

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

component ordered to active duty or inactive duty under the provisions of chapter 1209 of this title and any other provision of law authorizing the order to active duty of a member of a reserve component in an active status without the consent of the member.

(2) The provisions of chapter 1209 of this title, or other applicable provisions of law, pertaining to a member of the Ready Reserve when ordered to active duty shall apply to a member of the Space Force who is in a space force active status when ordered to active duty under paragraph (1).

(3) The provisions of section 12304 of this title pertaining to members in the Individual Ready Reserve mobilization category shall apply to a member of the Space Force who is designated an Individual Ready Guardian when ordered to active duty who meets the provisions of section 20102(b) of this title.

(b) MEMBERS IN A SPACE FORCE INACTIVE STATUS.—

(1) A member of the Space Force in a space force inactive status may be ordered to active duty under—

(A) the provisions of chapter 1209 of this title;

(B) any other provision of law authorizing the order to active duty of a member of a reserve component in an inactive status; and

(C) the terms of any agreement entered into by the member under section 20103 of this title.

(2) The provisions of chapter 1209 of this title, or other applicable provisions of law, pertaining to the Standby Reserve shall apply to a member of the Space Force who is in a space force inactive service when ordered to active duty.

(c) MEMBERS IN A SPACE FORCE RETIRED STATUS.—

(1) Chapters 39 and 1209 of this title include provisions authorizing the order to active duty of a member of the Space Force in a space force retired status.

(2) The provisions of sections 688, 688a, and 12407 of this title pertaining to a retired member or a member of the Retired Reserve shall apply to a member of the Space Force in a space force retired status when ordered to active duty.

(3) The provisions of section 689 of this title pertaining to a retired member ordered to active duty shall apply to a member of the Space Force in a space force retired status who is ordered to active duty.

(d) OTHER APPLICABLE PROVISIONS.—The following provisions of chapter 1209 of this title shall apply to a member of the Space Force ordered to active duty in the same manner as to a Reserve or member of the Retired Reserve ordered to active duty:

(1) Section 12305, relating to the authority of the President to suspend certain laws relating to promotion, retirement, and separation.

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

(3) Section 12313, relating to release 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 12317, relating to theological students; limitations.

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

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 629; amended Pub. L. 118–159, div. A, title V, §521(m), Dec. 23, 2024, 138 Stat. 1882.)

### Editorial Notes

#### AMENDMENTS

2024—Subsec. (d). Pub. L. 118–159 struck out “pertaining” before “shall apply” in introductory provisions.

#### § 20107. Transfer to inactive status: initial service obligation not complete

(a) GENERAL RULE.—A member of the Space Force who has not completed the required minimum service obligation referred to in section 20003 of this title shall, if terminating space force active status, be transferred to a space force inactive status and, unless otherwise designated an Individual Ready Guardian under section 20102 of this title, shall remain subject to order to active duty without the member’s consent under section 20106 of this title.

(b) EXCEPTION.—Subsection (a) does not apply to a member who is separated from the Space Force by the Secretary of the Air Force under section 20503 of this title.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 630.)

#### § 20108. Members of Space Force: credit for service for purposes of laws providing pay and benefits for members, dependents, and survivors

For the purposes of laws providing pay and benefits for members of the armed forces and their dependents and beneficiaries:

(1) Military training, duty, or other service performed by a member of the Space Force in a space force active status not on sustained duty shall be considered military training, duty, or other service, as the case may be, as a member of a reserve component.

(2) Sustained duty performed by a member of the Space Force under section 20105 of this title shall be considered active duty as a member of a regular component.

(3) Active duty performed by a member of the Space Force in a space force active status not on sustained duty shall be considered active duty as a member of a reserve component.

(4) Inactive-duty training performed by a member of the Space Force shall be considered inactive-duty training as a member of a reserve component.

(Added Pub. L. 118–31, div. A, title XVII, §1715, Dec. 22, 2023, 137 Stat. 631.)