

changes, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.

(Added Pub. L. 104-106, div. A, title III, §336(a)(1), Feb. 10, 1996, 110 Stat. 263, §2490a; amended Pub. L. 105-85, div. A, title X, §1061(d), Nov. 18, 1997, 111 Stat. 1891; Pub. L. 108-136, div. A, title X, §1043(c)(2), Nov. 24, 2003, 117 Stat. 1611; renumbered §2488, Pub. L. 108-375, div. A, title VI, §651(b)(3), Oct. 28, 2004, 118 Stat. 1971; Pub. L. 111-383, div. A, title X, §1075(b)(37), Jan. 7, 2011, 124 Stat. 4371.)

#### REFERENCES IN TEXT

Section 375 of the National Defense Authorization Act for Fiscal Year 1995, referred to in subsec. (c), is section 375 of Pub. L. 103-337, div. A, title III, Oct. 5, 1994, 108 Stat. 2736, as amended, which is not classified to the Code.

#### PRIOR PROVISIONS

A prior section 2488 was renumbered section 2495 of this title.

#### AMENDMENTS

2011—Subsec. (f). Pub. L. 111-383 substituted “armed forces” for “Armed Forces” in two places.

2004—Pub. L. 108-375 renumbered section 2490a of this title as this section.

2003—Subsec. (f). Pub. L. 108-136, §1043(c)(2), substituted “NONAPPROPRIATED FUND INSTRUMENTALITY DEFINED.—In this section, the term” for “DEFINITIONS.—In this section:

“(1) The term”

and struck out par. (2) which read as follows: “The term ‘base closure law’ has the meaning given such term by section 2667(h) of this title.”

1997—Subsec. (f)(2). Pub. L. 105-85 substituted “section 2667(h)” for “section 2667(g)”.

#### § 2489. Overseas commissary and exchange stores: access and purchase restrictions

(a) GENERAL AUTHORITY.—(1) The Secretary of Defense may establish restrictions on the ability of eligible patrons of commissary and exchange stores located outside of the United States to purchase certain merchandise items (or the quantity of certain merchandise items) otherwise included within an authorized merchandise category if the Secretary determines that such restrictions are necessary to prevent the resale of such merchandise in violation of treaty obligations of the United States or host nation laws (to the extent such laws are not inconsistent with United States laws).

(2) In establishing a quantity or other restriction, the Secretary—

(A) may not discriminate among the various categories of eligible patrons of the commissary and exchange system; and

(B) shall ensure that the restriction is consistent with the purpose of the overseas commissary and exchange system to provide reasonable access for eligible patrons to purchase merchandise items made in the United States.

(b) CONTROLLED ITEM LISTS.—For each location outside the United States that is served by the commissary system or the exchange system, the Secretary of Defense may maintain a list of

controlled merchandise items, except that, after October 17, 1998, the Secretary may not change the list to add a merchandise item unless, before making the change, the Secretary submits to Congress a notice of the proposed addition and the reasons for the addition of the item.

(c) NOTIFICATION OF CONDITIONS NECESSITATING RESTRICTIONS.—The Secretary of Defense shall notify Congress of any change proposed or made to any of the host nation laws or any of the treaty obligations of the United States, and any changed conditions within host nations, if the change would necessitate the use of quantity or other restrictions on purchases in commissary and exchange stores located outside the United States.

(Added Pub. L. 105-261, div. A, title III, §365(a), Oct. 17, 1998, 112 Stat. 1986, §2492; amended Pub. L. 106-65, div. A, title X, §1066(a)(22), Oct. 5, 1999, 113 Stat. 771; Pub. L. 107-314, div. A, title X, §1041(a)(15), Dec. 2, 2002, 116 Stat. 2645; renumbered §2489, Pub. L. 108-375, div. A, title VI, §651(b)(3), Oct. 28, 2004, 118 Stat. 1971.)

#### PRIOR PROVISIONS

A prior section 2489 was renumbered section 2495a of this title.

A prior section 2489a was renumbered section 2495b of this title.

A prior section 2490 was renumbered section 2868 of this title.

A prior section 2490a was renumbered section 2488 of this title.

Another prior section 2490a was renumbered section 2783 of this title.

#### AMENDMENTS

2004—Pub. L. 108-375 renumbered section 2492 of this title as this section.

2002—Subsec. (c). Pub. L. 107-314 added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “The Secretary of Defense shall notify Congress of any change proposed or made to any of the host nation laws or any of the treaty obligations of the United States, and any changed conditions within host nations, if the change would necessitate the use of quantity or other restrictions on purchases in commissary and exchange stores located outside the United States.”

1999—Subsec. (b). Pub. L. 106-65 substituted “October 17, 1998” for “the date of the enactment of this section”.

#### SUBCHAPTER III—MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES

Sec.	
2491.	Uniform funding and management of morale, welfare, and recreation programs.
2491a.	Department of Defense golf courses: limitation on use of appropriated funds.
2491b.	Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation.
2491c.	Retention of morale, welfare, and recreation funds by military installations: limitation.
2492.	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services.
2492a.	Limitation on Department of Defense entities competing with private sector in offering personal information services.
2493.	Fisher Houses: administration as nonappropriated fund instrumentality.