

cilities referred to in subsection (a) on the same basis as members serving on active duty.”

#### EFFECTIVE DATE

Pub. L. 101-510, div. A, title III, §321(e)(1), Nov. 5, 1990, 104 Stat. 1528, provided that: “The amendments made by subsections (b) and (c) [enacting this section and former section 1064 of this title] shall take effect 120 days after the date of the enactment of this Act [Nov. 5, 1990].”

#### REGULATIONS

Pub. L. 101-510, div. A, title III, §321(e)(2), Nov. 5, 1990, 104 Stat. 1528, provided that: “The Secretary of Defense shall prescribe such regulations as may be necessary for the proper administration of sections [former] 1064 and 1065 [now 1063] of title 10, United States Code, as added by this section, not later than 90 days after the date of the enactment of this Act [Nov. 5, 1990].”

#### [§ 1063a. Renumbered § 1064]

#### § 1064. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency

(a) ELIGIBILITY OF MEMBERS.—A member of the National Guard who, although not in Federal service, is called or ordered to duty in response to a federally declared disaster or national emergency shall be permitted to use commissary stores and MWR retail facilities during the period of such duty on the same basis as members of the armed forces on active duty.

(b) ELIGIBILITY OF DEPENDENTS.—A dependent of a member of the National Guard who is permitted under subsection (a) to use commissary stores and MWR retail facilities shall be permitted to use such stores and facilities, during the same period as the member, on the same basis as dependents of members of the armed forces on active duty.

(c) DEFINITIONS.—In this section:

(1) FEDERALLY DECLARED DISASTER.—The term “federally declared disaster” means a disaster or other situation for which a Presidential declaration of major disaster is issued under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) MWR RETAIL FACILITIES.—The term “MWR retail facilities” has the meaning given that term in section 1063(e) of this title.

(3) NATIONAL EMERGENCY.—The term “national emergency” means a national emergency declared by the President or Congress.

(Added Pub. L. 105-261, div. A, title III, §362(c), Oct. 17, 1998, 112 Stat. 1985, §1063a; amended Pub. L. 107-314, div. A, title III, §322(a), (b)(1), Dec. 2, 2002, 116 Stat. 2510; renumbered §1064 and amended Pub. L. 108-136, div. A, title VI, §651(b)(2), (3), Nov. 24, 2003, 117 Stat. 1521.)

#### PRIOR PROVISIONS

A prior section 1064, added Pub. L. 101-510, div. A, title III, §321(b), Nov. 5, 1990, 104 Stat. 1528; amended Pub. L. 104-106, div. A, title XV, §1501(c)(8), Feb. 10, 1996, 110 Stat. 499; Pub. L. 105-261, div. A, title III, §362(b), (d)(2), Oct. 17, 1998, 112 Stat. 1984, 1985, related to use of commissary stores by persons qualified for retired pay but under age 60, prior to repeal by Pub. L. 108-136, div. A, title VI, §651(b)(1), Nov. 24, 2003, 117 Stat. 1521.

#### AMENDMENTS

2003—Pub. L. 108-136, §651(b)(3), renumbered section 1063a of this title as this section.

Subsec. (c)(2). Pub. L. 108-136, §651(b)(2), substituted “section 1063(e)” for “section 1065(e)”.

2002—Pub. L. 107-314, §322(b)(1), inserted “or national emergency” after “disaster” in section catchline.

Subsec. (a). Pub. L. 107-314, §322(a)(1), inserted “or national emergency” after “disaster”.

Subsec. (c)(3). Pub. L. 107-314, §322(a)(2), added par. (3).

#### § 1065. Use of commissary stores and MWR facilities: certain veterans, caregivers for veterans, and Foreign Service officers

(a) ELIGIBILITY OF VETERANS AWARDED THE PURPLE HEART.—A veteran who was awarded the Purple Heart shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

(b) ELIGIBILITY OF VETERANS WHO ARE MEDAL OF HONOR RECIPIENTS.—A veteran who is a Medal of Honor recipient shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

(c) ELIGIBILITY OF VETERANS WHO ARE FORMER PRISONERS OF WAR.—A veteran who is a former prisoner of war shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

(d) ELIGIBILITY OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.—A veteran with a service-connected disability shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

(e) ELIGIBILITY OF CAREGIVERS FOR VETERANS.—A caregiver or family caregiver shall be permitted to use commissary stores and MWR facilities on the same basis as a member of the armed forces entitled to retired or retainer pay.

(f) ELIGIBILITY OF FOREIGN SERVICE OFFICERS ON MANDATORY HOME LEAVE.—A Foreign Service officer on mandatory home leave may be permitted to use military lodging referred to in subsection (h).

(g) USER FEE AUTHORITY.—(1) The Secretary of Defense shall prescribe regulations that impose a user fee on individuals who are eligible solely under this section to purchase merchandise at a commissary store or MWR retail facility.

(2) The Secretary shall set the user fee under this subsection at a rate that the Secretary determines will offset any increase in expenses arising from this section borne by the Department of the Treasury on behalf of commissary stores associated with the use of credit or debit cards for customer purchases, including expenses related to card network use and related transaction processing fees.

(3) The Secretary shall deposit funds collected pursuant to a user fee under this subsection in the General Fund of the Treasury.

(4) Any fee under this subsection is in addition to the uniform surcharge under section 2484(d) of this title.

(h) DEFINITIONS.—In this section:

(1) The term “MWR facilities” includes—