

“(B) the space force officer list shall be considered to be an active-duty list.

“(2) For a selection board convened pursuant to subsection (a) to consider members of the Space Force for promotion in accordance with part III of subtitle E of such title—

“(A) provisions that apply to an officer of a reserve component of the Armed Forces shall apply to an officer of the Space Force; and

“(B) the space force officer list shall be considered to be a reserve active-status list.

“(3) For a selection board convened pursuant to subsection (a) to consider members of the Space Force for promotion in accordance with either chapter 36 or part III of subtitle E of such title—

“(A) section 20212 of such title shall apply to the composition of the selection board;

“(B) the provisions of chapter 2005 of such title regarding officers on the space force officer list eligible to be considered for promotion to the grade of brigadier general or major general shall apply;

“(C) section 20216 of such title shall apply; and

“(D) the provisions of chapter 36 or part III of subtitle E of such title, as the case may be, regarding failure of selection for promotion shall apply.

“(c) EFFECT OF USING NEW CHAPTER 2005 AUTHORITIES.—If the Secretary of the Air Force convenes a selection board under chapter 2005 of title 10, United States Code, as added by section 1716, to consider officers on the space force officer list in a particular grade and competitive category for selection for promotion to the next higher grade, the Secretary may not convene a future selection board pursuant to subsection (a) to consider officers of the same grade and competitive category under chapter 36 or part III of subtitle E of such title.”

#### § 20002. Members: duty status

Under regulations prescribed by the Secretary of the Air Force, each member of the Space Force shall be placed in one of the following duty statuses:

- (1) Space Force active status.
- (2) Space Force inactive status.
- (3) Space Force retired status.

(Added Pub. L. 118–31, div. A, title XVII, §1714, Dec. 22, 2023, 137 Stat. 626.)

#### § 20003. Members: minimum service requirement as applied to Space Force

(a) INAPPLICABILITY OF ACTIVE/RESERVE SERVICE DISTINCTION.—In applying section 651 of this title to a person who becomes a member of the Space Force, the provisions of the second sentence of subsection (a) and of subsection (b) of that section (relating to service in a reserve component) are inapplicable.

(b) TREATMENT UPON TRANSFER OUT OF SPACE FORCE.—A member of the Space Force who transfers to one of the other armed forces before completing the service required by subsection (a) of section 651 of this title shall upon such transfer be subject to section 651 of this title in the same manner as if such member had initially entered the armed force to which the member transfers.

(Added Pub. L. 118–31, div. A, title XVII, §1714, Dec. 22, 2023, 137 Stat. 626.)

### CHAPTER 2003—STATUS AND PARTICIPATION

Sec.  
20101. Members in Space Force active status: amount of annual training or active duty service required.

Sec.  
20102. Individual ready guardians: designation; mobilization category.  
20103. Members not on sustained duty: agreements concerning conditions of service.  
20104. Orders to active duty: with consent of member.  
20105. Sustained duty.  
20106. Orders to active duty: without consent of member.  
20107. Transfer to inactive status: initial service obligation not complete.  
20108. Members of Space Force: credit for service for purposes of laws providing pay and benefits for members, dependents, and survivors.  
20109. Policy for order to active duty based upon determination by Congress.

#### § 20101. Members in Space Force active status: amount of annual training or active duty service required

Except as specifically provided in regulations prescribed by the Secretary of Defense, a member of the Space Force in a space force active status who is not serving on sustained duty shall be required to—

- (1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for not less than 14 days (exclusive of travel time) during each year; or
- (2) serve on active duty for training for not more than 30 days during each year.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 627.)

#### § 20102. Individual ready guardians: designation; mobilization category

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may designate a member of the Space Force in a space force active status as an Individual Ready Guardian.

(b) MOBILIZATION CATEGORY.—

(1) IN GENERAL.—Among members of the Space Force designated as Individual Ready Guardians, there is a category of members (referred to as a “mobilization category”) who, as designated by the Secretary of the Air Force, are subject to being ordered to active duty without their consent in accordance with section 20106(a) of this title.

(2) LIMITATIONS ON PLACEMENT IN MOBILIZATION CATEGORY.—A member designated as an Individual Ready Guardian may not be placed in the mobilization category referred to in paragraph (1) unless—

- (A) the member volunteers to be placed in that mobilization category; and
- (B) the member is selected by the Secretary of the Air Force, based upon the needs of the Space Force and the grade and military skills of that member.

(3) LIMITATION ON TIME IN MOBILIZATION CATEGORY.—A member of the Space Force in a space force active status may not remain designated an Individual Ready Guardian in such mobilization category after the end of the 24-month period beginning on the date of the separation of the member from active service.

(4) DESIGNATION OF GRADES AND MILITARY SKILLS OR SPECIALTIES.—The Secretary of the

Air Force shall designate the grades and military skills or specialties of members to be eligible for placement in such mobilization category.

(5) **BENEFITS.**—A member in such mobilization category shall be eligible for benefits (other than pay and training) on the same basis as are available to members of the Individual Ready Reserve who are in the special mobilization category under section 10144(b) of this title, as determined by the Secretary of Defense.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 627.)

**§ 20103. Members not on sustained duty: agreements concerning conditions of service**

(a) **AGREEMENTS.**—The Secretary of the Air Force may enter into a written agreement with a member of the Space Force not on sustained duty—

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

(2) specifying the conditions of the member's service on active duty; and

(3) for a member serving in a space force inactive status, specifying the conditions for the member's continued service as well as order to active duty with and without the consent of the member.

(b) **CONDITIONS OF SERVICE.**—An agreement under subsection (a) shall specify the conditions of service. The Secretary of the Air Force shall prescribe regulations establishing—

(1) what conditions of service may be specified in the agreement;

(2) the obligations of the parties; and

(3) the consequences of failure to comply with the terms of the agreement.

(c) **AUTHORITY FOR RETENTION ON ACTIVE DUTY DURING WAR OR NATIONAL EMERGENCY.**—If the period of service on active duty of a member under an agreement under subsection (a) expires during a war or during a national emergency declared by Congress or the President, the member concerned may be kept on active duty, without the consent of the member, as otherwise prescribed by law.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 628.)

**§ 20104. Orders to active duty: with consent of member**

(a) **AUTHORITY.**—A member of the Space Force who is serving in a space force active status and is not on sustained duty, or who is serving in a space force inactive status, may, with the consent of the member, be ordered to active duty, or retained on active duty, under the following sections of chapter 1209 of this title in the same manner as applies to a member of a reserve component ordered to active duty, or retained on active duty, under that section with the consent of the member:

(1) Section 12301(d), relating to orders to active duty at any time with the consent of the member.

(2) Section 12301(h), relating to orders to active duty in connection with medical or health care matters.

(3) Section 12322, relating to active duty for health care.

(4) Section 12323, relating to active duty pending line of duty determination required for response to sexual assault.

(b) **APPLICABLE PROVISIONS OF LAW.**—The following sections of chapter 1209 of this title pertaining to a member of a reserve component ordered to active duty with the consent of the member apply to a member of the Space Force who is ordered to active duty under this section in the same manner as to such a reserve component member:

(1) Section 12308, relating to retention after becoming qualified for retired pay.

(2) Section 12309, relating to use of Reserve officers in expansion of armed forces.

(3) Section 12313, relating to release of reserve members from active duty.

(4) Section 12314, relating to kinds of duty.

(5) Section 12315, relating to duty with or without pay.

(6) Section 12316, relating to payment of certain Reserves while on duty.

(7) Section 12318, relating to duties and funding of reserve members on active duty.

(8) Section 12320, relating to grade in which ordered to active duty.

(9) Section 12321, relating to a limitation on number of reserve members assigned to Reserve Officer Training Corps units.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 628.)

**§ 20105. Sustained duty**

(a) **ENLISTED MEMBERS.**—An authority designated by the Secretary of the Air Force may order an enlisted member of the Space Force in a space force active status to sustained duty, or retain an enlisted member on sustained duty, with the consent of that member, as specified in the terms of the member's enlistment or reenlistment agreement.

(b) **OFFICERS.**—

(1) An authority designated by the Secretary of the Air Force may order a Space Force officer in a space force active status to sustained duty—

(A) with the consent of the officer; or

(B) to fulfill the terms of an active-duty service commitment incurred by the officer under any provision of law.

(2) An officer ordered to sustained duty under paragraph (1) may not be released from sustained duty without the officer's consent except as provided in chapter 2009 or 2011 of this title.

(Added Pub. L. 118-31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 629.)

**§ 20106. Orders to active duty: without consent of member**

(a) **MEMBERS IN A SPACE FORCE ACTIVE STATUS.**—

(1) A member of the Space Force in a space force active status who is not on sustained duty, may, without the consent of the member, be ordered to active duty or inactive duty in the same manner as a member of a reserve