

1 **SEC. \_\_\_\_ . FIVE-YEAR EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR**  
2 **DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES**  
3 **WITH PARTNERSHIP INTERMEDIARIES.**

4 Section 851(e) of the National Defense Authorization Act for Fiscal Year 2020 (Public  
5 Law 116-92; 10 U.S.C. 4901 note) is amended by striking “September 30, 2025” and inserting  
6 “September 30, 2030”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how  
the legislative text would amend existing law.]**

**Section-by-Section Analysis**

This proposal would extend the pilot program under section 851 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Public Law 116-92; 10 U.S.C. 4901 note), for five years to allow the United States Special Operations Command (USSOCOM) to further evaluate the benefits of the program, including accelerated technology development realized through the authorities under that program. This extension would provide relative data to determine if greater benefit to the Department of Defense (DoD) could be realized from wider application of the authorities under the pilot program.

The authority for this pilot program terminates on September 30, 2025. Termination of this authority would result in the following: (1) a reduction of nearly half of USSOCOM SBIR awards for each year; (2) increased time to contract award (less than 5 days under pilot, average of 45 days using standard processes); and (3) longer timelines to award contracts to procure Special Operations Forces capability upgrades (under pilot authority this averages 17 months, standard processes average over 5 years).

Established in section 851 of the FY 2020 NDAA and reauthorized in the FY2022 NDAA, the pilot program has demonstrated continued improvements using the Partnership Intermediary Agreement (PIA) when compared to FY 2019 non-pilot program metrics. FY 2024 participation from discrete Small Business Concerns (SBC) under the PIA LP improved and SBC responses for the Small Business Innovation and Research (SBIR) Program increased by 80 percent from FY 2019 to FY 2024. Additionally, projects initiated under this authority demonstrated a 46 percent transition rate (Phase III award to Program of Records derived from a Phase I or Phase II SBIR) compared to USSOCOM’s 25 percent transition rate under non-Pilot projects. Award timelines were consistently faster than non-pilot timelines, with improvements ranging from two to four times faster.

In FY 2024, USSOCOM awarded SBIR projects funded by the following Department of Defense partners: Office of the Undersecretary of Defense for Research and Engineering, Air Force Research Laboratory, Army Technology Applications Program Office, and Space

Development Agency. Technology focus areas included Artificial Intelligence (AI) enabled mission command; small unmanned ground robotics systems; handheld defeat capabilities; compact, user-configurable sight capabilities; unmanned antenna interconnection capability; and a satellite-based tracking system.

**Resource Information:** The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2026 President’s Budget that are impacted by this proposal.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
SOCOM	3.0	3.0	3.0	3.0	3.0	Research, Development Test and Evaluation (RDT&E), Defense-Wide	07	1160279BB/ Small Business Innovation Research/ Small Bus Tech Transfer	1160279BB
Total	3.0	3.0	3.0	3.0	3.0				

**Changes to Existing Law:** This proposal would amend section 851 of the National Defense Authorization Act for FY 2020 (Public Law 116-92; 10 U.S.C. 4901 note) as follows:

**SEC. 851. PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.**

(a) ESTABLISHMENT.—The Secretary of Defense may authorize the Commander of the United States Special Operations Command to use funds described in subsection (b) for a pilot program under which the Commander shall make, through the use of a partnership intermediary, covered awards to small business concerns to develop technology-enhanced capabilities for special operations forces.

(b) FUNDS.—

(1) IN GENERAL.—The funds described in this subsection are funds transferred to the Commander of the United States Special Operations Command to carry out the pilot program established under this section from funds available to be expended by each covered entity pursuant to section 9(f) of the Small Business Act (15 U.S.C. 638(f)).

(2) LIMITATIONS.—

(A) FISCAL YEAR.—A covered entity may not transfer to the Commander an amount greater than 10 percent of the funds available to be expended by such covered entity pursuant to such section 9(f) for a fiscal year.

(B) AGGREGATE AMOUNT.—The aggregate amount of funds to be transferred to the Commander may not exceed \$20,000,000.

(c) PARTNERSHIP INTERMEDIARIES.—

(1) AUTHORIZATION.—The Commander may modify an existing agreement with a partnership intermediary to assist the Commander in carrying out the pilot program under this section, including with respect to the award of contracts and agreements to small business concerns.

(2) LIMITATION.—None of the funds described in subsection (b) may be used to pay a partnership intermediary for any costs associated with the pilot program.

(3) DATA.—With respect to a covered award made under this section, the Commander shall gather data on the role of the partnership intermediary to include the—

(A) staffing structure;

(B) funding sources; and

(C) methods for identifying and evaluating small business concerns eligible for a covered award.

(d) REPORT.—\*\*\*

(e) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, ~~2025~~ 2030.

(f) DEFINITIONS.—In this section:

(1) The term “covered award” means an award made under the Small Business Innovation Research Program.

(2) The term “covered entity” means--

(A) the Army;

(B) the Navy;

(C) the Air Force;

(D) the Marine Corps;

(E) the Space Force; and

(F) any element of the Department of Defense that makes awards under the Small Business Innovation Research Program.

(3) The term “partnership intermediary” has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

(4) The term “small business concern” has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

(5) The term “Small Business Innovation Research Program” has the meaning given the term in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(6) The term “technology-enhanced capability” means a product, concept, or process that improves the ability of a member of the Armed Forces to achieve an assigned mission.

1 **SEC. \_\_\_. INCREASE IN ANNUAL AMOUNT ALLOWABLE FOR DEVELOPMENTAL**  
2 **ACTIVITIES CONDUCTED UNDER AUTHORITY FOR RAPID**  
3 **RESPONSE TO EMERGENT TECHNOLOGY ADVANCEMENTS OR**  
4 **THREATS.**

5 Clause (ii) of section 229(c)(2)(A) of the National Defense Authorization Act for Fiscal  
6 Year 2024 (Public Law 118-31; 10 U.S.C. 3601 note) is amended by striking “\$100,000,000”  
7 and inserting “\$400,000,000”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]**

**Section-by-Section Analysis**

The authority provided to the Department of Defense in section 229 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31; 10 U.S.C. 3601 note) to rapidly initiate not-yet programmed activities to advance or address emerging technological advancements or threats that are identified has proven to be an effective tool in countering our pacing challenge. The Department of Defense selected two Department of the Air Force projects and one Department of the Army project in fiscal year (FY) 2024. With two Services submitting proposals resulting in three total projects being selected, the DoD accounted for 93 percent of the transfer authority provided by the “quick start” provision in FY 2024. The two projects selected by the Department of the Air Force (DAF), Moving Target Indication at scale and Resilient GPS, accounted for more than half of the transfer authority under this provision in FY 2024. By leveraging this authority, the DAF was able to accelerate efforts to tackle key capability gaps within our operational imperatives that also benefit the joint force. This has enabled the DAF to execute the engineering activities necessary to initiate capability development and to inform transition to the appropriate acquisition pathways within the time period specified by section 229.

This proposal would increase from \$100,000,000 to \$400,000,000 the limitation on the amount allowable for any fiscal year for developmental activities conducted under the authority for rapid response to emergent technology advancements or threats that was enacted as section 229 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31).

**Resource Information:** This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

**Changes to Existing Law:** This proposal would amend section 229 of the National Defense Authorization Act for Fiscal Year 2024 (10 U.S.C. 3601 note) as follows:

**SEC. 229. RAPID RESPONSE TO EMERGENT TECHNOLOGY ADVANCEMENTS OR THREATS.**

(a) **AUTHORITIES.**—Upon approval by the Secretary of Defense of a determination described in subsection (b), the Secretary of a military department may use the rapid acquisition and funding authorities established pursuant to section 3601 of title 10, United States Code, to initiate urgent or emerging operational development activities for a period of up to one year, in order to—

- (1) leverage an emergent technological advancement of value to the national defense to address a military service specific need; or
- (2) provide a rapid response to an emerging threat identified by a military service.

(b) **DETERMINATION.**—A determination described in this subsection is a determination by the Secretary of a military department submitted in writing to the Secretary of Defense that provides the following:

(1) Identification of a compelling urgent or emergency national security need to immediately initiate development activity in anticipation of a programming or budgeting action, in order to leverage an emergent technological advancement or provide a rapid response to an emerging threat.

(2) Justification for why the effort cannot be delayed until the next submission of the budget of the President (under section 1105(a) of title 31, United States Code) without harming the national defense.

(3) Funding is identified for the effort in the current fiscal year to initiate the activity.

(4) An appropriate acquisition pathway and programmed funding for transition to continued development, integration, or sustainment is identified to on-ramp this activity within two years.

(c) **ADDITIONAL PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the procedures for the rapid acquisition and deployment of capabilities needed in response to urgent operational needs prescribed pursuant to such section 3601 to carry out this section. Such updated procedures shall be provided to the congressional defense committees concurrently with the promulgation to the rest of the Department of Defense.

(2) **REQUIREMENTS TO BE INCLUDED.**—The procedures amended under paragraph (1) shall include the following requirements:

(A) **FUNDING.**—(i) Subject to clause (ii), in any fiscal year in which a determination described in subsection (b) is made, the Secretary of the military department making the determination may initiate the activities authorized under subsection (a) using any funds available to the Secretary for such fiscal year for—

- (I) procurement; or
- (II) research, development, test, and evaluation.

(ii) The total cost of all developmental activities within the Department of Defense, funded under this section, may not exceed ~~\$100,000,000~~ \$400,000,000 for any fiscal year.

(B) WAIVER AUTHORITY.—(i) Subject to clause (ii), the Secretary of the military department making a determination under subsection (b) may issue a waiver under subsection (d) of such section 3601.

(ii) Chapter 221 of title 10, United States Code, may not be waived pursuant to clause (i).

(C) TRANSITION.—(i) Any acquisition initiated under subsection (a) shall transition to an appropriate acquisition pathway for transition and integration of the development activity, or be transitioned to a newly established program element or procurement line for completion of such activity.

(ii)(I) Transition shall be completed within one year of initiation, but may be extended one time only at the discretion of the Secretary of the military department for one additional year.

(II) In the event an extension determination is made under subclause (I), the affected Secretary of the military department shall submit to the congressional defense committees, not later than 30 days before the extension takes effect, written notification of the extension with a justification for the extension.

(3) SUBMITTAL TO CONGRESS.—Concurrent with promulgation to the Department of the amendments to the procedures under paragraph (1), the Secretary shall submit to the congressional defense committees the procedures updated by such amendments.

(d) CONGRESSIONAL NOTIFICATION.—Within 15 days after the Secretary of Defense approves a determination described in subsection (b), the Secretary of the military department making the determination shall provide written notification of such determination to the congressional defense committees following the procedures for notification in subsections (c)(4)(D) and (c)(4)(F) of such section 3601. A notice under this subsection shall be sufficient to fulfill any requirement to provide notification to Congress for a new start program.

1 **SEC. \_\_\_. REPEAL OF OBSOLETE REQUIREMENT FOR SUBMITTAL OF REPORTS**  
2 **ON DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF**  
3 **WAR EXECUTION FOR SPECIFIED OPERATIONS NO LONGER**  
4 **BEING CONDUCTED.**

5 Section 1221 of the National Defense Authorization Act for Fiscal Year 2006 (Public  
6 Law 109-163; 10 U.S.C. 113 note) is repealed.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]**

**Section-by-Section Analysis**

This proposal would repeal section 1221 of Public Law 109-163 to end the requirement for reporting of the Title IX execution reports for the “Cost of War”. There is no longer Title IX or what was known as Overseas Contingency Operations.

The Department of Defense (DoD) currently submits multiple reports yearly and quarterly on the costs of war. For instance, the DoD submits the yearly report Estimated Cost to Each U.S. Taxpayer of Each of the Wars in Afghanistan, Iraq and Syria; submits quarterly reports on Operation Enduring Sentinel (OES) for costs associated with Afghanistan and surrounding areas, and Operation Inherent Resolve (OIR) and Counter-Islamic State of Iraq and Syria (ISIS) Train and Equip Fund (CTEF) for Iraq. In addition, execution reports for all of Operation and Maintenance funding are provided and published quarterly.

**Resource Information:** This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

**Changes to Existing Law:** This proposal would repeal section 1221 of Public Law 109-163, as amended (10 U.S.C. 113 note).

**National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163)**

**~~SEC. 1221. [10 U.S.C 113 note] WAR RELATED REPORTING REQUIREMENTS.~~**

~~(a) REPORT REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE. — The Secretary of Defense shall submit to the congressional defense committees, in accordance with this section, a report on procurement and equipment maintenance costs for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle and on facility infrastructure costs associated with each of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall include the following:~~

~~(1) PROCUREMENT. A specification of costs of procurement funding requested since fiscal year 2003, together with end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.~~

~~(2) EQUIPMENT MAINTENANCE. A cost comparison of the requirements for equipment maintenance expenditures during peacetime and for such requirements during wartime, as shown by the requirements in each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle. The cost comparison shall include—~~

~~(A) a description of the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the time of the report; and~~

~~(B) an examination of the extent to which war operations have precluded maintenance from being performed because equipment was unavailable.~~

~~(3) OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM INFRASTRUCTURE. A specification of the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraq Freedom and Operation Enduring Freedom are supported.~~

~~(b) SUBMISSION REQUIREMENTS.—The report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act [Jan. 6, 2006]. The Secretary of Defense shall submit an updated report on procurement, equipment maintenance, and military construction costs, as specified in subsection (a), concurrently with any request made to Congress after the date of the enactment of this Act for war-related funding.~~

~~(c) QUARTERLY SUBMITTAL TO CONGRESS AND GAO OF CERTAIN REPORTS ON COSTS.—Not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States the Department of Defense Supplemental and Cost of War Execution report for such fiscal year quarter.~~

1 **SEC. \_\_\_. REVISION TO STATUTORY DUTIES OF THE UNDER SECRETARY OF**  
2 **DEFENSE (COMPTROLLER).**

3 Section 135(c)(3)(B) of title 10, United States Code, is amended by inserting before the  
4 semicolon the following: “, including defense business systems that support those financial  
5 business activities and impact the attainment of a clean audit opinion”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]**

**Section-by-Section Analysis**

This proposal would add defense business systems that impact financial statement auditability to the list of areas under the purview of the Under Secretary of Defense (Comptroller) in section 135 of title 10, United States Code. Recent audits by both the General Accountability Office (GAO) and the Department of Defense Inspector General (DoDIG) have addressed the need to enforce additional auditability guidance on business systems that impact financial reporting. Amending section 135(c)(3)(B) would address concerns like those from GAO and DoDIG by linking system oversight to audit outcomes. As a result, Comptroller would be better positioned to accomplish Section 135(d)(2) and the attainment of a compliant auditable DoD system environment.

This proposal would ensure that auditability requirements are part of the DoD business systems portfolio management in order to meet the requirement of sections 1004 and 1005 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31; 10 U.S.C. 240d note). Systems are such a critical element in support of business processes that they alone can keep the Department from attaining a clean audit report, as noted by both the GAO and DoDIG. In the most recent audit, the GAO addressed the need to enforce additional auditability guidance related to business systems impacting financial reporting. GAO 23-104539 stated “...the key guidance documents that govern DOD, military department, and defense agency decisions about initial approvals and annual certifications are limited. Specifically, the guidance does not fully address how systems are to document compliance or how decision-makers are to substantiate that systems are complying with requirements.”

**Resource Information:** This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

**Changes to Existing Law:** This proposal would amend section 135 of title 10, United States Code, as follows:

**§ 135. Under Secretary of Defense (Comptroller)**

(a)(1) There is an Under Secretary of Defense (Comptroller), appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

(2) The Under Secretary of Defense (Comptroller) shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(b) The Under Secretary of Defense (Comptroller) is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31. The Under Secretary of Defense (Comptroller) shall perform the duties assigned to the Under Secretary in section 2222 of this title and such additional duties and exercise such powers as the Secretary of Defense may prescribe.

(c) The Under Secretary of Defense (Comptroller) shall advise and assist the Secretary of Defense—

(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

(2) in supervising and directing the preparation of budget estimates of the Department of Defense.

(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

(A) the preparation and execution of budgets;

(B) fiscal, cost, operating, and capital property accounting, including defense business systems that support those financial business activities and impact the attainment of a clean audit opinion; and

(C) progress and statistical reporting;

(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by paragraphs (1) through (4).

(d) In addition to any duties under subsection (c), the Under Secretary of Defense (Comptroller) shall, subject to the authority, direction, and control of the Secretary of Defense, do the following:

(1) Provide guidance and instruction on annual performance plans and evaluations to the following:

(A) The Assistant Secretaries of the military departments for financial management.

(B) Any other official of an agency, organization, or element of the Department of Defense with responsibility for financial management.

(2) Give directions to the military departments, Defense Agencies, and other organizations and elements of the Department of Defense regarding their financial statements and the audit and audit readiness of such financial statements.

(e) The Under Secretary of Defense (Comptroller) takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.

(f) The Under Secretary of Defense (Comptroller) shall ensure that each of the congressional defense committees is informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Under Secretary of Defense (Comptroller).

1 **SEC. \_\_\_\_ . REVISIONS TO DEPARTMENT OF DEFENSE AUTHORITY FOR JOINT**  
2 **TASK FORCES TO SUPPORT LAW ENFORCEMENT AGENCIES OR**  
3 **FEDERAL AGENCIES CONDUCTING COUNTERTERRORISM AND**  
4 **COUNTER TRANSNATIONAL ORGANIZED CRIME ACTIVITIES.**

5 (a) CODIFICATION IN TITLE 10.—Chapter 15 of title 10, United States Code, is amended  
6 by adding at the end a new section consisting of—

7 (1) a heading as follows:

8 **“§ 285. Authority for joint task forces to support law enforcement agencies or other**  
9 **Federal agencies conducting counter-terrorism and counter transnational**  
10 **organized crime activities”**; and

11 (2) a text consisting of the text of section 1022 of the National Defense  
12 Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 271 note).

13 (b) REVISIONS.—Section 285 of title 10, United States Code, as added by subsection (a),  
14 is amended as follows:

15 (1) SUPPORT FOR OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Subsection (a)  
16 is amended by inserting “or to another department or agency of the Federal Government”  
17 after “law enforcement agencies” each place it appears.

18 (2) PERMANENT AUTHORITY.—Subsection (b) is amended by striking “During  
19 fiscal years 2006 through 2024, funds” and inserting “Funds”.

20 (3) TECHNICAL AMENDMENTS.—Such section is further amended—

21 (A) in subsection (d)(2), by striking “this subparagraph” and inserting  
22 “this paragraph”; and

1 (B) in subsection (e)(1), by striking “title 10, United States Code” and  
2 inserting “this title”.

3 (c) REPEAL OF CODIFIED PROVISION.—Section 1022 of the National Defense  
4 Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 271 note) is repealed.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]**

### **Section-by-Section Analysis**

This proposal would codify and make permanent the authorities provided in section 1022 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2004 (Public Law 108-136; 10 U.S.C. 271 note) (referred to as “section 1022”). For twenty years, section 1022 has provided the Department of Defense (DoD) the authority to use funds from the drug interdiction and counter-drug activities account to enable joint task forces that support law enforcement agencies conducting counter-drug activities to also provide support to law enforcement agencies conducting counter-terrorism or counter-transnational organized crime activities, when the Secretary of Defense determines (and notifies Congress) that doing so is vital to national security. Since section 1022 was first enacted in FY 2004, the authority has been temporarily extended on ten different occasions, mostly recently in in the FY2022 NDAA. The most recent reauthorization is set to expire at the end of FY 2027.

Section 1022 has been essential in authorizing DoD analytical support to help disrupt the financial resources of terrorists and transnational criminal organizations, and other threat networks that derive revenue from illicit trafficking. Details of support authorized under section 1022 have been reported to Congress annually through a classified report and are now included in DoD’s quarterly report to Congress on intelligence analysis activities conducted under 10 U.S.C. 284 (b)(9). Section 1022(d) requires that counterterrorism or counter-transnational organized crime activities must “relate significantly” to counterdrug objectives, unless the Secretary makes a determination and notifies Congress that providing such support is “vital to the national security interests of the United States.” This provision allows DoD to support the most critical national security requirements, while preserving the integrity of the counterdrug appropriation for activities to disrupt the flow of cocaine, heroin, and other dangerous drugs and precursor chemicals bound for the United States (historically, less than 10 percent of DoD intelligence analysts funded by the counterdrug appropriation have focused on the illicit networks addressed by section 1022). Codifying section 1022 would facilitate long-term planning and budgeting and would sustain the efforts of the commanders of the combatant commands to confront the persistent national security threat posed to the United States and our allies and partners by the nexus among drug trafficking, terrorism, and other forms of transnational organized crime.

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In addition, this proposal would amend the authority to authorize DoD joint task forces to provide support for the counterterrorism or counter-transnational organized crime activities of not only law enforcement agencies, but also of any other department or agency of the Federal Government. This revision would conform the newly codified section 285 authority with section 284 of title 10, U.S. Code, which allows for DoD to provide support for the counterdrug activities or activities to counter transnational organized crime “of any other department or agency of the Federal Government.”

**Resource Information:** This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

**Changes to Existing Law:** This proposal would transfer the text of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 into a new section 285 of title 10, United States Code, and amend such section as follows:

~~**SEC. 1022. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**~~

**§ 285. Authority for joint task forces to provide support law enforcement agencies or other Federal agencies conducting counter-terrorism and counter transnational organized crime activities**

(a) **AUTHORITY.**—A joint task force of the Department of Defense that provides support to law enforcement agencies or to another department or agency of the Federal Government conducting counter-drug activities may also provide, subject to all applicable laws and regulations, support to law enforcement agencies or to another department or agency of the Federal Government conducting counter-terrorism activities or counter-transnational organized crime activities.

(b) **AVAILABILITY OF FUNDS.**—~~During fiscal years 2006 through 2027, funds~~ Funds for drug interdiction and counter-drug activities that are available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

(c) **ANNUAL REPORT.**—Not later than December 31 of each year in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report setting forth, for the one-year period ending on the date of such report, the following:

(1) An assessment of the effect on counter-drug, counter-transnational organized crime, and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

(2) A description of the type of support and any recipient of support provided under subsection (a), and a description of the objectives of such support.

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(3) A list of current joint task forces exercising the authority under subsection (a).

(4) A certification by the Secretary of Defense that any support provided under subsection (a) during such one-year period was provided in compliance with the requirements of subsection (d).

(d) CONDITIONS.—(1) Support for counter-terrorism or counter-transnational organized crime activities provided under subsection (a) may only be provided if the Secretary of Defense determines that the objectives of using the counter-drug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counter-drug activities by that joint task force or any other joint task force.

(2) The Secretary may waive the requirements of paragraph (1) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to the congressional defense committees notice in writing of any waiver issued under this ~~subparagraph~~ paragraph, together with a description of the vital national security interests associated with the support covered by such waiver.

(e) DEFINITIONS.—(1) In this section, the term “transnational organized crime” has the meaning given such term in section 284(i) of ~~title 10, United States Code~~ this title.

(2) For purposes of applying the definition of transnational organized crime under paragraph (1) to this section, the term “illegal means”, as it appears in such definition, includes the trafficking of money, human trafficking, illicit financial flows, illegal trade in natural resources and wildlife, trade in illegal drugs and weapons, and other forms of illegal means determined by the Secretary of Defense.

**Subtitle D—Space Force Matters**

Sec. 931. Authority to waive prohibition on officers serving on successive selection boards for boards to consider officers for promotion to major general or rear admiral.

Sec. 932. Procedures for selection of Space Force officers for promotion to major general.

Sec. 933. Treatment of Space Force general officers for purposes of laws relating to authorized number of general officers and distribution of officers in general officer grades.

Sec. 934. Inclusion of Space Force professional military education programs in definitions of senior and intermediate level service schools and as covered programs for copyright purposes.

Sec. 935. Codification of applicability to Space Force of certain pay and allowance authorities.

Sec. 936. Redesignation of the Office of the Chief of Space Operations as the Space Staff.

1 **Subtitle D—Space Force Matters**

2 **SEC. 931. AUTHORITY TO WAIVE PROHIBITION ON OFFICERS SERVING ON**  
3 **SUCCESSIVE SELECTION BOARDS FOR BOARDS TO CONSIDER**  
4 **OFFICERS FOR PROMOTION TO MAJOR GENERAL OR REAR**  
5 **ADMIRAL.**

6 Section 612(b) of title 10, United States Code, is amended—

7 (1) by inserting “(1)” after “(b)”; and

8 (2) by adding at the end the following new paragraph:

9 “(2) Under regulations prescribed by the Secretary of Defense, the Secretary of a military  
10 department may waive the limitation in paragraph (1) in the case of a selection board that will  
11 consider officers for recommendation for promotion to the grade of major general or rear admiral  
12 if the Secretary of the military department determines that qualified officers on the active-duty  
13 list or Space Force officer list or otherwise authorized to serve on the board are not available in  
14 sufficient number to comprise that selection board.”.

15 **SEC. 932. PROCEDURES FOR SELECTION OF SPACE FORCE OFFICERS FOR**  
16 **PROMOTION TO MAJOR GENERAL.**

17 (a) SELECTION BOARDS.—

1 (1) MAJOR GENERAL BOARDS TO RECOMMEND OFFICERS WHO ARE EXCEPTIONALLY  
2 WELL QUALIFIED.—Subsection (a) of section 20215 of title 10, United States Code, is  
3 amended—

4 (A) by striking “BOARD TO RECOMMEND” and all that follows through  
5 “shall recommend” and inserting “CRITERIA FOR RECOMMENDATION OF OFFICERS  
6 FOR PROMOTION .—

7 “(1) ‘BEST QUALIFIED’ CRITERION FOR RECOMMENDATION FOR PROMOTION TO  
8 GRADES BELOW MAJOR GENERAL.—A selection board convened under section 20211 of  
9 this title to consider officers for promotion to a grade below major general shall  
10 recommend”; and

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

12 “(2) ‘EXCEPTIONALLY WELL QUALIFIED’ CRITERION FOR RECOMMENDATION FOR  
13 PROMOTION TO GRADE OF MAJOR GENERAL.—A selection board convened under section  
14 20211 of this title to consider officers for promotion to the grade of major general shall  
15 recommend for promotion to that grade those officers considered by the board whom the  
16 board considers exceptionally well qualified for promotion.”.

17 (2) REQUIREMENT FOR MAJORITY ACTION BY BOARD MEMBERS.—Subsection (c)(3)  
18 of such section is amended by inserting after “best qualified for promotion” the  
19 following: “(or, in the case of an officer recommended for promotion to the grade of  
20 major general, that the officer is exceptionally well qualified for promotion)”.

21 (3) INAPPLICABILITY OF PROVISION RELATING TO PROMOTION LIST ORDER.—  
22 Subsection (g)(1) of such section is amended by adding at the end the following new

1 sentence: “This subsection does not apply to a selection board convened to consider  
2 officer for recommendation to the grade of major general.”.

3 (5) REPORTS OF SELECTION BOARDS.—Section 20216(a)(2) ) of such title is  
4 amended by inserting after “best qualified for promotion” the following: “(or, in the case  
5 of officers recommended for promotion to the grade of major general, that the officers are  
6 exceptionally well qualified for promotion)”.

7 (6) INAPPLICABILITY OF AUTHORITY TO ADJUST PLACEMENT OF OFFICERS IN BOARD  
8 REPORT.—Section 20217 of such title is amended—

9 (A) in subsection (a), by striking “or major general”; and

10 (B) in the section heading, by striking the last three words.

11 (b) PROMOTIONS TO MAJOR GENERAL.—

12 (1) PROMOTIONS TO FILL VACANCIES.—Section 20239 of such title is amended—

13 (A) in subsection (b)(3), by striking “Except as provided in subsections (e)  
14 and (f)” and inserting “Except as provided in subsections (d), (f), and (g)”;

15 (B) by redesignating subsections (d), (e), and (f) as subsections (e), (f),  
16 and (g), respectively; and

17 (C) by inserting after subsection (c) the following new subsection (d):

18 “(d) PROMOTION TO MAJOR GENERAL.—

19 “(1) CERTIFICATE OF ELIGIBILITY FOR PROMOTION.—When the Senate gives it  
20 advice and consent to the promotion of an officer to the grade of major general, the  
21 Secretary of the Air Force shall issue to the officer a certificate of eligibility for  
22 promotion, dated as of the date on which the Senate gave its advice and consent.

1           “(2) PROMOTION TO FILL VACANCY.—Officers who have a certificate of eligibility  
2 under paragraph (1) shall be promoted to fill vacancies as they occur in positions  
3 designated to carry the grade of major general. Such promotions shall be made in  
4 accordance with regulations prescribed by the Secretary of the Air Force, based upon the  
5 needs of the service.

6           “(3) DURATION OF CERTIFICATE OF ELIGIBILITY.—A certificate of eligibility issued  
7 under paragraph (1) expires at the end of the period beginning on the date as of when the  
8 certificate of eligibility was issued and ending on the first day of the eighteenth month  
9 following the month during which the certificate was so issued.”.

10           (2) REMOVAL FROM PROMOTION LIST.—Section 20241 of such title is amended—

11                   (A) by redesignating subsections (d), (e), and (f) as subsections (e), (f),  
12 and (g), respectively;

13                   (B) by inserting after subsection (c) the following new subsection (d):

14           “(d) REMOVAL UPON EXPIRATION OF CERTIFICATE OF ELIGIBILITY.—If an officer who  
15 has been issued a certificate of eligibility for promotion to the grade of major general under  
16 20239(d) of this title is not appointed to that grade before the expiration of the certificate of  
17 eligibility pursuant to that section, the officer's name shall be removed from the promotion list.”;

18 and

19                   (C) in paragraph (1) of subsection (f), as so redesignated—

20                           (i) by striking “subsection (a), (b), or (c)” and inserting “subsection  
21 (a), (b), (c), or (d)”;

22                           (ii) by adding at the end the following new sentence: “The  
23 authority of the Secretary of the Air Force under the preceding sentence

1 does not apply in the case of such an officer who is promoted to the grade  
2 of major general following removal from a list under subsection (d).”.

3 (c) TECHNICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

4 (1) Section 20203 is amended by redesignating the second subsection (b) and  
5 subsections (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively.

6 (2)(A) Section 20214 is amended by inserting before the period at the end the  
7 following: “convened under section 20211 of this title in the same manner as to selection  
8 boards convened under section 611 of this title”.

9 (B) Section 615(a)(1) is amended by striking “or 20211”.

10 (3) Section 20215(g)(1) is amended by striking “section 624(a)(1)” and inserting  
11 “section 20239(a)(1)”.

12 (4) Section 20217(a) is amended by striking “section 20215” and inserting  
13 “section 20216”.

14 (5) Section 20231 is amended—

15 (A) in subsection (a)(1), by striking “section 14101(a)” and inserting  
16 “section 20211”; and

17 (B) in subsection (b)(1), by striking “section 20151” and inserting “section  
18 20252”.

19 (6) Section 20239 is amended—

20 (A) in subsection (a)(1), by striking “modified” and inserting “adjusted”;

21 (B) in subsection (c)(1), by striking “subsection (f)” and inserting  
22 “subsection (g)”.

1 (7) Section 20241(c) is amended by striking “section 20238(a)” in paragraphs (1)  
2 and (3) and inserting “section 20239(a)(1)”.

3 (8) Section 20251(a)(2) is amended by striking “section 14201” and inserting  
4 “section 14101”.

5 **SEC. 933. TREATMENT OF SPACE FORCE GENERAL OFFICERS FOR PURPOSES**  
6 **OF LAWS RELATING TO AUTHORIZED NUMBER OF GENERAL**  
7 **OFFICERS AND DISTRIBUTION OF OFFICERS IN GENERAL**  
8 **OFFICER GRADES.**

9 (a) DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER  
10 GRADES.—Section 525 of title 10, United States Code, is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1), by inserting “or the Space Force  
13 officer list” after “officer on the active duty list”;

14 (B) in paragraph (5)—

15 (i) in subparagraph (A), by striking “officers in the grade of  
16 general” and inserting “officers on sustained duty orders in the grade of  
17 general”;

18 (ii) in subparagraph (B), by striking “officers in a grade above” and  
19 inserting “officers on sustained duty orders in a grade above”; and

20 (iii) in subparagraph (C), by striking “officers in the grade” and  
21 inserting “officers on sustained duty orders in the grade”; and

22 (2) in subsection (h), by adding at the end the following new paragraph:

1           “(3)(A) The limitations of this section do not apply to a Space Force general  
2 officer serving in space force active status not on sustained duty orders, and who is on  
3 active duty for a period in excess of 365 days but not to exceed three years. Unless  
4 authorized by the Secretary of Defense, the number of Space Force general officers  
5 covered by this subsection and not serving in a joint duty assignment for purposes of  
6 chapter 38 of this title may not exceed 5.

7           “(B) Not later than 30 days after authorizing a number of Space Force general  
8 officers in excess of the number specified in subparagraph (A), the Secretary of Defense  
9 shall provide a notification as required in paragraph (2).”.

10           (b) EXCLUSION OF CERTAIN OFFICERS FROM AUTHORIZED STRENGTH OF SPACE FORCE  
11 GENERAL OFFICERS ON ACTIVE DUTY.—Section 526 of such title is amended—

12           (1) in subsection (c)—

13                   (A) in the subsection heading, by inserting “AND OF THE SPACE FORCE”  
14 after “COMPONENTS”;

15                   (B) in paragraph (1), by inserting “or of the Space Force” after “a reserve  
16 component”;

17                   (C) in paragraph (2), by adding at the end the following new  
18 subparagraph:

19           “(D) The Secretary of the Air Force may authorize not more than two of the  
20 general officers authorized to serve in the Space Force under section 20110 of this title to  
21 serve on active duty for a period of at least 180 days and not longer than 365 days.”; and

22                   (D) in paragraph (3)(A), by inserting “(or a Space Force general officer in  
23 a space force active status on sustained duty)” after “a reserve component”; and

1 (2) in subsection (d)—

2 (A) by striking “or” at the end of paragraph (1);

3 (B) by striking the period at the end of paragraph (2) and inserting “; or”;

4 and

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

6 “(3) a Space Force officer in the grade of brigadier general or above who is  
7 pending transition off of sustained duty orders, but only during the 60-day period  
8 preceding the end date of such orders.”.

9 (c) STRENGTH IN GRADE OF SPACE FORCE GENERAL OFFICERS IN SPACE FORCE ACTIVE  
10 STATUS NOT ON SUSTAINED DUTY.—Chapter 2003 of such title is amended by adding at the end  
11 the following new section:

12 **“§20110. Strength in grade: Space Force general officers in space force active status not on**  
13 **sustained duty**

14 “(a) AUTHORIZED STRENGTH.—The authorized strength of general officers in the Space  
15 Force serving in space force active status not on sustained duty is five.

16 “(b) EXCLUSIONS.—The following Space Force general officers shall not be counted for  
17 purposes of this section:

18 “(1) Those counted under section 526 of this title.

19 “(2) Those serving in a joint duty assignment for purposes of chapter 38 of this  
20 title, except that the number of officers who may be excluded under this paragraph may  
21 not exceed two.

22 “(c) PERMANENT GRADE.—A Space Force general officer may not be reduced in  
23 permanent grade because of a reduction in the number authorized under subsection (a).

1           “(d) TEMPORARY EXCLUSION.—The limitations of subsection (a) do not apply to an  
2 officer released from a joint duty assignment or other non-joint active duty assignment, but only  
3 during the 60-day period beginning on the date the officer departs the joint duty or other active  
4 duty assignment. The Secretary of Defense may authorize the Secretary of the Air Force to  
5 extend the 60-day period by an additional 120 days, except that not more than three Space Force  
6 officers may be covered by an extension under this subsection at the same time.”.

7 **SEC. 934. INCLUSION OF SPACE FORCE PROFESSIONAL MILITARY EDUCATION**  
8 **PROGRAMS IN DEFINITIONS OF SENIOR AND INTERMEDIATE**  
9 **LEVEL SERVICE SCHOOLS AND AS COVERED PROGRAMS FOR**  
10 **COPYRIGHT PURPOSES.**

11           (a) JOINT PROFESSIONAL MILITARY EDUCATION.—Section 2151(b) of title 10, United  
12 States Code, is amended—

13                   (1) by adding at the end of paragraph (1) the following new subparagraph:

14                           “(E) the Space Force Senior Level Education Program.” ; and

15                   (2) by adding at the end of paragraph (2) the following new subparagraph:

16                           “(E) the Space Force Intermediate Level Education Program.”.

17           (b) BUDGET REQUESTS FOR PROFESSIONAL MILITARY EDUCATION.—Section 2162(d) of  
18 such title is amended by adding at the end the following new paragraphs:

19                   “(9) The Space Force Senior Level Education Program.

20                   “(10) The Space Force Intermediate Level Education Program.”.

21           (c) COPYRIGHT STATUS OF CERTAIN WORKS PRODUCED BY CIVILIAN FACULTY OF SPACE  
22 FORCE EDUCATION PROGRAMS.—

1 (1) INCLUSION OF SPACE FORCE EDUCATION PROGRAMS IN COVERAGE OF CIVILIAN  
2 FACULTY OF DOD EDUCATIONAL INSTITUTIONS.—Paragraph (2) of subsection (d) of  
3 section 105 of title 17, United States Code, is amended—

4 (A) by striking subparagraphs (L), (M), and (N);

5 (B) by redesignating subparagraph (K) as subparagraph (M); and

6 (C) by inserting after subparagraph (J) the following new subparagraphs  
7 (K) and (L):

8 “(K) Space Force Senior Level Education program.

9 “(L) Space Force Intermediate Level Education Program.”.

10 (2) CONFORMING AND CLARIFYING AMENDMENTS.—Subsection (c) of such section  
11 is amended—

12 (A) in paragraph (1)—

13 (i) by striking “covered institution described in subparagraphs (A)  
14 through (K) of subsection (d)(2)” and inserting “covered Department of  
15 Defense institution or program”; and

16 (ii) by striking “and subparagraph (L) of such subsection” and  
17 inserting “or the United States Coast Guard Academy”;

18 (B) in paragraph (2), by striking “covered institution described in  
19 subsection (d)(2)(L)” and inserting “United States Coast Guard Academy”;

20 (C) in paragraph (3), by striking “covered institution described in  
21 subsection (d)(2)(M)” and inserting “National Intelligence University”; and

22 (D) in paragraph (4), by striking “covered institution described in  
23 subsection (d)(2)(N)” and inserting “United States Merchant Marine Academy”.

1 (3) DEFINITIONS.—Subsection (d) of such section is amended—

2 (A) in paragraph (2), as amended by paragraph (1) of this subsection, by  
3 striking “institution” in the matter preceding subparagraph (A) and inserting  
4 “Department of Defense institution or program”; and

5 (B) in paragraph (3), by striking “at a covered institution” and inserting “at  
6 a covered Department of Defense institution or program or at an institution named  
7 in paragraph (2), (3), or (4) of subsection (c)”.

8 **SEC. 935. CODIFICATION OF APPLICABILITY TO SPACE FORCE OF CERTAIN**  
9 **PAY AND ALLOWANCE AUTHORITIES.**

10 (a) DEFINITIONS.—Section 101 of title 37, United States Code, is amended—

11 (1) in paragraph (22), by inserting “, or for members of the Space Force in space  
12 force active status not on sustained duty,” after “reserve component” in subparagraphs  
13 (A) and (B).; and

14 (2) by adding at the end the following new paragraphs:

15 “(27) The term ‘space force active status’ has the meaning given that term in  
16 paragraph (1) of section 101(e) of title 10.

17 “(28) The term ‘sustained duty’ has the meaning given that term in paragraph (4)  
18 of section 101(e) of title 10.”.

19 (b) BASIC PAY.—Chapter 3 of such title is amended as follows:

20 (1) REFERENCES TO OFFICER GRADES.—Section 201(a) is amended—

21 (A) by striking “(1) Subject to paragraph (2), for the” and inserting “For  
22 the”;

1 (B) by striking “and Marine Corps” in the heading for the second column  
2 of the table and inserting “Marine Corps, and Space Force”; and

3 (C) by striking paragraph (2).

4 (2) APPLICABLE PAY AND ALLOWANCES FOR CERTAIN SPACE FORCE MEMBERS WHO  
5 ARE PHYSICALLY DISABLED OR INCUR LOSS OF EARNED INCOME WHEN NOT ON SUSTAINED  
6 DUTY.—Subsections (g)(1) and (h)(1) of section 204 are amended by inserting “, or a  
7 member of the Space Force in space force active status not on sustained duty,” after “of a  
8 reserve component of a uniformed service”.

9 (3) SERVICE CREDITABLE FOR COMPUTATION.—Section 205(a)(2) is amended—

10 (A) by transferring subparagraph (F) to appear after subparagraph (A) and  
11 redesignating that subparagraph as subparagraph (B);

12 (B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and  
13 (F), respectively;

14 (C) by striking subparagraph (C) and redesignating the original  
15 subparagraph (B) as subparagraph (D); and

16 (D) by inserting after subparagraph (B), as transferred and redesignated by  
17 paragraph (1), the following new subparagraph (C):

18 “(C) the Space Force;”.

19 (4) INACTIVE-DUTY TRAINING PAY.—Section 206 is amended—

20 (A) in subsection (a), in the matter preceding paragraph (1)—

21 (i) by striking “Guard or a” and inserting “Guard, a”; and

22 (ii) by inserting “, or a member of the Space Force” after

23 “uniformed service” the first place it appears;

1 (B) in subsection (d)—  
2 (i) in paragraph (1), by inserting “, by a member of the Space  
3 Force,” after “reserve component”; and  
4 (ii) in paragraph (2), by inserting “or the Space Force,” after  
5 “Ready Reserve”;  
6 (C) in subsection (e)—  
7 (i) by striking “Guard or of a” and inserting “Guard, a”; and  
8 (ii) by inserting “, or the Space Force” after “uniformed services”;  
9 and  
10 (D) in the section heading, by inserting “; **members of the Space Force**”  
11 before the colon.

12 (5) PARTICIPATION IN THRIFT SAVINGS PLAN.—Section 211(a)(2) is amended by  
13 inserting “or the Space Force” after “member of the Ready Reserve”.

14 (c) SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—Subchapter II of chapter 5  
15 of such title is amended as follows:

16 (1) GENERAL BONUS AUTHORITY FOR ENLISTED MEMBERS.—Section 331 is  
17 amended—

18 (A) in subsection (a)—  
19 (i) by striking “or” at the end of paragraph (4);  
20 (ii) by striking the period at the end of paragraph (5) and inserting  
21 “; or”; and  
22 (iii) by adding at the end the following new paragraph:

1           “(6) transfers from a regular component or reserve component of an armed force  
2 to the Space Force or from the Space Force to a regular component or reserve component  
3 of another armed force, subject to the approval of the Secretary with jurisdiction over the  
4 armed force to which the member is transferring.”; and

5           (B) in subsection (c)(1)—

6           (i) in subparagraph (B), by inserting “, or in the Space Force on  
7 sustained duty under section 20105 of title 10,” after “in a regular  
8 component”;

9           (ii) in subparagraph (C), by inserting “, or in the Space Force in  
10 space force active status not on sustained duty under section 20105 of title  
11 10,” after “in a reserve component”; and

12           (iii) in subparagraph (D), by striking “(4) or (5)” and inserting “(4),  
13 (5), or (6)”.

14           (2) GENERAL BONUS AUTHORITY FOR OFFICERS.—Section 332 is amended—

15           (A) in subsection (a)—

16           (i) by striking “or” at the end of paragraph (4);

17           (ii) by striking the period at the end of paragraph (5) and inserting  
18 “; or”; and

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

20           “(6) transfers from a regular component or reserve component of a uniformed  
21 service to the Space Force or from the Space Force to a regular component or reserve  
22 component of another uniformed service, subject to the approval of the Secretary with  
23 jurisdiction over the uniformed service to which the member is transferring.”; and

1 (B) in subsection (c)(1)—

2 (i) in subparagraph (C), by inserting “, or in the Space Force on  
3 sustained duty under section 20105 of title 10,” after “in a regular  
4 component”;

5 (ii) in subparagraph (D), by inserting “, or in the Space Force in  
6 space force active status not on sustained duty under section 20105 of title  
7 10,” after “in a reserve component” and

8 (iii) in subparagraph (E), by striking “(4) or (5)” and inserting “(4),  
9 (5), or (6)”.

10 (3) SPECIAL AVIATION INCENTIVE PAY OR BONUS FOR OFFICERS.— Section 334 is  
11 amended—

12 (A) by striking “in a regular or reserve component” in subsections (a)(1),  
13 (b), (h)(1), (h)(2), and (h)(3);

14 (B) in subsection (b)(3), by inserting “, or, in the case of an officer of the  
15 Space Force, to remain in space force active status,” after “in a reserve  
16 component”; and

17 (C) in subsection (e)—

18 (i) in the subsection heading, by striking “RESERVE COMPONENT”;

19 and

20 (ii) by striking “A reserve component officer” and inserting “An  
21 officer.”.

22 (4) SPECIAL PAYS.—Sections 351(a), 352(a), 353(a), and 353(b) are amended by  
23 striking “of a regular or reserve component”.

1 (5) RETENTION INCENTIVES FOR MEMBERS QUALIFIED IN CRITICAL MILITARY SKILLS

2 OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355 is amended as follows:

3 (A) Subsection (a) is amended—

4 (i) in the matter preceding paragraph (1)—

5 (I) by striking “An officer or enlisted member” and

6 inserting “A member”; and

7 (II) by inserting after “reserve component” the following: “,

8 or a member the Space Force who is serving in space force active

9 status,”; and

10 (ii) in paragraph (1), by inserting before the semicolon at the end

11 the following: “or to remain in space force active status for at least one

12 year”.

13 (B) Subsection (d)(1) is amended by inserting “or a member of the Space

14 Force not on sustained duty” in the second sentence after “reserve component

15 member”.

16 (C) Subsection (e) is amended—

17 (i) in paragraph (1), by striking “active duty or service in an active

18 status in a reserve component” in subparagraph (A) and the first place it

19 appears in subparagraph (B) and inserting “a specified form of service (or

20 combination thereof)”;

21 (ii) in paragraphs (1)(B), (2), (3), and (4), by striking “active duty

22 or service in an active status in a reserve component for which” and

23 inserting “service for which”; and

1 (iii) by adding at the end the following new paragraph:

2 “(5) In this subsection, the term ‘specified form of service’ means—

3 “(A) service on active duty;

4 “(B) service in an active status in a reserve component; or

5 “(C) service in the Space Force in space force active status.”.

6 (6) CONTINUATION PAY FOR FULL TSP MEMBERS WITH 7-12 YEARS OF SERVICE.—

7 Section 356(b) is amended—

8 (A) in the matter preceding paragraph (1)—

9 (i) in the second sentence, by striking “or a reserve component”

10 and inserting “, a member of the Space Force on sustained duty, or a

11 member of a reserve component”; and

12 (ii) in the third sentence, by inserting “or a member of the Space

13 Force in space force active status not on sustained duty” after “(as so

14 defined)”;

15 (B) in paragraph (1), by inserting “or a member of the Space Force on

16 sustained duty” in the matter preceding subparagraph (A) after “of a regular

17 component”; and

18 (C) in paragraph (2)—

19 (i) by inserting “or a member of the Space Force in space force

20 active status and not on sustained duty” in the matter preceding

21 subparagraph (A) after “of a reserve component”; and

22 (ii) by inserting “or a member of the Space Force on sustained

23 duty, respectively,” in subparagraph (A) after “of a regular component”.

1 (d) ADMINISTRATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—

2 Subchapter III of chapter 5 of such title is amended as follows:

3 (1) CONTINUATION OF PAY AND ALLOWANCES DURING CERTAIN HOSPITALIZATION  
4 AND REHABILITATION.—Section 372(a) is amended by striking “of a regular or reserve  
5 component”.

6 (2) REPAYMENT OF UNEARNED PORTION OF BONUS OR SPECIAL OR INCENTIVE  
7 PAY.—Section 373(d)(2)(A) is amended by striking “in a regular or reserve component  
8 who remains on active duty or in an active status” and inserting “who remains on active  
9 duty, in an active status in a reserve component, or in space force active status”.

10 (e) ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES.—Section  
11 416 of such title is amended by inserting “an officer of the Space Force not on sustained duty,”  
12 after “of component,”.

13 (f) LEAVE.—Section 501 of such title is amended—

14 (1) in subsection (a)—

15 (A) by inserting “, or of the Space Force,” in paragraphs (4) and (5) after  
16 “of a reserve component”; and

17 (B) by inserting “, or from the Space Force,” in paragraph (4) after “from  
18 the reserve component”; and

19 (2) in subsection (b)(5)—

20 (A) in subparagraphs (A) and (D), by inserting “, or a member of the  
21 Space Force in space force active status not on sustained duty,” after “of a reserve  
22 component”; and

23 (B) in subparagraph (C), by striking “Regular” before “Space Force”.

1 (g) MISCELLANEOUS RIGHTS AND BENEFITS.—Chapter 17 of such title is amended as  
2 follows:

3 (1) Section 908(a)(2) is amended by inserting “and members of the Space Force in  
4 space force active status not on sustained duty” after “of the armed forces”.

5 (2)(A) Section 910 is amended—

6 (i) by inserting “or of the Space Force” after “of the armed forces” in  
7 subsection (a); and

8 (ii) by inserting “or the Space Force” after “a reserve component” in  
9 subsections (b)(1), (b)(2), (b)(3), and (e)(1).

10 (B) The heading of such section is amended by inserting “**and members of the**  
11 **Space Force**” after “**reserve component members**”.

12 (h) ADMINISTRATION.—

13 (1) Section 1002 of such title is amended—

14 (A) in subsection (a)—

15 (i) by striking “or of a reserve component of a uniformed service,”  
16 and inserting “, of a reserve component, or of the Space Force”; and

17 (ii) by striking “his consent” and inserting “the member’s  
18 consent”; and

19 (B) in subsection (c), by inserting “or the Space Force” after “of a reserve  
20 component”.

21 (2) The heading of such section is amended by striking “**and members of**  
22 **National Guard**” and inserting “; **members of the National Guard; members of the**  
23 **Space Force**”.

1 (i) CONFORMING AMENDMENT TO REFLECT CHANGE OF NAME OF SPACE AND MISSILE  
2 SYSTEMS CENTER TO SPACE SYSTEMS COMMAND.—Section 2273a(a) of title 10, United States  
3 Code, is amended by striking “Air Force Space and Missile Systems Center” and inserting  
4 “Space Force Space Systems Command”.

5 **SEC. 936. REDESIGNATION OF THE OFFICE OF THE CHIEF OF SPACE**  
6 **OPERATIONS AS THE SPACE STAFF.**

7 (a) REDESIGNATION.—The Office of the Chief of Space Operations in the executive part  
8 of the Department of the Air Force is redesignated as the Space Staff.

9 (b) SPACE STAFF CHARTER.—

10 (1) FUNCTION AND COMPOSITION.—Section 9084 of title 10, United States Code,  
11 as redesignated by section 509C(a)(1) of the National Defense Authorization Act for  
12 Fiscal Year 2025 (Public Law 118-159), is amended—

13 (A) in subsection (a), by striking “an Office of the Chief of Space  
14 Operations” and inserting “a Space Staff”; and

15 (B) in subsections (b) and (c), by striking “Office of the Chief of Space  
16 Operations” each place it appears and inserting “Space Staff”.

17 (2) DUTIES.—Section 9085 of such title, as redesignated by such section  
18 509C(a)(1), is amended by striking “Office of the Chief of Space Operations” both places  
19 it appears and inserting “Space Staff”.

20 (3) SECTION HEADINGS.— The headings of those sections are amended by striking  
21 “Office of the Chief of Space Operations” and inserting “Space Staff”.

22 (c) CONFORMING AMENDMENTS.—

1 (1) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014 of such title is  
2 amended by striking “Office of the Chief of Space Operations” each place it appears and  
3 inserting “Space Staff”.

4 (2) CHIEF OF SPACE OPERATIONS.—Section 9082(d) of such title is amended by  
5 striking “Office of the Chief of Space Operations” each place it appears and inserting  
6 “Space Staff”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]**

### **Section-by-Section Analysis**

#### **SEC. 931. AUTHORITY TO WAIVE PROHIBITION ON OFFICERS SERVING ON SUCCESSIVE SELECTION BOARDS FOR BOARDS TO CONSIDER OFFICERS FOR PROMOTION TO MAJOR GENERAL OR REAR ADMIRAL..**

This section would amend section 612 of title 10, United States Code, to authorize the Secretary of a military department to waive subsection (b) of that section for membership of a selection board convened under section 611(a) of title 10 to consider officers for promotion to major general or rear admiral if the Secretary determines that qualified officers who are on the active-duty list or Space Force officer list or who are otherwise authorized to serve on the board are not available in sufficient number to comprise that selection board. Subsection (b) provides: “No officer may be a member of two successive selection boards convened under section 611(a) of this title for the consideration of officers of the same competitive category and grade.”

The ability of the Space Force to meet the current requirements of section 612(b) is constrained by its limited general officer authorizations in section 526 and general officer grade limits in section 525 of title 10, United States Code. This proposal would also enable the military departments to more easily establish selection boards to consider “non-line” officers within small professional career fields (e.g., health professions, judge advocates, chaplains) for promotion to O-8 grades.

Title 10, section 612(b), identifies a selection board’s requirement to have at least one officer from each competitive category of officers to be considered by the board. Board composition waiver authority helps to shape selection of board members based on need and not because an officer happens to be available.

#### **SEC. 932. PROCEDURES FOR SELECTION OF SPACE FORCE OFFICERS FOR PROMOTION TO MAJOR GENERAL.**

This section of the proposal would amend chapter 2002 of title 10, United States Code, to provide that, whenever there is a vacancy in the grade of major general in the Space Force or the Joint Pool under section 526(b) of title 10, United States Code, the Secretary of the Air Force has the ability to identify a Space Force brigadier general for appointment to the grade of major

general. The proposed language provides that to be promoted to major general in the Space Force, an officer must be appointed with the advice and consent of the Senate after selection by a selection board. The officer would then be promoted when entering the assigned vacant major general position.

Due to the small number of major general positions in the Space Force, it is critical for Space Force leadership to fill each position with an officer who has the right mix of skills and attributes for that particular position. This is difficult to do through the current selection board process in which selection for promotion to major general is separate from the assignment process. This proposal focuses on the officer's record as the officer will have to meet a board and further consideration from the Secretary of the Air Force for potential promotion and assignment consideration. The officer seeking promotion will have to exceed performance qualifications to warrant promotion to the grade of major general.

The proposed language would establish a process in which a selection board is convened under section 20211 of title 10 to identify brigadier generals who are exceptionally well qualified to be promoted to the grade of major general. The selected officers would receive a certificate of eligibility upon Senate confirmation, similar in effect to general officers in the National Guard under section 307 of title 32. The section would permit a Secretary of the Air Force to recommend Space Force brigadier generals to the President for promotion to major general to efficiently fill projected vacant positions. This proposal will ensure that general officers with the appropriate skillset are matched to the right position to meet operational mission set requirements in synch with the strategic vision of the Department of Defense.

The section would also make conforming amendments.

### **SEC. 933. TREATMENT OF SPACE FORCE GENERAL OFFICERS FOR PURPOSES OF LAWS RELATING TO AUTHORIZED NUMBER OF GENERAL OFFICERS AND DISTRIBUTION OF OFFICERS IN GENERAL OFFICER GRADES**

This section would amend sections 525 and 526 of title 10, United States Code, to incorporate the Space Force into existing exemptions for reserve component general officers. With the enactment of the Space Force Personnel Management Act (title XVII of Public Law 118-31; Dec. 22, 2023), space professionals in the Air Force Reserve (AFR) will begin transferring into the Space Force. Among them are five general officers currently serving in the AFR who are expected to transfer into the Space Force. All five of the AFR general officers who transfer to the Space Force will serve in space force active status but will not be on sustained duty orders. Sections 525 and 526 of title 10, United States Code, place limits on the number of general officers for each of the Armed Forces that are permitted to serve on active duty and establish the grade distribution of those general officers. Under section 526, the Space Force is currently limited to 21 general officers serving on active duty. Per 10 U.S.C. 525(a)(5), of those 21 general officers, the Space Force is authorized two officers in the grade of general, seven in the grade of lieutenant general, and six in the grade of major general. There will be no change to general officer headspace.

Subsection (g) of section 525 and subsection (c) of section 526 exempt certain reserve component general officers from these limits, but the subsections will be inapplicable to Space Force general officers because there is no Space Force reserve component. Unless the Space Force is added to the exemptions in sections 525 and 526, the AFR general officers who transfer

to the Space Force will be unable to come on to active duty – for any reason – because it may cause the Space Force to exceed the limitations in section 525(a).

This proposal would resolve the problem.

Subsection (a) of the proposal would amend 10 U.S.C. 525(a) to recognize that the space force officer list is equivalent to an active duty list for the other services and to make certain nomenclature changes to adjust the reference to Space Force general officers in that section from “active duty” to “sustained duty”. It would also amend section 525(g) to add for Space Force non-sustained (aka part-time) general officers an exemption parallel to the exemption in that section for reserve component general officers serving on active duty for more than 365 days but less than 3 years.

Subsection (b) of the proposal would amend 10 U.S.C. 526 by incorporating the Space Force into the existing exclusions for certain reserve component general officers. The amendment to sec. 526(c)(2) would establish an exemption for Space Force non-sustained (aka part-time) general officers commensurate with the exemption for reserve component general officers in that section. The reserve components are allotted 10 percent of total end strength on orders from 180 to 365 days. Given that the proposed total of Space Force part-time general officers is 5, the use of the percentage-based calculation that is used for the reserve components would result in zero for the Space Force.

Subsection (c) of the proposal would add a new section 20110 to subtitle F of title 10 to specifically authorize the Space Force to have no more than five general officers in space force active status but not serving on sustained duty. This new section is similar in purpose to 10 U.S.C. 12004, which authorizes the number of reserve general officers for each Armed Force.

#### **SEC. 934. INCLUSION OF SPACE FORCE PROFESSIONAL MILITARY EDUCATION PROGRAMS IN DEFINITIONS OF SENIOR AND INTERMEDIATE LEVEL SERVICE SCHOOLS AND AS COVERED PROGRAMS FOR COPYRIGHT PURPOSES.**

Subsection (a) of this section would amend section 2151 of title 10, United States Code, to include the Space Force’s Senior Level Education and Intermediate Level Education programs in the definitions of senior-level and intermediate-level service schools. This is necessary because only the senior-level and intermediate-level schools listed in such section 2151 may be designated and certified by the Secretary of Defense to provide Joint Professional Military Education instruction.

Subsection (b) of this section would amend section 2162 of title 10 to include the Senior and Intermediate Level Education programs in the list of Professional Military Education Schools for which the Secretary of Defense is required to promulgate a uniform cost accounting system for use in preparing budget requests.

Finally, subsection (c) of this section would amend section 105 of title 17, United States Code, to treat Space Force employees the same as employees of the other Service schools and the Service academies. This amendment would allow the Secretary of Defense to direct the author of a covered work who is an employee of the Space Force’s Intermediate and Senior Level Education Programs to provide the Federal Government with a license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

#### **SEC. 935. CODIFICATION OF APPLICABILITY TO SPACE FORCE OF CERTAIN PAY AND ALLOWANCE AUTHORITIES.**

This section would amend title 37, United States Code, to insert references to the Space Force to reflect pay and allowance authorities already applicable to the Space Force. That is, this proposal would not create new authorities. Rather, it would reflect in title 37 the current applicability to the Space Force of various provisions of that title pursuant to “continuity of coverage” provisions. In particular, section 958(b) of the United States Space Force Act (subtitle D of title IX of Public Law 116-92; 10 U.S.C. 9081 note) provides that a member of the Space Force shall be treated as a member of the Air Force for the purpose of the application of any provision of law, including provisions of law relating to pay, benefits, and retirement.

### **SEC. 936. REDESIGNATION OF THE OFFICE OF THE CHIEF OF SPACE OPERATIONS AS THE SPACE STAFF**

This section would redesignate the Office of the Chief of Space Operations as the Space Staff. The redesignation would align the title of the headquarters of the Space Force with that of the headquarters of the Air Force and would conform to everyday usage within the Department of the Air Force (DAF) and the Space Force.

The Office of the Chief of Space Operations (OCSO) was established following enactment of the United States Space Force Act (subtitle D of title IX of the FY2020 NDAA (P.L. 116-92)). Section 953 of that Act established the position of Chief of Space Operations and listed among the duties of the new position the responsibility to “preside over the Office of the Chief of Space Operations.” The next year, section 921 of the FY2021 NDAA (P.L. 116-283) added sections 9083 and 9084 to title 10, United States Code. Section 9083 established the function, composition, and organization of the OCSO, while section 9084 established the general duties of the OCSO. The language of both sections closely follows the language in similar sections of title 10 establishing headquarters offices for the other Armed Forces in the Department of Defense (the Army Staff at 10 U.S.C. 7031 & 7032; the Office of the Chief of Naval Operations at 10 U.S.C. 8031 & 8032; Headquarters, Marine Corps, at 10 U.S.C. 8041 & 8042; and the Air Staff at 10 U.S.C. 9031 & 9032).

Almost immediately after enactment, the practice within the OCSO and the Headquarters, Air Force, more broadly, became to refer internally to the OCSO as the “Space Staff.” The term “Office of the Chief of Space Operations” has proven cumbersome to use, and it has little significance for Airmen, Guardians, and DAF civilian employees. The term “Space Staff” clearly connotes an organization that is equivalent to the Air Staff.

By redesignating the Office of the Chief of Space Operations as the Space Staff, this section would bring the title prescribed in law in line with the preferred every-day terminology and would eliminate the awkward requirement in official documents to acknowledge the official title before transitioning to the more widely used and accepted title.

**Resource Information:** This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

**Changes to Existing Law:** This proposal would amend titles 10, 17, and 37 of the United States Code, as follows:

## **TITLE 10, UNITED STATES CODE**

### **Subtitle A—General Military Law**

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## CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

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### § 525. Distribution of commissioned officers on active duty in general officer and flag officer grades

(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list or the Space Force officer list, may be made—

- (1) in the Army, if that appointment would result in more than—
  - (A) 8 officers in the grade of general;
  - (B) 46 officers in a grade above the grade of major general; or
  - (C) 90 officers in the grade of major general;
- (2) in the Air Force, if that appointment would result in more than—
  - (A) 9 officers in the grade of general;
  - (B) 44 officers in a grade above the grade of major general; or
  - (C) 73 officers in the grade of major general;
- (3) in the Navy, if that appointment would result in more than—
  - (A) 6 officers in the grade of admiral;
  - (B) 34 officers in a grade above the grade of rear admiral; or
  - (C) 49 officers in the grade of rear admiral;
- (4) in the Marine Corps, if that appointment would result in more than—
  - (A) 2 officers in the grade of general;
  - (B) 18 officers in a grade above the grade of major general; or
  - (C) 21 officers in the grade of major general; and
- (5) in the Space Force, if that appointment would result in more than—
  - (A) 2 officers on sustained duty orders in the grade of general;
  - (B) 7 officers on sustained duty orders in a grade above the grade of major general; or
  - (C) 6 officers on sustained duty orders in the grade of major general.

(b) The limitations of subsection (a) do not include the following:

(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

(c)(1) Subject to paragraph (3), the President—

(A) may make appointments in the Army, Air Force, Marine Corps, and Space Force in the grades of lieutenant general and general in excess of the applicable numbers

determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

(2) For each appointment made under the authority of paragraph (1) in the Army, Air Force, Marine Corps, or Space Force in the grade of lieutenant general or general or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the armed force in which the reduction required by this paragraph is to be made.

(3)(A) The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed 15.

(B) The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointments made under the authority of paragraph (1) may not exceed 5.

(4) Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that armed force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another armed force by reason of that increase shall no longer be in effect.

(d) An officer continuing to hold the grade of general or admiral under section 601(b)(5) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Chief of Space Operations shall not be counted for purposes of this section.

(e) The following officers shall not be counted for purposes of this section:

(1) An officer of that armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

(f) An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (a).

(g) A naval officer while serving as the Medical Officer of the Marine Corps is in addition to the number that would otherwise be permitted for the Navy for officers serving on active duty in the grade of rear admiral (lower half) under subsection (a).

(h)(1) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and are not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.

(2) Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.

(3)(A) The limitations of this section do not apply to a Space Force general officer serving in a space force active status not on sustained duty orders, and who is on active duty for a period in excess of 365 days but not to exceed three years. Unless authorized by the Secretary of Defense, the number of Space Force general officers covered by this subsection and not serving in a joint duty assignment for purposes of chapter 38 of this title may not exceed 5.

“(B) Not later than 30 days after authorizing a number of Space Force general officers in excess of the number specified in subparagraph (A), the Secretary of Defense shall provide a notification as required in paragraph (2).

## **§526. Authorized strength: general officers and flag officers on active duty**

(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, Marine Corps, and Space Force, and the number of flag officers on active duty in the Navy may not exceed the number specified for the armed force concerned as follows:

- (1) For the Army, 219.
- (2) For the Navy, 150.
- (3) For the Air Force, 171.
- (4) For the Marine Corps, 64.
- (5) For the Space Force, 21.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a).

(2) MINIMUM NUMBER.—Unless the Secretary of Defense determines that a lower number is in the best interest of the Department of Defense, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

- (A) For the Army, 75.
- (B) For the Navy, 53.
- (C) For the Air Force, 68.

- (D) For the Marine Corps, 17.
- (E) For the Space Force, 6.

(c) EXCLUSION OF CERTAIN OFFICERS OF RESERVE COMPONENTS AND OF THE SPACE FORCE.—The limitations of this section do not apply to the following:

(1) A general or flag officer of a reserve component or of the Space Force who is on active duty—

(A) for training; or

(B) under a call or order specifying a period of less than 180 days.

(2)(A) A general or flag officer of a reserve component who is authorized by the Secretary of the military department concerned to serve on active duty for a period of at least 180 days and not longer than 365 days.

(B) The Secretary of the military department concerned may authorize a number, determined under subparagraph (C), of officers in the reserve component of each armed force under the jurisdiction of that Secretary to serve as described in subparagraph (A).

(C) Each number described in subparagraph (B) may not exceed 10 percent of the number of general or flag officers, as the case may be, authorized to serve in the armed force concerned under section 12004 of this title. In determining a number under this subparagraph, any fraction shall be rounded down to the next whole number that is greater than zero.

(D) The Secretary of the Air Force may authorize not more than two of the general officers authorized to serve in the Space Force under section 20110 of this title to serve on active duty for a period of at least 180 days and not longer than 365 days.

(3)(A) A general or flag officer of a reserve component (or a Space Force general officer in space force active status not on sustained duty) who is on active duty for a period longer than 365 days and not longer than three years.

(B) The number of officers described in subparagraph (A) who do not serve in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed five per armed force, unless authorized by the Secretary of Defense.

(d) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to—

(1) an officer of an armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer; ~~or~~

(2) an officer of an armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first; or

(3) a Space Force officer in the grade of brigadier general or above who is pending transition off of sustained duty orders, but only during the 60-day period preceding the end date of such orders.

\* \* \* \* \*

(g) EXCLUSION OF MEDICAL OFFICER OF MARINE CORPS.—The limitations of this section do not apply to the flag officer who is serving as the Medical Officer of the Marine Corps.

(h) SECRETARY OF DEFENSE ADAPTIVE FORCE ACCOUNT.—The limitations in subsection (a) and in section 525(a) of this title do not apply to a general officer or flag officer assigned to the Secretary of Defense Adaptive Force Account as designated by the Secretary of Defense. The total number of positions designated as the Secretary of Defense Adaptive Force Account for purposes of this subsection shall not exceed 35.

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## CHAPTER 36-PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

\* \* \* \* \*

### § 612. Composition of selection boards

(a) \*\*\*

(b)(1) No officer may be a member of two successive selection boards convened under section 611(a) of this title for the consideration of officers of the same competitive category and grade.

(2) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may waive the limitation in paragraph (1) in the case of a selection board that will consider officers for recommendation for promotion to the grade of major general or rear admiral if the Secretary of the military department determines that qualified officers on the active-duty list or Space Force officer list or otherwise authorized to serve on the board are not available in sufficient number to comprise that selection board.

(c) (1) Each selection board convened under section 611(a) of this title that will consider an officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

(2) Paragraph (1) applies with respect to an officer who—  
(A) is serving on, or has served on, the Joint Staff; or  
(B) is a joint qualified officer.

(3) The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

(A) any selection board of the Marine Corps or the Space Force; or  
(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.

\* \* \* \* \*

### §615. Information furnished to selection boards

(a)(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 611(a) ~~or 20211~~ of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the selection board.

(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 614(b) of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1), is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

(3) \*\*\*

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## **CHAPTER 107—PROFESSIONAL MILITARY EDUCATION**

\* \* \* \* \*

### **§2151. Definitions**

(a) **JOINT PROFESSIONAL MILITARY EDUCATION.**—Joint professional military education consists of the rigorous and thorough instruction and examination of officers of the armed forces in an environment designed to promote a theoretical and practical in-depth understanding of joint matters and, specifically, of the subject matter covered. The subject matter to be covered by joint professional military education shall include at least the following:

- (1) National Military Strategy.
- (2) Joint planning at all levels of war.
- (3) Joint doctrine.
- (4) Joint command and control.
- (5) Joint force and joint requirements development.
- (6) Operational contract support.

(b) **OTHER DEFINITIONS.**—In this chapter:

- (1) The term “senior level service school” means any of the following:
  - (A) The Army War College.
  - (B) The College of Naval Warfare.
  - (C) The Air War College.

- (D) The Marine Corps War College.
  - (E) The Space Force Senior Level Education Program.
- (2) The term “intermediate level service school” means any of the following:
- (A) The United States Army Command and General Staff College.
  - (B) The College of Naval Command and Staff.
  - (C) The Air Command and Staff College.
  - (D) The Marine Corps Command and Staff College.
  - (E) The Space Force Intermediate Level Education Program.

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**CHAPTER 108—DEPARTMENT OF DEFENSE SCHOOLS**

\* \* \* \* \*

**§ 2162. Preparation of budget requests for operation of professional military education schools**

(a) \*\*\*

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(d) PROFESSIONAL MILITARY EDUCATION SCHOOLS.-This section applies to each of the following professional military education schools:

- (1) The National Defense University.
- (2) The Army War College.
- (3) The College of Naval Warfare.
- (4) The Air War College.
- (5) The United States Army Command and General Staff College.
- (6) The College of Naval Command and Staff.
- (7) The Air Command and Staff College.
- (8) The Marine Corps University.
- (9) The Space Force Senior Level Education Program.
- (10) The Space Force Intermediate Level Education Program.

\* \* \* \* \*

**CHAPTER 135—SPACE PROGRAMS**

\* \* \* \* \*

**§2273a. Space Rapid Capabilities Office**

(a) IN GENERAL.—There is within the Space Force a program office known as the Space Rapid Capabilities Office (in this section referred to as the "Office"). The facilities of the Office may not be co-located with the headquarters facilities of the ~~Air Force Space and Missile Systems Center~~ Space Force Space Systems Command.

(b) HEAD OF OFFICE.—The head of the Office shall be the designee of the Secretary of the Air Force. The head of the Office shall report to the Chief of Space Operations.

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## Subtitle D—Air Force and Space Force

\*\*\*\*\*

### CHAPTER 903—DEPARTMENT OF THE AIR FORCE

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#### §9014. Office of the Secretary of the Air Force

(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force. The function of the Office is to assist the Secretary of the Air Force in carrying out his responsibilities.

(b) The Office of the Secretary of the Air Force is composed of the following:

(1) \*\*\*

\*\*\*\*\*

(c)(1) The Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary, the Air Staff, and the ~~Office of the Chief of Space Operations~~ Space Staff for the following functions:

(A) Acquisition.

(B) Auditing.

(C) Comptroller (including financial management).

(D) Information management.

(E) Inspector General.

(F) Legislative affairs.

(G) Public affairs.

(2) Subject to paragraph (6), the Secretary of the Air Force shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Air Staff or the ~~Office of the Chief of Space Operations~~ Space Staff for to conduct any of the functions specified in paragraph (1).

(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the ~~Office of the Chief of Space Operations~~ Space Staff, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.

(4) The vesting in the Office of the Secretary of the Air Force of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Air Force (including the Air Staff and the ~~Office of the Chief of Space Operations~~ Space Staff) from providing advice or assistance to the Chief of Staff and the Chief of Space Operations or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Air Force.

(5) \*\*\*

(6) \*\*\*

(d)(1) Subject to paragraph (2), the Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary, the Air Staff, and the ~~Office of the Chief of Space Operations~~ Space Staff for the function of research and development.

(2) The Secretary of the Air Force may assign to the Air Staff and the ~~Office of the Chief of Space Operations~~ Space Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct the function specified in paragraph (1).

(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the ~~Office of the Chief of Space Operations~~ Space Staff, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.

(e) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force, the Air Staff, and the ~~Office of the Chief of Space Operations~~ Space Staff do not duplicate specific functions for which the Secretary has assigned responsibility to any of the others.

(f) \*\*\*

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## CHAPTER 908—THE SPACE FORCE

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### § 9082. Chief of Space Operations

(a) APPOINTMENT.—(1) There is a Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Space Force. The Chief serves at the pleasure of the President.

(2) The Chief shall be appointed for a term of four years. In time of war or during a national emergency declared by Congress, the Chief may be reappointed for a term of not more than four years.

(3) The President may appoint an officer as Chief of Space Operations only if—  
(A) the officer has had significant experience in joint duty assignments; and  
(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general officer of the Space Force.

(4) The President may waive paragraph (3) in the case of an officer if the President determines such action is necessary in the national interest.

(b) GRADE.—The Chief, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) RELATIONSHIP TO THE SECRETARY OF THE AIR FORCE.—Except as otherwise prescribed by law and subject to section 9013(f) of this title, the Chief performs the duties of such position under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

(d) DUTIES.— Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief shall—

- (1) preside over the ~~Office of the Chief of Space Operations~~ Space Staff;
- (2) transmit the plans and recommendations of the ~~Office of the Chief of Space Operations~~ Space Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;
- (3) after approval of the plans or recommendations of the ~~Office of the Chief of Space Operations~~ Space Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;
- (4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Space Force as the Secretary determines;
- (5) perform duties prescribed for the Chief of Space Operations by sections 171 and 3104 of this title and other provisions of law; and
- (6) perform such other military duties, not otherwise assigned by law, as are assigned to the Chief by the President, the Secretary of Defense, or the Secretary of the Air Force.

(e) JOINT CHIEFS OF STAFF.—(1) The Chief of Space Operations shall be a member of the Joint Chiefs of Staff.

(2) To the extent that such action does not impair the independence of the Chief in the performance of the duties of the Chief as a member of the Joint Chiefs of Staff pursuant to paragraph (1), the Chief shall inform the Secretary of the Air Force regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

(f) VACANCY IN POSITION OF CHIEF OF SPACE OPERATIONS.—When there is a vacancy in the position of Chief of Space Operations or during the absence or disability of the Chief of Space Operations—

- (1) the Vice Chief of Space Operations shall perform the duties of the Chief of Space Operations until a successor is appointed or the absence or disability ceases; or
- (2) if there is a vacancy in the position of Vice Chief of Space Operations or the Vice Chief of Space Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Space Force in the Space Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Space Operations until the earlier of—

(A) the appointment of a successor to the Chief of Space Operations or the Vice Chief of Space Operations; or

(B) the cessation of the absence or disability of the Chief of Space Operations or Vice Chief of Space Operations.

### **§ 9083. Vice Chief of Space Operations**

(a) APPOINTMENT.—There is a Vice Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Space Force.

(b) GRADE.—The Vice Chief of Space Operations, while so serving, has the grade of general without vacating the permanent grade of the officer.

(c) DUTIES.—The Vice Chief of Space Operations has such authorities and duties with respect to the Space Force as the Chief of Space Operations, with the approval of the Secretary of the Air Force, may delegate to or prescribe for the Vice Chief of Space Operations. Orders issued by the Vice Chief of Space Operations in performing such duties have the same effect as those issued by the Chief of Space Operations.

### **§9084. ~~Office of the Chief of Space Operations~~ Space Staff: function; composition**

(a) FUNCTION.—There is in the executive part of the Department of the Air Force ~~an Office of the Chief of Space Operations~~ a Space Staff to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

(b) COMPOSITION.—The ~~Office of the Chief of Space Operations~~ Space Staff is composed of the following:

(1) The Chief of Space Operations.

(2) Other members of the Space Force and Air Force assigned or detailed to the ~~Office of the Chief of Space Operations~~ Space Staff.

(3) Civilian employees in the Department of the Air Force assigned or detailed to the ~~Office of the Chief of Space Operations~~ Space Staff.

(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the ~~Office of the Chief of Space Operations~~ Space Staff shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

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

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

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

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

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

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

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

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

(c) \*\*\*

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## **Subtitle F—Alternative Military Personnel Systems**

### **Part I—Space Force**

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#### **CHAPTER 2003—STATUS AND PARTICIPATION**

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#### **§20110. Strength in grade: Space Force general officers in Space Force active status not on sustained duty**

(a) AUTHORIZED STRENGTH.—The authorized strength of general officers in the Space Force serving in space force active status not on sustained duty is five.

(b) EXCLUSIONS.—The following Space Force general officers shall not be counted for purposes of this section:

(1) Those counted under section 526 of this title.

(2) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed two.

(c) PERMANENT GRADE.—A Space Force general officer may not be reduced in permanent grade because of a reduction in the number authorized under subsection (a).

(d) TEMPORARY EXCLUSION.—The limitations of subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of the Air Force to extend the 60-day period by an additional 120 days, except that not more than three Space Force officers may be covered by an extension under this subsection at the same time.

#### **CHAPTER 2005—OFFICERS**

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#### **SUBCHAPTER II—SELECTION BOARDS**

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**§20211. Convening of selection boards**

(a) IN GENERAL.—Whenever the needs of the service require, the Secretary of the Air Force shall convene selection boards to recommend for promotion to the next higher permanent grade officers of the Space Force in each permanent grade from first lieutenant through brigadier general.

(b) EXCEPTION FOR OFFICERS IN GRADE OF FIRST LIEUTENANT.—\*\*\*

(c) SELECTION BOARDS FOR EARLY RETIREMENT OR DISCHARGE.—The Secretary of the Air Force may convene selection boards to recommend officers for early retirement under section 20404(a) of this title or for discharge under section 20404(b) of this title.

(d) REGULATIONS.—The convening of selection boards under subsection (a) shall be under regulations prescribed by the Secretary of the Defense.

**§20212. Composition of selection boards**

(a) APPOINTMENT AND COMPOSITION OF BOARDS.—\*\*\*

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(b) LIMITATION ON MEMBERSHIP ON CONSECUTIVE BOARDS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), no officer may be a member of two successive selection boards convened under section 20211 of this title for the consideration of officers of the same competitive category and grade.

(2) EXCEPTION FOR GENERAL OFFICER BOARDS.—Paragraph (1) does not apply with respect to selection boards convened under section 20211 of this title for the consideration of officers in the grade of colonel or brigadier general.

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**§20213. Notice of convening of selection boards**

(a) NOTICE TO ELIGIBLE OFFICERS.—At least 30 days before a selection board is convened under section 20211 of this title to recommend officers in a grade for promotion to the next higher grade, the Secretary of the Air Force shall—

(1) notify in writing the officers eligible for consideration for promotion of the date on which the board is to convene and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification; or

(2) issue a general written notice to the Space Force regarding the convening of the board which shall include the convening date of the board and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification.

(b) COMMUNICATION FROM OFFICERS.—\*\*\*

(c) NOTICE OF INTENT OF CERTAIN OFFICERS TO SERVE ON OR OFF ACTIVE DUTY.—An officer on the Space Force officer list in the grade of colonel or brigadier general—who receives a notice under subsection (a) shall inform the Secretary of the officer's preference to serve either on or off sustained duty if promoted to the grade of brigadier general or major general, respectively.

#### §20214. Information furnished to selection boards

The provisions of section 615 of this title shall apply to information furnished to selection boards convened under section 20211 of this title in the same manner as to selection boards convened under section 611 of this title.

#### § 20215. Recommendations for promotion by selection boards

(a) ~~BOARD TO RECOMMEND OFFICERS BEST QUALIFIED FOR PROMOTION~~ CRITERIA FOR RECOMMENDATION OF OFFICERS FOR PROMOTION .—

(1) “BEST QUALIFIED” CRITERION FOR RECOMMENDATION FOR PROMOTION TO GRADES BELOW MAJOR GENERAL.—A selection board convened under section 20211 of this title to consider officers for promotion to a grade below major general shall recommend for promotion to the next higher grade those officers considered by the board whom the board, giving due consideration to the needs of the Space Force for officers with particular skills (as noted in the guidelines or information furnished the board under section 615(b) of this title), considers best qualified for promotion within each competitive category considered by the board.

(2) “EXCEPTIONALLY WELL QUALIFIED” CRITERION FOR RECOMMENDATION FOR PROMOTION TO GRADE OF MAJOR GENERAL.—A selection board convened under section 20211 of this title to consider officers for promotion to the grade of major general shall recommend for promotion to that grade those officers considered by the board whom the board considers exceptionally well qualified for promotion.

(b) NUMBER TO BE RECOMMENDED.—The Secretary of the Air Force shall establish the number of officers such a selection board may recommend for promotion from among officers being considered.

(c) BOARD PROCEDURES FOR RECOMMENDATIONS; LIMITATIONS.—A selection board convened under section 20211 of this title may not recommend an officer for promotion unless—

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

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

(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion (or, in the case of an officer recommended for promotion to the grade of major general, that the officer is exceptionally well qualified for promotion) to meet the needs of the Space Force consistent with the requirement of exemplary conduct set forth in section 9233 of this title.

(d) LIMITATION ON PROMOTIONS UNDER OTHER AUTHORITY.—Except as otherwise provided by law, a Space Force officer may not be promoted to a higher grade under this chapter unless the officer is considered and recommended for promotion to that grade by a selection board convened under this chapter or, in the case of an officer transferring into the Space Force from another armed force, chapter 36 or chapter 1403 of this title.

(e) DISCLOSURE OF BOARD RECOMMENDATIONS.—The recommendations of a selection board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary of the Air Force to assist the board) until the written report of the recommendations of the board, required by [section 617 of this title](#), is signed by each member of the board.

(f) PROHIBITION ON ATTEMPTING TO INFLUENCE MEMBERS OF A BOARD.—The Secretary of the Air Force, and an officer or other official exercising authority over any member of a selection board, may not—

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

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

(g) HIGHER PLACEMENT ON PROMOTION LIST OF OFFICER OF PARTICULAR MERIT.—(1) In selecting the officers to be recommended for promotion, a selection board shall, when authorized by the Secretary of the Air Force, recommend officers of particular merit, pursuant to guidelines and procedures prescribed by the Secretary, from among those officers selected for promotion, to be placed higher on the promotion list established by the Secretary under ~~section 624(a)(1)~~ [20239\(a\)\(1\)](#) of this title. This subsection does not apply to a selection board convened to consider officer for recommendation to the grade of major general.

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

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

## **§20216. Reports of selection boards**

(a) IN GENERAL.—Each selection board convened under section 20211 of this title shall submit to the Secretary of the Air Force a written report, signed by each member of the board, containing a list of the names of the officers it recommends for promotion and certifying—

(1) that the board has carefully considered the record of each officer whose name was furnished to it under section 615 of this title; and

(2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion (or, in the case of officers recommended for promotion to the grade of major general, that the officers are exceptionally well qualified for promotion) to meet the needs of the Space Force (as

noted in the guidelines or information furnished the board under section 615(b) of this title) among those officers whose names were furnished to the selection board.

(b) OFFICERS WHO SHOULD BE REQUIRED TO SHOW CAUSE FOR RETENTION.—A selection board convened under section 20211 of this title shall include in its report the name of any officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required under section 20503 of this title to show cause for the officer's retention in space force active status.

(c) OFFICERS RECOMMENDED TO BE PLACED HIGHER ON THE PROMOTION LIST.—A selection board convened under section 20211 of this title shall, when authorized under section 20215(g) of this title, include in its report the names of those officers recommended by the board to be placed higher on the promotion list and the order in which the board recommends that those officers should be placed on the list.

(d) RECOMMENDATION FOR OFFICERS TO BE EXCLUDED FROM FUTURE CONSIDERATION FOR PROMOTION.—A selection board convened under section 20211 of this title may include in its report a recommendation that an officer considered by the board be excluded from future consideration for promotion under this chapter.

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**§20217. Action on reports of selection boards for promotion to brigadier general ~~or major general~~**

(a) IN GENERAL.—After reviewing a report received under section 20215 of this title recommending officers on the Space Force officer list for promotion to the grade of brigadier general ~~or major general~~, but before submitting the report to the Secretary of Defense, the Secretary of the Air Force may, under regulations prescribed by the Secretary of the Air Force, adjust the placement of officers as recommended in the report in order to ensure that sufficient number of officers on both sustained and non-sustained duty are promoted to meet the requirements of the Space Force to fill general officer vacancies.

(b) REPORT.—\*\*\*

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**SUBCHAPTER III—PROMOTIONS**

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**§20231. Eligibility for consideration for promotion: general rules**

(a) IN GENERAL.—\*\*\*

(1) REQUIREMENT TO BE ON SPACE FORCE OFFICER LIST.—An officer is eligible under this chapter for consideration for promotion by a selection board convened under section ~~44101(a)~~ 20211 of this title only if the officer is on the Space Force officer list.

(2) AUTHORITY TO PRECLUDE FROM CONSIDERATION CERTAIN OFFICERS BASED ON TIME OF ENTRY ON OR DEPARTURE FROM SUSTAINED DUTY.—The Secretary of the Air Force—

(A) may, by regulation, prescribe a period of time, not to exceed one year, from the time an officer on the Space Force officer list transfers on or off of sustained duty during which the officer shall be ineligible for consideration for promotion; and

(B) may, by regulation, provide for the exclusion from consideration for promotion by a selection board of an officer otherwise eligible to be considered by the board who has an established date for removal from the Space Force officer list that is not more than 90 days after the date on which the board is to be convened.

(b) CERTAIN OFFICERS NOT TO BE CONSIDERED.—A selection board convened under section 20211 of this title may not consider for promotion to the next higher grade any of the following officers:

(1) An officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section ~~20154~~ 20252 of this title, under section 14101 or 14502 of this title, or under chapter 36 of this title.

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

(3) An officer who has been nominated by the President for promotion to that grade under any other provision of law, if that nomination is pending before the Senate.

(4) An officer in the grade of first lieutenant who is on an approved all-fully-qualified-officers list under section 20239(c)(4) of this title.

(5) An officer excluded under section 20232 of this title.

(6) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 20234 of this title.

(c) CERTAIN COLONELS.— \*\*\*

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(d) BRIGADIER GENERALS.—

(1) OFFICERS NOT ON SPACE FORCE OFFICER LIST.—A brigadier general who is not eligible for consideration for promotion because the officer is not on the Space Force officer list (as required by paragraph (1) of subsection (a) for such eligibility) is nevertheless eligible for consideration for promotion to the grade of major general by a selection board convened under section 20211(a) of this title if—

(A) as of the date of the convening of the promotion board, the officer has been in an inactive status for less than the minimum threshold established in paragraph (2) of subsection (a); and

(B) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served on the Space Force officer list for at least one year.

(2) OFFICERS NOT MEETING MINIMUM PARTICIPATION THRESHOLD.—A brigadier general who is on the Space Force officer list but who is not eligible for consideration for promotion because the officer's service does not meet the minimum participation threshold established under subsection (a)(2) is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 20211(a) of this title if—

(A) the officer was transferred from an inactive status to the reserve active-status list during the one-year period preceding the date of the convening of the promotion board;

(B) immediately before the date of the officer's most recent transfer to an active status, the officer had been in an inactive status for less than one year; and

(C) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served for at least one year on the reserve active-status list or the active-duty list (or a combination of the reserve active-status list and the active-duty list).

~~(e)~~(d) OFFICERS ON EDUCATIONAL DELAY.—An officer on the Space Force officer list is ineligible for consideration for promotion, but shall remain on the Space Force officer list, while the officer—

(1) is pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

(2) is receiving from the Secretary financial assistance in connection with the pursuit of that program of education while in that status.

~~(f)~~(e) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the Air Force may provide that an officer who is in space force active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section, shall not be considered for selection for promotion until completion of two years of service in such duty status. Any such officer may remain on the Space Force officer list.

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### **§20236. Competitive categories**

(a) REQUIREMENT TO ESTABLISH COMPETITIVE CATEGORIES FOR PROMOTION.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force shall establish at least one competitive category for promotion for officers on the Space Force officer list. Each officer whose name appears on the Space Force officer list shall be carried in a competitive category of officers. Officers in the same competitive category shall compete among themselves for promotion.

(b) SINGLE COMPETITIVE CATEGORY FOR PROMOTION TO GENERAL OFFICER GRADES.—The Secretary of the Air Force shall establish a single competitive category for all officers on the Space Force officer list who will be considered by a selection board convened under section 20211 of this title for promotion to the grade of brigadier general-or major general.

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**§20237. Numbers to be recommended for promotion**

(a) PROMOTION TO GRADES BELOW BRIGADIER GENERAL.—\*\*\*

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(b) PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL.—

(1) DETERMINATION OF MAXIMUM NUMBERS.—Before convening a selection board under section 20211 of this title to consider officers for recommendation for promotion to the grade of brigadier general or major general, the Secretary of the Air Force shall determine the maximum number of officers serving in space force active status on sustained duty, and the maximum number of officers serving in space force active status not on sustained duty, that the board may recommend for promotion.

(2) DETERMINATIONS.—In order to make the determinations under paragraph (1), the Secretary shall determine—

(A) the number of positions needed to accomplish mission objectives which require officers serving in space force active status on sustained duty, and in space force active status not on sustained duty, in the grade to which the board will recommend officers for promotion; and

(B) the estimated number of officers on sustained duty and not on sustained duty needed to fill vacancies in those positions over the 24-month period beginning on the date on which the selection board convenes.

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**§20239. Promotions: how made**

(a) PROMOTION LISTS.—

(1) PLACEMENT OF NAMES ON PROMOTION LIST.—When the report of a selection board convened under section 20211 of this title is approved by the President, the Secretary of the Air Force shall place the names of all officers approved for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of the seniority of such officers on the Space Force officer list or based on particular merit, as determined by the promotion board, or as ~~modified~~ adjusted by the Secretary of the Air Force under section 20217 of this title.

(2) TIME OF ESTABLISHMENT OF PROMOTION LIST.—A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under paragraph (1).

(b) PROMOTIONS; HOW MADE; ORDER.—

(1) APPOINTMENT AUTHORITY.—Officers on a promotion list shall be promoted by appointment in the manner specified in section 20201 of this title.

(2) TIMING.—Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the Air Force.

(3) ORDER.—Except as provided in subsections ~~(e) and (f)~~ (d), (f), and (g), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

(4) PROMOTIONS TO GRADE OF FIRST LIEUTENANT.—Officers to be promoted to the grade of first lieutenant shall be promoted in accordance with regulations prescribed by the Secretary of the Air Force.

(c) PROMOTION OF FIRST LIEUTENANTS ON AN ALL-FULLY-QUALIFIED OFFICERS LIST.—

(1) Except as provided in subsection ~~(f)~~ (g), officers on the Space Force officer list in the grade of first lieutenant who are on an approved all-fully-qualified-officers list shall be promoted to the grade of captain in accordance with regulations prescribed by the Secretary of the Air Force.

(2) An all-fully-qualified-officers list shall be considered to be approved for purposes of paragraph (1) when the list is approved by the President. When so approved, such a list shall be treated in the same manner as a promotion list under this chapter.

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

(4) For purposes of this paragraph, an all-fully-qualified-officers list is a list of all officers on the Space Force officer list in a grade who the Secretary of the Air Force determines—

(A) are fully qualified for promotion to the next higher grade; and

(B) would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 20211 of this title upon the convening of such a board.

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

(d) PROMOTION TO MAJOR GENERAL.—

(1) CERTIFICATE OF ELIGIBILITY FOR PROMOTION.—When the Senate gives it advice and consent to the promotion of an officer to the grade of major general, the Secretary of the Air Force shall issue to the officer a certificate of eligibility for promotion, dated as of the date on which the Senate gave its advice and consent.

(2) PROMOTION TO FILL VACANCY.—Officers who have a certificate of eligibility under paragraph (1) shall be promoted to fill vacancies as they occur in positions designated to carry the grade of major general. Such promotions shall be made in accordance with regulations prescribed by the Secretary of the Air Force, based upon the needs of the service.

(3) DURATION OF CERTIFICATE OF ELIGIBILITY.—A certificate of eligibility issued under paragraph (1) expires at the end of the period beginning on the date as of when the certificate of eligibility was issued and ending on the first day of the eighteenth month following the month during which the certificate was so issued.

~~(d)~~(e) DATE OF RANK.—

(1) GENERAL RULE.—The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d) of this title.

(2) ADJUSTMENTS.—The date of rank of an officer appointed to a higher grade under this section may be adjusted in the same manner as an adjustment may be made

under section 741(d)(4) of this title in the date of rank of an officer appointed to a higher grade under section 624(a) of this title. In any use of the authority under the preceding sentence, section 741(d)(4)(C)(ii) of this title shall be applied by substituting "Space Force officer list" for "active-duty list".

(3) ADDITIONAL PAY AND ALLOWANCES PRECLUDED.—Except as provided in paragraph (2) or as otherwise specifically authorized by law, an officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

~~(e)(f)~~ DELAY OF PROMOTIONS TO GENERAL OFFICER GRADES TO COMPLY WITH STRENGTH LIMITATIONS.—\*\*\*

~~(f)(g)~~ AUTHORITY TO DELAY APPOINTMENTS FOR SPECIFIED REASONS.—\*\*\*

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#### **§20240. Acceptance of promotions; oath of office**

(a) ACCEPTANCE.—An officer who is appointed to a higher grade under section 20239 of this title is considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under section 20239 of this title.

#### **§20241. Removal of officers from a list of officers recommended for promotion**

(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

(c) REMOVAL AFTER 18 MONTHS.—(1) If an officer whose name is on a list of officers approved for promotion under section ~~20238(a)~~ 20239(a)(1) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and consent of the Senate is not appointed to that grade under such section during the officer's promotion eligibility period, the officer's name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

(3) In this subsection, the term "promotion eligibility period" means, with respect to an officer whose name is on a list of officers approved for promotion under section ~~20238(a)~~ 20239(a)(1) of this title to a grade for which appointment is required by section 20201(a) of this

title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.

(d) REMOVAL UPON EXPIRATION OF CERTIFICATE OF ELIGIBILITY.—If an officer who has been issued a certificate of eligibility for promotion to the grade of major general under 20239(d) of this title is not appointed to that grade before the expiration of the certificate of eligibility pursuant to that section, the officer's name shall be removed from the promotion list.

~~(d)~~ (e) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary of the Air Force, if an officer on the Space Force officer list is discharged or dropped from the rolls or transferred to a retired status after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.

~~(e)~~ (f) CONTINUED ELIGIBILITY FOR PROMOTION.—(1) An officer whose name is removed from a list under subsection (a), (b), ~~(c)~~, or (d) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the Air Force may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the Space Force officer list, as the officer would have had if the officer's name had not been removed from the list. The authority of the Secretary of the Air Force under the preceding sentence does not apply in the case of such an officer who is promoted to the grade of major general following removal from a list under subsection (d).

(2) If such an officer who is in a grade below the grade of colonel is not recommended for promotion by the next selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to his promotion, the officer shall be considered for all purposes to have failed of selection for promotion to the next higher grade.

~~(f)~~ (g) APPLICABILITY OF PREVIOUS EXECUTIVE ORDER.—Except as otherwise provided by the President by Executive order, any Executive order issued before the date of the enactment of this section [Dec. 22, 2023,] relating to functions of the President under section 14310 of this title shall apply in the same manner to functions of the President under this section.

## SUBCHAPTER IV—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

### **§20251. Failure of selection for promotion**

(a) IN GENERAL.—Except as provided in this section, sections 14501, 14503, and 14504, 631, and 632 of this title shall apply to promotions of officers on the Space Force officer list. For the purpose of such applicability—

(1) any reference in those sections to the reserve active-status list or the active-duty list shall apply to the Space Force officer list; and

(2) any reference in those sections to a board convened under section ~~14201~~ 14101 or section 611 of this title shall apply to a board convened under section 20211 of this title.

(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—\*\*\*

(c) RETIREMENT AUTHORITIES.—\*\*\*

(d) EFFECT OF FAILURE OF SELECTION.—\*\*\*

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## CHAPTER 2009—RETENTION AND SEPARATION GENERALLY

Sec.

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

20402. Enlisted members: standards and qualifications for retention.

20403. Officers: standards and qualifications for retention.

20404. Selection of officers for early retirement or discharge.

~~20404~~20405. Force shaping authority.

### §~~20401~~. Failure of selection for promotion

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

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

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

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

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

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

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

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

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

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

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

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## TITLE 17, UNITED STATES CODE

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### CHAPTER 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT

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#### §105. Subject matter of copyright: United States Government works

(a) IN GENERAL.—Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

(b) COPYRIGHT PROTECTION OF CERTAIN WORKS.—Subject to subsection (c), the covered author of a covered work owns the copyright to that covered work.

(c) USE BY FEDERAL GOVERNMENT.—

(1) SECRETARY OF DEFENSE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at a ~~covered institution described in subparagraphs (A) through (K) of subsection (d)(2)~~ covered Department of Defense institution or program and subparagraph (L) of such subsection or the United States Coast Guard Academy when the Coast Guard is operating as a service in the Navy, the Secretary of Defense may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, worldwide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(2) SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING WHEN IT IS NOT OPERATING AS A SERVICE IN THE NAVY AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the ~~covered institution described in subsection (d)(2)(L)~~ United States Coast Guard Academy, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Navy may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(3) DIRECTOR OF NATIONAL INTELLIGENCE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the ~~covered institution described in subsection (d)(2)(M)~~ National Intelligence University, the Director of National Intelligence may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(4) SECRETARY OF TRANSPORTATION AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the ~~covered institution described in subsection (d)(2)(N)~~ United States Merchant Marine Academy, the Secretary of Transportation may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(d) DEFINITIONS.—In this section:

(1) The term "covered author" means a civilian member of the faculty of a covered institution.

(2) The term "covered ~~institution~~ Department of Defense institution or program" means the following:

- (A) National Defense University.
- (B) United States Military Academy.
- (C) Army War College.
- (D) United States Army Command and General Staff College.
- (E) United States Naval Academy.
- (F) Naval War College.
- (G) Naval Postgraduate School.
- (H) Marine Corps University.
- (I) United States Air Force Academy.
- (J) Air University.
- (K) Space Force Senior Level Education Program.
- (L) Space Force Intermediate Level Education Program.
- ~~(K) (M) Defense Language Institute.~~
- ~~(L) United States Coast Guard Academy.~~
- ~~(M) National Intelligence University.~~
- ~~(N) United States Merchant Marine Academy.~~

(3) The term "covered work" means a literary work produced by a covered author in the course of employment at a covered Department of Defense institution or program or at an institution named in paragraph (2), (3), or (4) of subsection (c) for publication by a scholarly press or journal.

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## TITLE 37—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

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### CHAPTER 1—DEFINITIONS

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#### §101. Definitions

In addition to the definitions in sections 1–5 of title 1, the following definitions apply in this title:

(1)(A) The term "United States", in a geographic sense, means the States and the District of Columbia.

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(22) The term "inactive-duty training" means—

(A) duty prescribed for members of a reserve component, or for members of the Space Force in space force active status not on sustained duty, by the Secretary concerned under section 206 of this title or any other law; and

(B) special additional duties authorized for members of a reserve component, or for members of the Space Force in space force active status not on sustained duty, by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned;

and includes those duties when performed by members of a reserve component in their status as members of the National Guard, but (except as provided in section 206(d)(2) of this title) does not include work or study in connection with a correspondence course of a uniformed service.

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(26) The terms "space force active status" and "sustained duty" have the meanings given those terms in paragraphs (1) and (4), respectively, of section 101(e) of title 10.

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### CHAPTER 3—BASIC PAY

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#### §201. Pay grades: assignment to; general rules

(a)(1) ~~Subject to paragraph (2), for~~ For the purpose of computing their basic pay, commissioned officers of the uniformed services (other than commissioned warrant officers) are assigned by the grade or rank in which serving to the following pay grades:

Pay grade	Army, Air Force, and Marine Corps, and Space Force	Navy, Coast Guard, and National Oceanic and Atmospheric Administration	Public Health Service
O-10	General	Admiral	Assistant Secretary for Health.
O-9	Lieutenant general	Vice admiral	Surgeon General.
O-8	Major general	Rear admiral	Deputy Surgeon General. Assistant Surgeon General having rank of major general.
O-7	Brigadier general	Rear admiral (lower half)	Assistant Surgeon General having rank of brigadier general.
O-6	Colonel	Captain	Director grade.
O-5	Lieutenant colonel	Commander	Senior grade.
O-4	Major	Lieutenant commander	Full grade.
O-3	Captain	Lieutenant	Senior assistant grade.
O-2	1st lieutenant	Lieutenant (junior grade)	Assistant grade.

O-1	2d lieutenant	Ensign	Junior assistant grade.
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~~(2) For the purpose of computing their basic pay, commissioned officers of the Space Force are assigned to the pay grades in the table in paragraph (1) by grade or rank in the Air Force that is equivalent to the grade or rank in which such officers are serving in the Space Force.~~

(b)\*\*\*

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**§204. Entitlement**

(a) The following persons are entitled to the basic pay of the pay grade to which assigned or distributed, in accordance with their years of service computed under section 205 of this title—

(1) a member of a uniformed service who is on active duty; and

(2) a member of a uniformed service, or a member of the National Guard who is not a Reserve of the Army or the Air Force, who is participating in full-time training, training duty with pay, or other full-time duty, provided by law, including participation in exercises or the performance of duty under section 10302, 10305, 10502, or 12402 of title 10, or section 503, 504, 505, or 506 of title 32.

(b) \*\*\*

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(g)(1) A member of a reserve component of a uniformed service, or a member of the Space Force in space force active status not on sustained duty under section 20105 of title 10, is entitled to the pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service whenever such member is physically disabled as the result of an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing active duty;

(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service);

(C) while traveling directly to or from such duty or training;

(D) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(E) in line of duty while—

(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

(ii) traveling to or from the place at which the duty was to be performed;

or

(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(2)\*\*\*

(h)(1) A member of a reserve component of a uniformed service, or a member of the Space Force in space force active status not on sustained duty under section 20105 of title 10, who is physically able to perform his military duties, is entitled, upon request, to a portion of the monthly pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for each month for which the member demonstrates a loss of earned income from nonmilitary employment or self-employment as a result of an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing active duty;

(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service);

(C) while traveling directly to or from such duty or training;

(D) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(E) in line of duty while—

(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

(ii) traveling to or from the place at which the duty was to be performed;

or

(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(2) \*\*\*

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### **§205. Computation: service creditable**

(a) Subject to subsections (b) and (c), for the purpose of computing the basic pay of a member of a uniformed service, his years of service are computed by adding—

(1) all periods of active service as an officer, Army field clerk, flight officer, aviation midshipman, or enlisted member of a uniformed service;

(2) all periods during which he was enlisted or held an appointment as an officer, Army field clerk, or flight officer of—

(A) a regular component of a uniformed service;

(B) a reserve component of a uniformed service;

(C) the Space Force;

~~(D)~~ the Regular Army Reserve;

~~(E)~~ the Organized Militia before July 1, 1916;

~~(F)~~ the National Guard;

~~(G)~~ the National Guard Reserve;

~~(H)~~ a reserve component of a uniformed service;

(I) the Naval Militia;

(J) the National Naval Volunteers;

(K) the Navy Reserve Force;

- (J) the Army without specification of component;
- (K) the Air Force without specification of component;
- (L) the Marine Corps Reserve Force;
- (M) the Philippine Scouts; or
- (N) the Philippine Constabulary;

(3) for a commissioned officer in service on June 30, 1922, all service that was then counted in computing longevity pay and all service as a contract surgeon serving full time;

(4) all periods during which he held an appointment as a nurse, reserve nurse, or commissioned officer in the Army Nurse Corps as it existed at any time before April 16, 1947, the Navy Nurse Corps as it existed at any time before April 16, 1947, or the Public Health Service, or a reserve component of any of them;

(5) all periods during which he was a deck officer or junior engineer in the National Oceanic and Atmospheric Administration;

(6) all periods that, under law in effect on January 10, 1962, were authorized to be credited in computing basic pay; and

(7) all periods while—

(A) on a temporary disability retired list, honorary retired list, or a retired list of a uniformed service;

(B) entitled to retired pay, retirement pay, or retainer pay, from a uniformed service or the Department of Veterans Affairs, as a member of the Fleet Reserve or the Fleet Marine Corps Reserve; or

(C) a member of the Honorary Reserve of the Officers' Reserve Corps or the Organized Reserve Corps.

Except for any period of active service described in clause (1) and except as provided by subsections (b), (c), and (d) of section 1402 and subsections (b), (c), and (d) of section 1402a of title 10, a period of service described in clauses (2) through (7) that is performed while on a retired list, in a retired status, or in the Fleet Reserve or Fleet Marine Corps Reserve, may not be included to increase retired pay, retirement pay, or retainer pay. For the purpose of clause (5), periods during which a member was a deck officer or junior engineer in the National Oceanic and Atmospheric Administration includes periods during which a member was a deck officer or junior engineer in the Environmental Science Services Administration or the Coast and Geodetic Survey.

(b) A period of time may not be counted more than once under subsection (a).

(c) The periods of service authorized to be counted under subsection (a) shall, under regulations prescribed by the Secretary concerned, include service performed by a member of a uniformed service before he became 18 years of age.

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**§206. Reserves; members of National Guard; members of Space Force: inactive-duty training**

(a) Under regulations prescribed by the Secretary concerned, and to the extent provided for by appropriations, a member of the National Guard, ~~or~~ a member of a reserve component of a uniformed service, or a member of the Space Force who is not entitled to basic pay under section 204 of this title, is entitled to compensation, at the rate of 1/30 of the basic pay authorized for a member of a uniformed service of a corresponding grade entitled to basic pay—

(1) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

(2) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe;

(3) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of physical disability resulting from an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing—

(i) active duty; or

(ii) inactive-duty training;

(B) while traveling directly to or from that duty or training (unless such injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member); or

(C) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(4) for each of six days for each period during which the member is on maternity leave.

(b) The regulations prescribed under subsection (a) for each uniformed service, the National Guard, and each of the classes of organization of the reserve components within each uniformed service, may be different. The Secretary concerned shall, for the National Guard and each of the classes of organization within each uniformed service, prescribe—

(1) minimum standards that must be met before an assembly for drill or other equivalent period of training, instruction, duty, or appropriate duties may be credited for pay purposes, and those standards may require the presence for duty of officers and enlisted members in numbers equal to or more than a minimum number or percentage of the unit strength for a specified period of time with participation in a prescribed kind of training;

(2) the maximum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties, that may be counted for pay purposes in each fiscal year or in lesser periods of time; and

(3) the minimum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties that must be completed in stated periods of time before the members of units or organizations can qualify for pay.

(c) A person enlisted in the inactive National Guard is not entitled to pay under this section.

(d)(1) Except as provided in paragraph (2), this section does not authorize compensation for work or study performed by a member of a reserve component, by a member of the Space

Force, or by a member of the National Guard while not in Federal service in connection with correspondence courses of a uniformed service.

(2) A member of the Selected Reserve of the Ready Reserve or the Space Force may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member under subsection (a), upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor.

(3) The prohibition in paragraph (1), including the prohibition as it relates to a member of the National Guard while not in Federal service, applies to—

(A) any work or study performed on or after September 7, 1962, unless that work or study is specifically covered by the exception in paragraph (2); and

(B) any claim based on that work or study arising after that date.

(e) A member of the National Guard, ~~or of a~~ reserve component of the uniformed services, or the Space Force may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.

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## **§ 210. Pay of senior enlisted members during terminal leave and while hospitalized**

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

\* \* \* \* \*

(c) In this section, the term “senior enlisted member” means the following:

(1) The Sergeant Major of the Army.

(2) The Master Chief Petty Officer of the Navy.

(3) The Chief Master Sergeant of the Air Force.

(4) The Sergeant Major of the Marine Corps.

(5) ~~The senior enlisted advisor of the Space Force.~~ The Chief Master Sergeant of the Space Force.

(6) The Master Chief Petty Officer of the Coast Guard.

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## **§211. Participation in Thrift Savings Plan**

- (a) DEFINITION.—In this section, the term “member” means—
- (1) a member of the uniformed services serving on active duty; and
  - (2) a member of the Ready Reserve or the Space Force in any pay status.

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## CHAPTER 5—SPECIAL AND INCENTIVE PAYS

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### SUBCHAPTER II—CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES

#### §331. General bonus authority for enlisted members

(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including a member of the armed forces, who—

- (1) enlists in an armed force;
- (2) enlists in or affiliates with a reserve component of an armed force;
- (3) reenlists, voluntarily extends an enlistment, or otherwise agrees to serve—
  - (A) for a specified period in a designated career field, skill, or unit of an armed force; or
  - (B) under other conditions of service in an armed force;
- (4) transfers from a regular component of an armed force to a reserve component of that same armed force or from a reserve component of an armed force to the regular component of that same armed force; or
- (5) transfers from a regular component or reserve component of an armed force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring; or

(6) transfers from a regular component or reserve component of an armed force to the Space Force or from the Space Force to a regular component or reserve component of another armed force, subject to the approval of the Secretary with jurisdiction over the armed force to which the member is transferring.

(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or member only if the person or member agrees under subsection (d)—

- (1) to serve for a specified period in a designated career field, skill, unit, or grade;
- or
- (2) to meet some other condition or conditions of service imposed by the Secretary concerned.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

- (A) a bonus paid under paragraph (1) or (2) of subsection (a) may not exceed \$75,000 for a minimum two-year period of obligated service agreed to under subsection (d);

(B) a bonus paid under paragraph (3) of subsection (a) may not exceed \$50,000 for each year of obligated service in a regular component, or in the Space Force on sustained duty under section 20105 of title 10, agreed to under subsection (d);

(C) a bonus paid under paragraph (3) of subsection (a) may not exceed \$15,000 for each year of obligated service in a reserve component, or in the Space Force in space force active status not on sustained duty under section 20105 of title 10, agreed to under subsection (d); and

(D) a bonus paid under paragraph ~~(4) or (5)~~ (4), (5), or (6) of subsection (a) may not exceed \$10,000.

(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) \*\*\*

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### §332. General bonus authority for officers

(a) AUTHORITY TO PROVIDE BONUS.—The Secretary concerned may pay a bonus under this section to a person, including an officer in the uniformed services, who—

(1) accepts a commission or appointment as an officer in a uniformed service;

(2) affiliates with a reserve component of a uniformed service;

(3) agrees to remain on active duty or to serve in an active status for a specific period as an officer in a uniformed service;

(4) transfers from a regular component of a uniformed service to a reserve component of that same uniformed service or from a reserve component of a uniformed service to the regular component of that same uniformed service; ~~or~~

(5) transfers from a regular component or reserve component of a uniformed service to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring; ~~or~~

(6) transfers from a regular component or reserve component of a uniformed service to the Space Force or from the Space Force to a regular component or reserve component of another uniformed service, subject to the approval of the Secretary with jurisdiction over the uniformed service to which the member is transferring.

(b) SERVICE ELIGIBILITY.—A bonus authorized by subsection (a) may be paid to a person or officer only if the person or officer agrees under subsection (d)—

(1) to serve for a specified period in a designated career field, skill, unit, or grade;

or

(2) to meet some other condition or conditions of service imposed by the Secretary concerned.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that—

(A) a bonus paid under paragraph (1) of subsection (a) may not exceed \$60,000 for a minimum three-year period of obligated service agreed to under subsection (d);

(B) a bonus paid under paragraph (2) of subsection (a) may not exceed \$20,000 for a minimum three-year period of obligated service agreed to under subsection (d);

(C) a bonus paid under paragraph (3) of subsection (a) may not exceed \$50,000 for each year of obligated service in a regular component, or in the Space Force on sustained duty under section 20105 of title 10, agreed to under subsection (d);

(D) a bonus paid under paragraph (3) of subsection (a) may not exceed \$12,000 for each year of obligated service in a reserve component, or in the Space Force in space force active status not on sustained duty under section 20105 of title 10, agreed to under subsection (d); and

(E) a bonus paid under paragraph ~~(4) or (5)~~ (4), (5), or (6) of subsection (a) may not exceed \$10,000.

(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

(d) WRITTEN AGREEMENT.—\*\*\*

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### **§334. Special aviation incentive pay and bonus authorities for officers**

(a) AVIATION INCENTIVE PAY.—

(1) INCENTIVE PAY AUTHORIZED.—The Secretary concerned may pay aviation incentive pay under this section to an officer ~~in a regular or reserve component~~ of a uniformed service who—

(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title;

(B) maintains, or is in training leading to, an aeronautical rating or designation that qualifies the officer to engage in operational flying duty or proficiency flying duty;

(C) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

(D) engages in or remains in aviation service for a specified period; and

(E) meets such other criteria as the Secretary concerned determines appropriate.

(2) OFFICERS NOT CURRENTLY ENGAGED IN FLYING DUTY.—The Secretary concerned may pay aviation incentive pay under this section to an officer who is otherwise qualified for such pay but who is not currently engaged in the performance of operational flying duty or proficiency flying duty if the Secretary determines, under regulations prescribed under section 374 of this title, that payment of aviation incentive pay to that officer is in the best interests of the service.

(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to an officer ~~in a regular or reserve component~~ of a uniformed service who—

(1) is entitled to aviation incentive pay under subsection (a);

(2) has completed any active duty service commitment incurred for undergraduate aviator training or is within one year of completing such commitment;

(3) executes a written agreement to remain on active duty in a regular component or to serve in an active status in a reserve component, or, in the case of an officer of the Space Force, to remain in space force active status, in aviation service for at least one year; and

(4) meets such other criteria as the Secretary concerned determines appropriate.

(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—\*\*\*

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(e) ~~RESERVE COMPONENT OFFICERS PERFORMING INACTIVE DUTY TRAINING.~~—~~A reserve component officer~~ An officer who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 for inactive-duty training.

(f) \*\*\*

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(h) DEFINITIONS.—In this section:

(1) The term "aviation service" means service performed by an officer ~~in a regular or reserve component~~ while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

(2) The term "operational flying duty" means flying performed under competent orders by rated or designated ~~regular or reserve component~~ officers while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

(3) The term "proficiency flying duty" means flying performed under competent orders by rated or designated ~~regular or reserve component~~ officers while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

(4) The term "officer" includes an individual enlisted and designated as an aviation cadet under section 8411 of title 10.

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2024.

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### **§351. Hazardous duty pay**

(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member ~~of a regular or reserve component~~ of the uniformed services

entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

(1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;

(2) performs duty designated by the Secretary concerned as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

(3) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

(b) \*\*\*

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### **§352. Assignment pay or special duty pay**

(a) ASSIGNMENT OR SPECIAL DUTY PAY AUTHORIZED.—The Secretary concerned may pay assignment or special duty pay under this section to a member of a regular or reserve component of the uniformed services who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

(2) performs duties in an assignment, location (including a cold weather location), or unit designated by, and under the conditions of service specified by, the Secretary concerned.

(b)\*\*\*

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### **§353. Skill incentive pay or proficiency bonus**

(a) SKILL INCENTIVE PAY.—The Secretary concerned may pay a monthly skill incentive pay to a member of a regular or reserve component of the uniformed services who—

(1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and

(2) serves in a career field or skill designated as critical by the Secretary concerned.

(b) SKILL PROFICIENCY BONUS.—

(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—\*\*\*

(c)\*\*\*

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**§355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units**

(a) RETENTION BONUS AUTHORIZED.—~~An officer or enlisted~~ A member of the armed forces who is serving on active duty in a regular component or in an active status in a reserve component, or a member the Space Force who is serving in space force active status, and who is qualified in a critical military skill designated under subsection (b) or accepts an assignment to a high priority unit designated under such subsection may be paid a retention bonus as provided in this section if—

(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least one year or to remain in an active status in a reserve component for at least one year or to remain in space force active status for at least one year;

(2) in the case of an enlisted member, other than an enlisted member referred to in paragraph (3), the member reenlists or voluntarily extends the member's enlistment for a period of at least one year; or

(3) in the case of an enlisted member serving pursuant to an indefinite reenlistment, the member executes a written agreement to remain on active duty for a period of at least one year or to remain in an active status in a reserve component for a period of at least one year.

(b) ELIGIBILITY CRITERIA.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may designate a unit as a high priority unit regarding which a retention bonus will be provided to a member of the armed forces who agrees to accept an assignment to the unit under subsection (a).

(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

(d) MAXIMUM BONUS AMOUNT.—(1) A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than \$200,000 (or \$100,000 in the case of a reserve component member or a member of the Space Force in space force active status not on sustained duty) in payments under this section.

(2) The limitation in paragraph (1) on the total bonus payments that a member may receive under this section does not apply with respect to an officer who is assigned duties as a health care professional.

(e) CERTAIN MEMBERS INELIGIBLE.—(1) A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

(A) has completed more than 25 years of ~~active duty or service in an active status in a reserve component~~ a specified form of service (or combination thereof); or

(B) will complete the member's twenty-fifth year of ~~active duty or service in an active status in a reserve component~~ a specified form of service (or combination thereof) before the end of the period of ~~active duty or service in an active status in a reserve component~~ service for which the bonus is being offered.

(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of ~~active duty or service in an active status in a reserve component~~ service for which the bonus is being offered, is assigned duties as a health care professional.

(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of ~~active duty or service in an active status in a reserve component~~ service for which the bonus is being offered—

(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(4) The Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive the limitations in paragraph (1) with respect to a member who, during the period of ~~active duty or service in an active status in a reserve component~~ service for which the bonus is being offered, is assigned duties in a skill designated as critical under subsection (b)(1). The authority to grant a waiver under this paragraph may not be delegated below the Under Secretary of Defense for Personnel and Readiness or the Deputy Secretary of the Department of Homeland Security.

(5) In this subsection, the term “specified form of service” means—

(A) service on active duty;

(B) service in an active status in a reserve component; or

(C) service in the Space Force in space force active status.

(f) RELATIONSHIP TO OTHER INCENTIVES.—\*\*\*

(g) REPAYMENT.—\*\*\*

(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2024, and no agreement under this section may be entered into after that date.

### **§356. Continuation pay: full TSP members with 7 to 12 years of service**

(a) CONTINUATION PAY.—The Secretary concerned shall make a payment of continuation pay to each full TSP member (as defined in section 8440e(a) of title 5) of the uniformed services under the jurisdiction of the Secretary who—

(1) has completed not less than 7 and not more than 12 years of service in a uniformed service; and

(2) enters into an agreement with the Secretary to serve for not less than 3 additional years of obligated service.

(b) PAYMENT AMOUNT.—The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member's monthly basic pay. The multiple for a full TSP member who is a member of a regular component, a member of the Space Force on sustained duty, or a member of a reserve component, if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), shall not be less than 2.5 times the member's monthly basic pay. The multiple for a full TSP member who is a member of a reserve component not performing active Guard or Reserve duty (as so defined) or a member of the Space Force in space force active status not on sustained duty shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a

regular component. The maximum amount the Secretary concerned may pay a member under this section is—

(1) in the case of a member of a regular component or a member of the Space Force on sustained duty—

(A) the monthly basic pay of the member at 12 years of service multiplied by 2.5; plus

(B) at the discretion of the Secretary concerned, the monthly basic pay of the member at 12 years of service multiplied by such number of months (not to exceed 13 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a); and

(2) in the case of a member of a reserve component or a member of the Space Force in space force active status not on sustained duty—

(A) the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a regular component, or a member of the Space Force on sustained duty, respectively, multiplied by 0.5; plus

(B) at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

(c) ADDITIONAL DISCRETIONARY AUTHORITY.—In addition to the continuation pay required under subsection (a), the Secretary concerned may provide continuation pay under this subsection to a full TSP member described in subsection (a), and subject to the service agreement referred to in paragraph (2) of such subsection, in an amount determined by the Secretary concerned.

(d) TIMING OF PAYMENT.—\*\*\*

(e) LUMP SUM OR INSTALLMENTS.—\*\*\*

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—\*\*\*

(g) REPAYMENT.—\*\*\*

(h) REGULATIONS.—\*\*\*

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### SUBCHAPTER III—GENERAL PROVISIONS

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#### **§372. Continuation of pays during hospitalization and rehabilitation resulting from wounds, injury, or illness incurred while on duty in a hostile fire area or exposed to an event of hostile fire or other hostile action**

(a) CONTINUATION OF PAYS.—If a member ~~of a regular or reserve component~~ of a uniformed service incurs a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event, as described under section 351 of this title, and is hospitalized for treatment of the wound, injury, or illness, the Secretary concerned may continue to pay to the member, notwithstanding

any provision of this chapter to the contrary, all pay and allowances (including any bonus, incentive pay, or similar benefit) that were being paid to the member at the time the member incurred the wound, injury, or illness.

(b) DURATION.—\*\*\*

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### **§373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met**

(a) REPAYMENT AND TERMINATION.—Except as provided in subsection (b), a member of the uniformed services who is paid a bonus, incentive pay, or similar benefit, the receipt of which is contingent upon the member's satisfaction of certain service or eligibility requirements, shall repay to the United States any unearned portion of the bonus, incentive pay, or similar benefit if the member fails to satisfy any such service or eligibility requirement, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement.

(b) EXCEPTIONS.—\*\*\*

(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

(1) the date of the termination of the agreement or contract on which the debt is based; or

(2) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

(d) DEFINITIONS.—In this section:

(1) \*\*\*

(2) The term “service”, as used in subsection (c)(2), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus, incentive pay, or similar benefit offered by the Secretary concerned—

(A) to a member ~~in a regular or reserve component~~ who remains on active duty or in an active status;

(B) to perform duty in a specified skill, with or without a specified qualification or credential;

(C) to perform duty in a specified assignment, location or unit; or

(D) to perform duty for a specified period of time.

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## **CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES**

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### **§ 414. Personal money allowance**

(a) ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—\*\*\*

(b) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of \$2,000 a year while serving as the Sergeant Major of the Army, the Master Chief

Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, ~~the senior enlisted advisor of the Space Force~~ the Chief Master Sergeant of the Space Force, the Master Chief Petty Officer of the Coast Guard, the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, or the Senior Enlisted Advisor to the Chief of the National Guard Bureau.

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**§416. Uniform allowance: officers; additional allowances**

(a) In addition to the allowance provided by section 415 of this title, a reserve officer of an armed force, an officer of the Army or the Air Force without specification of component, an officer of the Space Force in space force active status not on sustained duty, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10 is entitled to not more than \$200 as reimbursement for additional uniforms and equipment required on that duty, for each time that the officer enters on active duty for a period of more than 90 days.

(b) Subsection (a) does not apply to a tour of active duty if—

(1) the officer, during that tour or within a period of two years before entering on that tour, received, under any law, an initial uniform reimbursement or allowance of more than \$400; or

(2) the officer enters on that tour within two years after completing a period of active duty of more than 90 days' duration.

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**CHAPTER 9—LEAVE**

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**§501. Payments for unused accrued leave**

(a) In this section, the term “discharge” means—

(1) in the case of an enlisted member, separation or release from active duty under honorable conditions, termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated), or appointment as an officer;

(2) in the case of an officer, separation or release from active duty under honorable conditions;

(3) in the case of either an officer or an enlisted member, death while on active duty unless the decedent was put to death as lawful punishment for a crime or a military offense;

(4) in the case of an officer or an enlisted member of a reserve component, or of the Space Force, who is not serving on active duty, separation or release from the reserve component, or from the Space Force, under honorable conditions, or death; and

(5) in the case of an enlisted member of a reserve component, or of the Space Force, who is not serving on active duty, termination of enlistment in conjunction with the commencement of a successive enlistment, or appointment as an officer.

(b)(1) A member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic and Atmospheric Administration, who has accrued leave to the member's credit at the time of the member's discharge, is entitled to be paid in cash or by a check on the Treasurer of the United States for such leave on the basis of the basic pay to which the member was entitled on the date of discharge.

(2) Payment may not be made under this subsection to a member who is discharged for the purpose of accepting an appointment or a warrant in any uniformed service.

(3) Payment may not be made to a member for any leave he elects to have carried over to a new enlistment in any uniformed service on the day after the date of his discharge; but payment may be made to a member for any leave he elects not to carry over to a new enlistment. However, the number of days of leave for which payment is made may not exceed sixty, less the number of days for which payment was previously made under this section after February 9, 1976.

(4) A member to whom a payment may not be made under this subsection, or a member who reverts from officer to enlisted status, carries the accrued leave standing to his credit from the one status to the other within any uniformed service.

(5) The limitation in the second sentence of paragraph (3) and in subsection (f) shall not apply with respect to leave accrued—

(A) by a member of a reserve component, or a member of the Space Force in space force active status not on sustained duty, while serving on active duty in support of a contingency operation;

(B) by a member of the armed forces in the Retired Reserve while serving on active duty in support of a contingency operation;

(C) by a retired member of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or ~~Regular~~ Space Force or a member of the Fleet Reserve or Fleet Marine Corps Reserve while the member is serving on active duty in support of a contingency operation; or

(D) by a member of a reserve component, or a member of the Space Force in space force active status not on sustained duty, while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days but not in excess of 365 days.

(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 90 days of leave under section 701(e) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.

(c) \*\*\*

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## CHAPTER 17—MISCELLANEOUS RIGHTS AND BENEFITS

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### **§908. Reserves and retired members: acceptance of employment, payments, and awards from foreign governments**

(a) CONGRESSIONAL CONSENT.—Subject to subsections (b) and (c), Congress consents to the following persons accepting civil employment (and compensation for that employment), accepting payment for speeches, travel, meals, lodging, or registration fees, or accepting a non-cash award, for which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government:

(1) Retired members of the uniformed services.

(2) Members of a reserve component of the armed forces and members of the Space Force, except members serving on active duty under a call or order to active duty for a period in excess of 30 days.

(3) Members of the Commissioned Reserve Corps of the Public Health Service.

(b) APPROVAL REQUIRED FOR EMPLOYMENT AND COMPENSATION.—(1) A person described in subsection (a) may accept employment or compensation described in that subsection only if the Secretary concerned and the Secretary of State approve the employment after determining that such approval is not contrary to the national interests of the United States.

(2) The Secretary of a military department may delegate the determination of the Secretary required by paragraph (1) only to an official of the military department at or above the level of an Assistant Secretary or, in the event of a vacancy in the position of such an official, a civilian official performing the duties of that position.

(c) APPROVAL REQUIRED FOR CERTAIN PAYMENTS AND AWARDS.—A person described in subsection (a) may accept payment for speeches, travel, meals, lodging, or registration fees described in that subsection, or accept a non-cash award described in that subsection, only if the Secretary concerned approves the payment or award.

(d) ANNUAL REPORTS ON APPROVALS FOR RETIRED GENERAL AND FLAG OFFICERS.—\*\*\*

(e) MILITARY SERVICE IN FOREIGN ARMED FORCES.—\*\*\*

(f) PROHIBITION ON FORMER MEMBERS OF ARMED FORCES ACCEPTING EMPLOYMENT WITH CERTAIN FOREIGN GOVERNMENTS.—\*\*\*

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**§910. Replacement of lost income: involuntarily mobilized reserve component members and members of the Space Force subject to extended and frequent active duty service**

(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces or of the Space Force an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary, when the total monthly military compensation of the member is less than the average monthly civilian income of the member. The payments shall be made on a monthly basis.

(b) ELIGIBILITY.—(1) A member of a reserve component or the Space Force is entitled to a payment under this section for any full month of active duty of the member, when the total monthly military compensation of the member is less than the average monthly civilian income of the member, while the member is on active duty under an involuntary mobilization order, following the date on which the member—

(A) completes 547 continuous days of service on active duty under an involuntary mobilization order;

(B) completes 730 cumulative days on active duty under an involuntary mobilization order during the previous 1,826 days; or

(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days after the date of the member's separation from a previous period of active duty for a period of 180 days or more.

(2) The entitlement of a member of a reserve component or the Space Force to a payment under this section also shall commence or, if previously commenced under paragraph (1), shall continue if the member—

(A) satisfies the required number of days on active duty specified in subparagraph (A) or (B) of paragraph (1) or was involuntarily mobilized as provided in subparagraph (C) of such paragraph; and

(B) is retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while the member was assigned to duty in an area for which special pay under section 310, or paragraph (1) or (3) of section 351(a), of this title is available.

(3) A civilian employee of the Federal Government who is also a member of a reserve component or the Space Force is not entitled to a payment under this section for any period for which the employee is entitled to—

(A) a differential payment under section 5538 of title 5; or

(B) a comparable benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services.

(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—\*\*\*

(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—\*\*\*

(e) DEFINITIONS.—In this section:

(1) The term "average monthly civilian income", with respect to a member of a reserve component or the Space Force, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

(2) The term "total monthly military compensation" means the amount, computed on a monthly basis, of the sum of—

(A) the amount of the regular military compensation (RMC) of the member; and

(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.

(f) REGULATIONS.—\*\*\*

(g) TERMINATION.—No payment shall be made to a member under this section for months beginning after December 31, 2024, unless the entitlement of the member to payments under this section commenced on or before that date.

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## CHAPTER 19—ADMINISTRATION

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**§1002. Additional training or duty without pay: Reserves; members of the National Guard;  
members of the Space Force**

(a) A member of the National Guard, ~~or~~ of a reserve component, or of the Space Force may, with ~~his~~the member's consent, be given additional training or other duty as provided by law, without pay, as may be authorized by the Secretary concerned.

(b)(1) A member who performs training or other duty without pay under subsection (a) may, in the discretion of the Secretary concerned, be authorized the travel and transportation allowances prescribed by section 452 of this title for travel performed to and from that training or duty, and, during the performance of that training or duty, be furnished with subsistence and quarters in kind or commutation thereof at a rate to be fixed by the Secretary concerned.

(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).

(c) This section does not authorize compensation for work or study performed by a member of a reserve component or the Space Force in connection with correspondence courses of an armed force.

(d) This section does not apply to a member who is entitled to basic pay under chapter 3 of this title.