component” after “reserve component”.

10 (ap) ARTICLES TO BE EXPLAINED – Section 937 of such title is amended—

11 (1) in paragraph (a)(1) by—

12 (A) striking “or” at the end of subparagraph (A);

13 (B) inserting “or” at the end of subparagraph (B); and

14 (C) inserting a new subparagraph, “(C) the member’s initial entrance on
15 active duty or into a space component active status.”;

16 (2) in paragraph (a)(2) by—

17 (A) striking “and” at the end of subparagraph (A);

18 (B) redesignating subparagraph (B) as subparagraph “(C)”; and

19 (C) inserting a new subparagraph, “(B) after a member of the space
20 component has completed six months of protracted active duty or in the case of a
21 member not on protracted active duty, after the member has completed basic or
22 recruit training; and”;

1 (3) in subparagraph (b)(1)(B) by inserting “or the space component” after “in a
2 reserve component”; and

3 (4) in subsection (d) by striking paragraph (1) and replacing with “(1) made
4 available to a member of a regular component, to a member of a reserve component, or to
5 a member of the space component, upon request by the member, for the member’s
6 personal examination; and”.

7 (aq) DUTIES: OFFICERS ON ACTIVE DUTY; PERFORMANCE OF CIVIL FUNCTIONS

8 RESTRICTED – Section 973 of such title is amended by:

9 (1) in subparagraph (b)(1)(B), striking “and” after the semicolon;

10 (2) in subparagraph (b)(1)(C), striking the “.” at the end and replacing it with “;
11 and”; and

12 (3) adding a new subparagraph at (b)(1): “(D) to an officer on the space
13 component officer list serving on active duty under section 20208(b) of this title, or under
14 a call or order to active duty for a period in excess of 270 days.”

15 (ar) MEMBERSHIP IN MILITARY UNIONS, ORGANIZING OF MILITARY UNIONS, AND

16 RECOGNITION OF MILITARY UNIONS PROHIBITED. Subsection (a) of section 976 of such title is
17 amended in subparagraph (1)(C) by inserting “or the Space Component” after “member of a

18 Reserve component”. (av) LIMITATION ON ENLISTED AIDES – Section 981 of such title is amended
19 by:

20 (1) in subsection (a), inserting “Space Force” after “Air Force,”;

21 (2) in subsection (b), striking “and Marine Corps” and replacing with “Marine
22 Corps, and Space Force”; and

23 (3) in subparagraph (c)(1), inserting “Space Force,” after “Marine Corps,”.

1 (as) USE OF COMMISSARY STORES AND MWR RETAIL FACILITIES: MEMBERS OF RESERVE

2 COMPONENTS AND RESERVE RETIREES UNDER AGE 60 –Section 1063 of such title is amended:

3 (1) in subsection (c)—

4 (A) in the heading by inserting “or Space Component” after “Reserve”;

5 and

6 (B) by inserting “or the space component” after “reserve component”;

7 (2) by redesignating subsection (d) as subsection (e) and subsection (e) as

8 subsection (f); and

9 (3) by inserting a new subsection, "(d) A member of the space component in a
10 space component active status, who is not on protracted active duty under the same
11 conditions as specified for a member of the Selected Reserve in subsection (a).".

12 (at) INVOLUNTARY SEPARATION DEFINED – Section 1141 of such title is amended by:

13 (1) in paragraph (3) by striking “and” at the end;

14 (2) in paragraph (4) by striking the “.” at the end and replacing with “;”; and

15 (3) inserting a new paragraph to read as follows: "(5) in the case of a space
16 component officer (other than a retired officer), the officer is involuntarily discharged or
17 released from active-duty under other than adverse conditions, as characterized by the
18 Secretary of the Air Force; and”

19 (4) inserting a new paragraph to read as follows: “(6) in the case of an enlisted
20 member of the space component, the member is (A) denied reenlistment, or (B)
21 involuntarily discharged or released from active duty under other than adverse conditions,
22 as characterized by the Secretary of the Air Force.”.

1 (au) SEPARATION PAY UPON INVOLUNTARY DISCHARGE OR RELEASE FROM ACTIVE DUTY –

2 Section 1174 of such title is amended in paragraph (a)(2) by striking “, or Space Force” both
3 time it occurs in this paragraph.

4 (av) Regular COMMISSIONED OFFICERS - Section 1370 of such title is amended by:

5 (1) striking “in the Navy, or the equivalent grade in the Space Force” and
6 replacing with “in the Navy” in subsection (b)(1), (b)(4), (d)(3), and (e)(2) and
7 paragraphs (a)(2)(A), (a)(2)(B), (b)(5)(A), (f)(3)(A), and (f)(6)(A);

8 (2) striking “in the Navy, or an equivalent grade in the Space Force” and replacing
9 with "in the Navy" in subsections (b)(6), (c)(1), and (d)(1), and paragraphs (b)(1)(B),
10 (b)(5)(B), (b)(5)(C), (f)(3)(B), (f)(6)(B); and

11 (3) striking "Air Force, or Marine Corps" and replace with "Air Force, Marine
12 Corps, or Space Force" in subsections (b)(1), (b)(4), (c)(1), (d)(1), (d)(3), (e)(2), and
13 paragraphs (b)(1)(B), (b)(5)(A), (b)(5)(B), (b)(5)(C), (f)(3)(A), (f)(3)(B), (f)(6)(A), and
14 (f)(6)(B).

15 (aw) FUNERAL HONORS – Section 1491 of such title is amended in paragraph (h)(1)
16 by striking “or air service” and inserting “air or space service”.

17 (ax) PROFESSIONAL STAFF – Section 1555 of such title is amended in subsection (c)(3)
18 by inserting “the Department of” after “Air Force,”.

19 (ay) Ex parte communications prohibited – Section 1556 of such title is amended in
20 subsection (a) by inserting “the Department of” after “the Army Review Boards Agency,”.

21 (az) Timeliness standards for disposition of applications before Corrections Boards –
22 Section 1557 of such title is amended, in subsection (f)(3), by inserting “the Department of” after
23 “Air Force,”.

1 (ba) Review of actions of selection boards: correction of military records by special
2 boards; judicial review – Section 1558 of such title is amended by:

3 (1) inserting “, or the space component,” after “reserve component” in paragraphs
4 (b)(1), (b)(2), (b)(3), (c)(1), twice in subparagraph (c)(2)(B), (c)(3)(A), and (c)(3)(B)(ii);

5 (2) in subsection (b)(1)(C), striking “section 628 or 14502 of this title” and
6 replacing with “section 628, 14502, or 20421 of this title”;

7 (3) in subsection (b)(2)(A), striking “or 14705 of this title” and replacing with
8 “14507, or 20509 of this title”; and

9 (4) in subsection (b)(2)(B), striking “or 14101(a) of this title” and replacing with
10 “14101(a), or 20406 of this title”.

11 (bb) PERSONNEL LIMITATION – Section 1559 of such title is amended by inserting “the
12 Department of the” after “Air Force,” in paragraph (c)(3).

13 (bc) PERSONNEL LIMITATION – Section 1563 of such code is amended by striking “, or an
14 equivalent grade in the Space Force” in paragraph (c)(1).

15 (bd) PERSONNEL LIMITATION – Section 1563a of such code is amended by striking “, or
16 an equivalent grade in the Space Force” in paragraph (a)(1).

17 (be) DEPARTMENT OF DEFENSE MILITARY READINESS COUNCIL– Section 1781a of such
18 title, is amended in clause (b)(1)(B)(iii), by inserting “, or in the case of the Space Force, the
19 spouse or parent of a member of the Space Component” after “parent of a reserve component
20 member”.

21 (bf) DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS ---
22 Section 1781b of such title is amended by striking in in paragraph (b)(3) and (c)(2) “military
23 families of members of the regular components and military families of members of the reserve

1 components” and inserting “military families of members of a regular component, a reserve
2 component, or the space component”.

3 (bg) THE PAYMENT OF TUITION FOR OFF-DUTY TRAINING OR EDUCATION – Section 2007 of
4 such title is amended by adding at the end a new subsection "(g) The provisions of this section
5 pertaining to members of the Ready Reserve, the Selected Reserve, or the Individual Ready
6 Reserve shall be deemed to apply to members of the Space Component in a space component
7 active status not on active duty."

8 (bh) FINANCIAL ASSISTANT PROGRAM FOR SPECIALLY SELECTED MEMBERS – Section 2107
9 of such title is amended by:

10 (1) in subparagraph (a), striking “or as an officer in the equivalent grade in the
11 Space Force”; and

12 (2) adding, at the end, a new subsection “(k) Provisions of this section referring to
13 a regular commission, regular officer, or a commission in a regular component shall be
14 deemed to also refer to the commission of an officer, or the officer, who is a
15 commissioned officer in the Space Component serving on active duty pursuant to section
16 20208(b) of this title and provisions of this section referring to a reserve commission,
17 reserve officer, or a commission in a reserve component shall be deemed to also refer to
18 the commission of an officer, or the officer, who is a commissioned officer in the Space
19 Component not serving on active duty pursuant to section 20208(b) of this title."

20 (bi) PERSONNEL: ADMINISTRATORS AND INSTRUCTORS – Section 2111 of such title is
21 amended by inserting, at the end, “The Secretary of the Air Force may also detail members of the
22 Space Component in the same manner as regular and reserve members of the Air Force.”.

1 **SEC. 1713. AMENDMENTS TO PROVISIONS IN TITLE 10 RELATING TO THE**
2 **RESERVE COMPONENTS.**

3 (a) Chapter 1205 of title 10, United States Code, is amended—

4 (1) after 12214 by inserting the following new section:

5 **“§12214a. Officers; Space Component: transfer from Air National Guard of the United**
6 **States**

7 “(a) Under such regulations as the Secretary of the Air Force may prescribe, and with the
8 consent of the governor or other appropriate authority of the State concerned, an officer of the
9 Air National Guard of the United States may be transferred in grade to the Space Component.

10 “(b) Unless discharged from his appointment as a Reserve, an officer of the Air National
11 Guard of the United States whose Federal recognition as a member of the Air National Guard is
12 withdrawn shall become a member of either the Air Force Reserve or the Space Component in a
13 space component active status. An officer who so becomes a member of the Space Component
14 in a space component active status ceases to be a member of the Air National Guard of the
15 United States.”

16 **SEC. 1714. AMENDMENT TO PROVISION OF TITLE 19, UNITED STATES CODE,**
17 **PERTAINING TO TRADE READJUSTMENT ALLOWANCES.**

18 Section 2293 of title 19, United States Code is amended in subsection (i)(1) by inserting
19 “, or a member of the Space Component,” after “a member of a reserve component of the Armed
20 Forces”.

21 **SEC. 1715. AMENDMENT TO TITLE 28, JUDICIARY AND JUDICIAL PROCEDURE.**

1 Section 631 of title 28, United States Code is amended in subsection (c) by inserting
2 “members of the Space Component of the Space Force” after “Coast Guard” the second place it
3 appears. ”.

4 **SEC. 1716. AMENDMENTS TO PROVISIONS OF LAW RELATING TO VETERANS’**
5 **BENEFITS.**

6 (a) DEFINITIONS.—Section 101, of title 38, United States Code, is amended by—

7 (1) in subparagraphs (A) and (B) of paragraph (23) inserting “, or members of the
8 Space Component in a space component active status,” after “(including commissioned
9 officers of the Reserve Corps of the Public Health Service)”;

10 (2) redesignating subsections (28) through (36) as subsections (29) through (37)
11 and inserting the following new paragraph after paragraph (27):

12 "(28) The term "Space Component" means the component of the Space Force that
13 consists of persons whose continuous voluntary or involuntary availability for active duty
14 in both peace and war is contemplated by law, and of retired members of the Space
15 Component.

16 (b) DEFINITIONS.—Section 1965 of such title is amended in paragraphs (1)(B), (2)(B),
17 and (3)(A) by inserting “, or members of the Space Component in a space component active
18 status,” after “(including commissioned officers of the Reserve Corps of the Public Health
19 Service)”.

20 (c) PERSONS ELIGIBLE FOR INTERMENT IN NATIONAL CEMETERIES – Section 2402 of such
21 title is amended by—

22 (1) in paragraph (a)(2) inserting “or the Space Component" after "a Reserve
23 component of the Armed Forces” ; and

1 (2) in the matter preceding paragraph (a)(3) inserting “Department of” after
2 “Army, Navy, or”.

3 (d) BASIC EDUCATIONS ASSISTANCE.—Section 3011 of such title is amended in subsection
4 (a)(3)(D) by inserting “or in the Space Component in a space component active status not on
5 protracted active duty under section 20208 of title 10” after “a Reserve component of the Armed
6 Forces,”.

7 **SEC. 1717. AMENDMENTS TO TITLE 50, UNITED STATES CODE.**

8 (a) DEFINITIONS.— Section 3911 of title 50, United States Code, subparagraph (2)(A)
9 is amended by inserting “Space Force;” after “Marine Corps,”

10 (b) RIGHTS AND PROTECTIONS TO RESERVES ORDERED TO REPORT FOR MILITARY SERVICE
11 AND TO PERSON ORDERED TO REPORT FOR INDUCTION.—Section 3917 of such title is amended by
12 inserting subsection (c) as follows: "(c) For all purposes of this chapter a member of the Space
13 Component who is ordered to report for military service shall be considered a member of a
14 reserve component."

15 (c) FUTURE FINANCIAL TRANSACTION RIGHTS.—Section 3919 of such title, paragraph
16 (5), is amended by striking “or a reserve component” and inserting, “, a reserve component, or
17 the space component”.

18 **DIVISION B—[RESERVED]**