

use commissary stores and MWR retail facilities shall be permitted to use stores and such facilities on the same basis as dependents of members on active duty.

(2) Dependents of a member who is permitted under subsection (c) to use commissary stores and MWR retail facilities shall be permitted to use stores and such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

(e) MWR RETAIL FACILITY DEFINED.—In this section, the term “MWR retail facilities” means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

(Added Pub. L. 101-510, div. A, title III, §321(c), Nov. 5, 1990, 104 Stat. 1528, §1065; amended Pub. L. 104-106, div. A, title III, §342(a), Feb. 10, 1996, 110 Stat. 265; renumbered §1063 and amended Pub. L. 108-136, div. A, title VI, §651(a), (b)(4), (5), Nov. 24, 2003, 117 Stat. 1521, 1522.)

#### PRIOR PROVISIONS

A prior section 1063, added Pub. L. 99-661, div. A, title VI, §656(a)(1), Nov. 14, 1986, 100 Stat. 3891, §1052; renumbered §1063, Pub. L. 100-370, §1(c)(2)(A), July 19, 1988, 102 Stat. 841; amended Pub. L. 101-510, div. A, title III, §321(a)(1), Nov. 5, 1990, 104 Stat. 1527; Pub. L. 102-484, div. A, title III, §365(a), (c)(1), Oct. 23, 1992, 106 Stat. 2382; Pub. L. 104-106, div. A, title XV, §1501(c)(9), Feb. 10, 1996, 110 Stat. 499; Pub. L. 105-261, div. A, title III, §362(a), (d)(1), Oct. 17, 1998, 112 Stat. 1984, 1985; Pub. L. 107-107, div. A, title III, §331(a)-(d)(2), Dec. 28, 2001, 115 Stat. 1057, related to use of commissary stores by members of Ready Reserve, 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)(4), (5), renumbered section 1065 of this title as this section and substituted “Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60” for “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents” in section catchline.

Subsecs. (a) to (c). Pub. L. 108-136, §651(a)(1), inserted “commissary stores and” after “use”.

Subsec. (d). Pub. L. 108-136, §651(a)(2), inserted “commissary stores and” after “permitted under subsection (a) or (b) to use” and “stores and” after “permitted to use” in par. (1), and inserted “commissary stores and” after “permitted under subsection (c) to use” and “stores and” after “permitted to use” in par. (2).

1996—Pub. L. 104-106 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 section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) UNRESTRICTED USE REQUIRED.—Members of the Selected Reserve in good standing (as determined by the Secretary concerned) and members who would be eligible for retired pay under chapter 67 of this title but for the fact that the member is under 60 years of age, and the dependents of such members, shall be permitted to use the exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces. Such use shall be permitted on the same basis as members on active duty.

“(b) ELIGIBILITY TO USE AUTHORIZED.—Subject to such regulations as the Secretary of Defense may prescribe, members of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use the facilities 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