

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—

(A) MWR retail facilities, as that term is defined in section 1063(e) of this title; and

(B) military lodging operated by the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

(2) The term “Medal of Honor recipient” has the meaning given that term in section 1074h(c) of this title.

(3) The terms “veteran”, “former prisoner of war”, and “service-connected” have the meanings given those terms in section 101 of title 38.

(4) The terms “caregiver” and “family caregiver” have the meanings given those terms in section 1720G(d) of title 38.

(5) The term “Foreign Service officer” has the meaning given that term in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903).

(6) The term “mandatory home leave” means leave under section 903 of the Foreign Service Act of 1980 (22 U.S.C. 4083).

(Added Pub. L. 115–232, div. A, title VI, §621(b)(1), Aug. 13, 2018, 132 Stat. 1798; amended Pub. L. 116–92, div. A, title VI, §641(a), Dec. 20, 2019, 133 Stat. 1430.)

PRIOR PROVISIONS

A prior section 1065 was renumbered section 1063 of this title.

AMENDMENTS

2019—Pub. L. 116–92, §641(a)(1), substituted “veterans, caregivers for veterans, and Foreign Service officers” for “veterans and caregivers for veterans” in section catchline.

Subsecs. (f) to (h). Pub. L. 116–92, §641(a)(2), (3), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

Subsec. (h)(5), (6). Pub. L. 116–92, §641(a)(4), added pars. (5) and (6).

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116–92, div. A, title VI, §641(b), Dec. 20, 2019, 133 Stat. 1431, provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 2020, as if originally incorporated in section 621 of Public Law 115–232.”

EFFECTIVE DATE

Pub. L. 115–232, div. A, title VI, §621(b)(3), Aug. 13, 2018, 132 Stat. 1799, provided that: “Section 1065 of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2020.”

CHAPTER 55—MEDICAL AND DENTAL CARE

Sec.	
1071.	Purpose of this chapter.
1072.	Definitions.
1073.	Administration of this chapter.
1073a.	Contracts for health care: best value contracting.
1073b.	Recurring reports and publication of certain data.
1073c.	Administration of Defense Health Agency and military medical treatment facilities.
1073d.	Military medical treatment facilities.
1074.	Medical and dental care for members and certain former members.
1074a.	Medical and dental care: members on duty other than active duty for a period of more than 30 days.
1074b.	Medical and dental care: Academy cadets and midshipmen; members of, and designated applicants for membership in, Senior ROTC.

Sec.	
1074c.	Medical care: authority to provide a wig.
1074d.	Certain primary and preventive health care services.
1074e.	Medical care: certain Reserves who served in Southwest Asia during the Persian Gulf Conflict.
1074f.	Medical tracking system for members deployed overseas.
1074g.	Pharmacy benefits program.
1074h.	Medical and dental care: medal of honor recipients; dependents.
1074i.	Reimbursement for certain travel expenses.
1074j.	Sub-acute care program.
1074k.	Long-term care insurance.
1074l.	Notification to Congress of hospitalization of combat wounded members.
1074m.	Mental health assessments for members of the armed forces deployed in support of a contingency operation.
1074n.	Annual mental health assessments for members of the armed forces.
1074o.	Provision of hyperbaric oxygen therapy for certain members.
1075.	TRICARE Select.
1075a.	TRICARE Prime: cost sharing.
1076.	Medical and dental care for dependents: general rule.
1076a.	TRICARE dental program.
[1076b.]	Repealed.]
1076c.	Dental insurance plan: certain retirees and their surviving spouses and other dependents.
1076d.	TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve.
1076e.	TRICARE program: TRICARE Retired Reserve coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
1076f.	TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty.
1077.	Medical care for dependents: authorized care in facilities of uniformed services.
1077a.	Access to military medical treatment facilities and other facilities.
1078.	Medical and dental care for dependents: charges.
1078a.	Continued health benefits coverage.
1078b.	Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.
1079.	Contracts for medical care for spouses and children: plans.
1079a.	TRICARE program: treatment of refunds and other amounts collected.
1079b.	Procedures for charging fees for care provided to civilians; retention and use of fees collected.
1079c.	Provisional coverage for emerging services and supplies.
1080.	Contracts for medical care for spouses and children: election of facilities.
1081.	Contracts for medical care for spouses and children: review and adjustment of payments.
1082.	Contracts for health care: advisory committees.
1083.	Contracts for medical care for spouses and children: additional hospitalization.
1084.	Determinations of dependency.
1085.	Medical and dental care from another executive department: reimbursement.
1086.	Contracts for health benefits for certain members, former members, and their dependents.
1086a.	Certain former spouses: extension of period of eligibility for health benefits.