

as follows: “If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a non-appropriated fund instrumentality shall be considered to be the most economical method of distribution regardless of the results of the determination under paragraph (1).”

1996—Subsec. (a)(1). Pub. L. 104-106, § 333(a), inserted “and distributed in the most economical manner” after “most competitive source”.

Subsecs. (c), (d). Pub. L. 104-106, § 333(b), added subsec. (c) and redesignated former subsec. (c) as (d).

1987—Subsec. (a)(2). Pub. L. 100-180 struck out “purchased for resale on a military installation located in the contiguous States” after “malt beverages and wines”.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-180, div. A, title III, § 312(b), Dec. 4, 1987, 101 Stat. 1073, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to purchases of malt beverages and wine after the end of the 60-day period beginning on the date of the enactment of this Act [Dec. 4, 1987].”

PROCUREMENT OF MALT BEVERAGES AND WINE BY NONAPPROPRIATED FUND ACTIVITY

Pub. L. 109-148, div. A, title VIII, § 8080, Dec. 30, 2005, 119 Stat. 2717, which provided that none of the funds appropriated by div. A of Pub. L. 109-148 were to be used for the support of any nonappropriated funds activity of the Department of Defense that procured malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine were procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation was located, was from the Department of Defense Appropriations Act, 2006, and was repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were contained in the following prior appropriations acts:

Pub. L. 108-287, title VIII, § 8087, Aug. 5, 2004, 118 Stat. 991.

Pub. L. 108-87, title VIII, § 8088, Sept. 30, 2003, 117 Stat. 1093.

Pub. L. 107-248, title VIII, § 8092, Oct. 23, 2002, 116 Stat. 1558.

Pub. L. 107-117, div. A, title VIII, § 8108, Jan. 10, 2002, 115 Stat. 2271.

Pub. L. 106-259, title VIII, § 8108, Aug. 9, 2000, 114 Stat. 698.

Pub. L. 106-79, title VIII, § 8132, Oct. 25, 1999, 113 Stat. 1266.

Pub. L. 104-61, title VIII, § 8055, Dec. 1, 1995, 109 Stat. 662.

Pub. L. 103-335, title VIII, § 8058A, Sept. 30, 1994, 108 Stat. 2632.

Pub. L. 103-139, title VIII, § 8099A, Nov. 11, 1993, 107 Stat. 1462.

Pub. L. 102-396, title IX, § 9114, Oct. 6, 1992, 106 Stat. 1929.

Pub. L. 102-172, title VIII, § 8111A, Nov. 26, 1991, 105 Stat. 1200.

Pub. L. 101-511, title VIII, § 8068, Nov. 5, 1990, 104 Stat. 1889.

Pub. L. 101-165, title IX, § 9093, Nov. 21, 1989, 103 Stat. 1149.

Pub. L. 100-463, title VIII, § 8122, Oct. 1, 1988, 102 Stat. 2270-40.

Pub. L. 100-202, § 101(b) [title VIII, § 8081], Dec. 22, 1987, 101 Stat. 1329-43, 1329-76.

Pub. L. 99-500, § 101(c) [title IX, § 9090], Oct. 18, 1986, 100 Stat. 1783-82, 1783-116, and Pub. L. 99-591, § 101(c) [title IX, § 9090], Oct. 30, 1986, 100 Stat. 3341-82, 3341-116.

Pub. L. 99-190, § 101(b) [title VIII, § 8099], Dec. 19, 1985, 99 Stat. 1185, 1219.

§ 2495a. Overseas package stores: treatment of United States wines

The Secretary of Defense shall ensure that each nonappropriated-fund activity engaged principally in selling alcoholic beverage products in a packaged form (commonly referred to as a “package store”) that is located at a military installation outside the United States shall give appropriate treatment with respect to wines produced in the United States to ensure that such wines are given, in general, an equitable distribution, selection, and price when compared with wines produced by the host nation.

(Added Pub. L. 100-180, div. A, title III, § 311(a)(1), Dec. 4, 1987, 101 Stat. 1073, § 2489; renumbered § 2495a, Pub. L. 108-375, div. A, title VI, § 651(b)(2), (c)(5), Oct. 28, 2004, 118 Stat. 1971, 1972.)

AMENDMENTS

2004—Pub. L. 108-375 renumbered section 2489 of this title as this section.

REGULATIONS DEADLINE

Pub. L. 100-180, div. A, title III, § 311(b), Dec. 4, 1987, 101 Stat. 1073, directed Secretary of Defense to prescribe regulations to implement this section not later than 90 days after Dec. 4, 1987.

§ 2495b. Sale or rental of sexually explicit material prohibited

(a) PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of sexually explicit material on property under the jurisdiction of the Department of Defense.

(b) PROHIBITION OF OFFICIALLY PROVIDED SEXUALLY EXPLICIT MATERIAL.—A member of the armed forces or a civilian officer or employee of the Department of Defense acting in an official capacity may not provide for sale, remuneration, or rental sexually explicit material to another person.

(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

(B) The Secretary of each of the military departments shall appoint one member of the board.

(C) A vacancy on the board shall be filled in the same manner as the original appointment.

(3) The Secretary of Defense may detail persons to serve as staff for the board. At a mini-