

hold an office or position shall apply to a retired member only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

(c) DETERMINATION OF NEWLY DEMOCRATIC NATIONS.—The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

[(d) Repealed. Pub. L. 108-136, div. A, title X, §1031(a)(9), Nov. 24, 2003, 117 Stat. 1597.]

(e) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

(f) RETIRED MEMBER DEFINED.—In this section, the term "retired member" means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.

(g) CIVIL EMPLOYMENT BY FOREIGN GOVERNMENTS.—For a provision of law providing the consent of Congress to civil employment by foreign governments, see section 908 of title 37.

(Added Pub. L. 103-160, div. A, title XIV, §1433(b)(1), Nov. 30, 1993, 107 Stat. 1834, §1058; renumbered §1060, Pub. L. 103-337, div. A, title X, §1070(a)(6)(A), Oct. 5, 1994, 108 Stat. 2855; amended Pub. L. 104-106, div. A, title XV, §1502(a)(13), Feb. 10, 1996, 110 Stat. 503; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, §1031(a)(9), Nov. 24, 2003, 117 Stat. 1597.)

#### AMENDMENTS

2003—Subsec. (d). Pub. L. 108-136 struck out heading and text of subsec. (d). Text read as follows: "The Secretary concerned and the Secretary of State shall notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives of each approval under subsection (b) and each determination under subsection (c)."

1999—Subsec. (d). Pub. L. 106-65 substituted "and the Committee on Armed Services" for "and the Committee on National Security".

1996—Subsec. (d). Pub. L. 104-106 substituted "Committee on National Security and the Committee on International Relations" for "Committee on Armed Services and the Committee on Foreign Affairs".

1994—Pub. L. 103-337 renumbered section 1058 of this title as this section.

#### EFFECTIVE DATE

Pub. L. 103-160, div. A, title XIV, §1433(d), Nov. 30, 1993, 107 Stat. 1835, provided that this section was to take effect as of Jan. 1, 1993, prior to repeal by Pub. L. 103-236, title I, §182(b), Apr. 30, 1994, 108 Stat. 418.

#### RESTORATION OF WITHHELD BENEFITS

Pub. L. 103-236, title I, §182(a), Apr. 30, 1994, 108 Stat. 418, as amended by Pub. L. 103-337, div. A, title X, §1070(d)(7), Oct. 5, 1994, 108 Stat. 2858; Pub. L. 103-415, §1(j), Oct. 25, 1994, 108 Stat. 4301, provided that: "With respect to any person for which the Secretary of State and the Secretary concerned within the Department of

Defense have approved the employment or the holding of a position pursuant to the provisions of section 1060 of title 10, United States Code, before April 30, 1994, the consents, approvals and determinations under that section shall be deemed to be effective as of January 1, 1993."

#### CONGRESSIONAL FINDINGS

Pub. L. 103-160, div. A, title XIV, §1433(a), Nov. 30, 1993, 107 Stat. 1833, provided that: "The Congress makes the following findings:

"(1) It is in the national security interest of the United States to promote democracy throughout the world.

"(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

"(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

"(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy."

#### § 1060a. Special supplemental food program

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide supplemental foods and nutrition education to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

(b) FUNDING MECHANISM.—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).

(c) PROGRAM ADMINISTRATION.—(1)(A) The Secretary of Defense shall administer the program referred to in subsection (a) and, except as provided in subparagraph (B), shall determine eligibility for program benefits under the criterion published by the Secretary of Agriculture under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). In determining eligibility for benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under such section 17 shall be considered eligible for the duration of the certification period under that special supplemental nutrition program.

(B) In determining eligibility for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A), including nutritional risk standards. In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).

(2) The program benefits provided under the program shall be similar to benefits provided by State and local agencies in the United States, particularly with respect to nutrition education.

(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).

(d) DEPARTURE FROM STANDARDS.—The Secretary of Defense may authorize departures from standards prescribed by the Secretary of Agriculture regarding the supplemental foods to be made available in the program when local conditions preclude strict compliance or when such compliance is highly impracticable.

(e) REBATE AGREEMENTS WITH FOOD PRODUCERS.—(1) In the administration of the program under this section, the Secretary of Defense may enter into a contract with a producer of a particular brand of food that provides for—

(A) the Secretary of Defense to procure that particular brand of food, exclusive of other brands of the same or similar food, for the purpose of providing the food in commissary stores or Navy Exchange Markets of the Department of Defense as a supplemental food under the program; and

(B) the producer to rebate to the Secretary amounts equal to agreed portions of the amounts paid by the Secretary for the procurement of that particular brand of food for the program.

(2) The Secretary of Defense shall use competitive procedures under chapter 137 of this title to enter into contracts under this subsection.

(3) The period covered by a contract entered into under this subsection, including any period of extension of the contract by modification of the contract, exercise of an option, or other cause, may not exceed three years. No such contract may be extended by a modification of the contract, by exercise of an option, or by any other means. Nothing in this paragraph prohibits a contractor under a contract entered into under this subsection for any year from submitting an offer for, and being awarded, a contract that is to be entered into under this subsection for a successive year.

(4) Amounts rebated under a contract entered into under paragraph (1) shall be credited to the appropriation available for carrying out the program under this section in the fiscal year in which rebated, shall be merged with the other sums in that appropriation, and shall be available for the program for the same period as the other sums in the appropriation.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to administer the program authorized by this section.

(g) DEFINITIONS.—In this section:

(1) The term “eligible civilian” means—

(A) a dependent of a member of the armed forces residing with the member outside the United States;

(B) an employee of a military department who is a national of the United States and is residing outside the United States in connection with such individual’s employment or a dependent of such individual residing with the employee outside the United States; or

(C) an employee of a Department of Defense contractor who is a national of the United States and is residing outside the United States in connection with such individual’s employment or a dependent of such individual residing with the employee outside the United States.

(2) The term “national of the United States” means—

(A) a citizen of the United States; or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States, as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) The term “dependent” has the meaning given such term in subparagraphs (A), (D), (E), and (I) of section 1072(2) of this title.

(4) The terms “nutrition education” and “supplemental foods” have the meanings given the terms in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(Added Pub. L. 103-337, div. A, title VI, §653(a), Oct. 5, 1994, 108 Stat. 2794; amended Pub. L. 104-106, div. A, title XV, §1503(a)(9), Feb. 10, 1996, 110 Stat. 511; Pub. L. 105-85, div. A, title VI, §655(b)(1), Nov. 18, 1997, 111 Stat. 1805; Pub. L. 106-65, div. A, title VI, §674(a)-(d), Oct. 5, 1999, 113 Stat. 675; Pub. L. 106-398, §1 [[div. A], title VI, §662], Oct. 30, 2000, 114 Stat. 1654, 1654A-167; Pub. L. 107-107, div. A, title III, §334, Dec. 28, 2001, 115 Stat. 1059; Pub. L. 107-314, div. A, title III, §324, Dec. 2, 2002, 116 Stat. 2511.)

#### REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (g)(2)(B), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

#### AMENDMENTS

2002—Subsec. (e)(1)(A). Pub. L. 107-314, §324(a), inserted “or Navy Exchange Markets” after “commissary stores”.

Subsec. (e)(3). Pub. L. 107-314, §324(b), in first sentence, substituted “subsection, including any period of extension of the contract by modification of the contract, exercise of an option, or other cause, may not exceed three years” for “subsection may not exceed one year”.

2001—Subsecs. (e) to (g). Pub. L. 107-107 added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

2000—Subsec. (c)(1)(B). Pub. L. 106-398 added second sentence and struck out former second sentence which read as follows: “The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.”

1999—Subsec. (a). Pub. L. 106-65, §674(a), substituted “Program Required” for “Authority” in heading and “The Secretary of Defense shall carry out a program to provide supplemental foods and nutrition education” for “The Secretary of Defense may carry out a program to provide special supplemental food benefits” in text.

Subsec. (b). Pub. L. 106-65, §674(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). The Secretary of Defense may use funds available for the Department of Defense to carry out the program under subsection (a).”

Subsec. (c)(1)(A). Pub. L. 106-65, §674(c)(1), inserted at end “In determining eligibility for benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under such section 17 shall be considered eligible

for the duration of the certification period under that special supplemental nutrition program.”

Subsec. (c)(1)(B). Pub. L. 106-65, § 674(c)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “The Secretary of Defense shall prescribe regulations governing computation of income eligibility standards for families of individuals participating in the program under this section.”

Subsec. (c)(2). Pub. L. 106-65, § 674(c)(3), inserted “, particularly with respect to nutrition education” before period at end.

Subsec. (c)(3). Pub. L. 106-65, § 674(c)(4), added par. (3).

Subsec. (f)(4). Pub. L. 106-65, § 674(d), added par. (4).

1997—Subsec. (b). Pub. L. 105-85 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense from funds appropriated for such purpose, the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).”

1996—Subsec. (f)(2)(B). Pub. L. 104-106 substituted “, as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)” for “(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))”.

#### REPORT ON IMPLEMENTATION OF SPECIAL SUPPLEMENTAL FOOD PROGRAM

Pub. L. 105-85, div. A, title VI, § 655(b)(2), Nov. 18, 1997, 111 Stat. 1805, directed the Secretary of Defense to submit to Congress a report including plans to implement the program authorized under this section not later than 90 days after Nov. 18, 1997.

#### § 1060b. Military ID cards: dependents and survivors of retirees

(a) ISSUANCE OF PERMANENT ID CARD.—(1) In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent as follows:

(A) A retiree dependent who has attained 75 years of age.

(B) A retiree dependent who is permanently disabled.

(2) A permanent ID card shall be issued to a retiree dependent under paragraph (1)(A) upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military card or, if earlier, upon the request of the retiree dependent after attaining age 75.

(b) DEFINITIONS.—In this section:

(1) The term “military ID card” means a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.

(2) The term “retiree dependent” means a person who is a dependent of a retired member of the uniformed services, or a survivor of a deceased retired member of the uniformed services, who is eligible for any benefit from the Department of Defense.

(Added Pub. L. 108-375, div. A, title V, § 583(a)(1), Oct. 28, 2004, 118 Stat. 1929; amended Pub. L. 109-364, div. A, title V, § 598(a), (b)(1), Oct. 17, 2006, 120 Stat. 2237.)

#### AMENDMENTS

2006—Pub. L. 109-364, § 598(b)(1), struck out “; issuance of permanent ID card after attaining 75 years of age” after “retirees” in section catchline.

Subsec. (a). Pub. L. 109-364, § 598(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent who has attained 75 years of age. Such a permanent ID card shall be issued upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military ID card or, if earlier, upon the request of such a retiree dependent after attaining age 75.”

#### EFFECTIVE DATE

Pub. L. 108-375, div. A, title V, § 583(b), Oct. 28, 2004, 118 Stat. 1929, provided that: “Section 1060b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2004.”

#### CHAPTER 54—COMMISSARY AND EXCHANGE BENEFITS

Sec.	
1061.	Survivors of certain Reserve and Guard members.
1062.	Certain former spouses.
1063.	Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60.
1064.	Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.

#### AMENDMENTS

2003—Pub. L. 108-136, div. A, title VI, § 651(c), Nov. 24, 2003, 117 Stat. 1522, added items 1063 and 1064 and struck out former items 1063 “Use of commissary stores: members of Ready Reserve”, 1063a “Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency”, 1064 “Use of commissary stores: persons qualified for retired pay under chapter 1223 but under age 60”, and 1065 “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents”.

2002—Pub. L. 107-314, div. A, title III, § 322(b)(2), Dec. 2, 2002, 116 Stat. 2510, inserted “or national emergency” after “disaster” in item 1063a.

2001—Pub. L. 107-107, div. A, title III, § 331(d)(3), Dec. 28, 2001, 115 Stat. 1058, struck out “with at least 50 creditable points” after “Ready Reserve” in item 1063.

1998—Pub. L. 105-261, div. A, title III, § 362(e), Oct. 17, 1998, 112 Stat. 1985, added items 1063, 1063a, and 1064 and struck out former items 1063 “Period for use of commissary stores: eligibility for members of the Ready Reserve” and 1064 “Use of commissary stores by certain members and former members”.

1996—Pub. L. 104-106, div. A, title III, § 342(b), Feb. 10, 1996, 110 Stat. 266, substituted “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents” for “Use of certain morale, welfare, and recreation facilities by members of reserve components and dependents” in item 1065.

1992—Pub. L. 102-484, div. A, title III, § 365(c)(2), Oct. 23, 1992, 106 Stat. 2382, substituted “eligibility for members of the Ready Reserve” for “eligibility attributable to active duty for training”.

1990—Pub. L. 101-510, div. A, title III, § 321(d), Nov. 5, 1990, 104 Stat. 1528, added items 1064 and 1065.

#### § 1061. Survivors of certain Reserve and Guard members

(a) BENEFITS.—The Secretary of Defense shall prescribe regulations to allow dependents of members of the uniformed services described in subsection (b) to use commissary and exchange stores on the same basis as dependents of members of the uniformed services who die while on active duty for a period of more than 30 days.