

(Added Pub. L. 104-201, div. A, title III, § 341(a)(1), Sept. 23, 1996, 110 Stat. 2488, § 2482a; renumbered § 2492, Pub. L. 108-375, div. A, title VI, § 651(c)(3), Oct. 28, 2004, 118 Stat. 1972; amended Pub. L. 113-291, div. A, title VI, § 632, Dec. 19, 2014, 128 Stat. 3405.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2492 was renumbered section 2489 of this title.

##### AMENDMENTS

2014—Pub. L. 113-291 substituted “Federal department, agency, or instrumentality—” for “Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system.” and added pars. (1) and (2).

2004—Pub. L. 108-375 renumbered section 2482a of this title as this section.

#### § 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

(a) LIMITATION.—(1) Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services directly to users using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services directly to users, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

(2) The limitation in paragraph (1) shall not be construed to prohibit or preclude the use of Department resources, personnel, or equipment to administer or facilitate personal information services contracts with private contractors.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply if the Secretary of Defense determines that—

(1) a private sector vendor is not available to provide the personal information services at specific locations;

(2) the interests of the user population would be best served by allowing the Government to provide such services; or

(3) circumstances (as specified by the Secretary for purposes of this section) are such that the provision of such services by a Department entity is in the best interest of the Government or military users in general.

(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term “personal information services” means the provision of Internet, telephone, or television services to consumers.

(Added Pub. L. 111-84, div. A, title VI, § 651(a), Oct. 28, 2009, 123 Stat. 2368.)

#### Statutory Notes and Related Subsidiaries

##### SAVINGS PROVISION

Pub. L. 111-84, div. A, title VI, § 651(c), Oct. 28, 2009, 123 Stat. 2369, provided that: “Section 2492a of title 10, United States Code, as added by subsection (a), does

not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act [Oct. 28, 2009].”

#### § 2493. Fisher Houses: administration as non-appropriated fund instrumentality

(a) FISHER HOUSES AND SUITES DEFINED.—In this section:

(1) The term “Fisher House” means a housing facility that—

(A) is located in proximity to a health care facility of the Army, the Air Force, or the Navy;

(B) is available for residential use on a temporary basis by authorized Fisher House residents; and

(C) is constructed and donated by—

(i) the Zachary and Elizabeth M. Fisher Armed Services Foundation; or

(ii) another source, if the Secretary of the military department concerned designates the housing facility as a Fisher House.

(2) The term “Fisher House” includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.

(3) The term “Fisher Suite” means one or more rooms that—

(A) meet the requirements of subparagraphs (A) and (B) of paragraph (1);

(B) are constructed, altered, or repaired and donated by a source described in subparagraph (C) of that paragraph; and

(C) are designated by the Secretary of the military department concerned as a Fisher Suite.

(4) The term “authorized Fisher House residents” means the following:

(A) With respect to a Fisher House described in paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

(i) Patients of that health care facility.

(ii) Members of the families of such patients.

(iii) Other persons providing the equivalent of familial support for such patients.

(B) With respect to the Fisher House described in paragraph (2), the following persons:

(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

(ii) Other family members of the deceased member who are eligible for transportation under section 481f(d)<sup>1</sup> of title 37.

(iii) An escort of a family member described in clause (i) or (ii).

(b) NONAPPROPRIATED FUND INSTRUMENTALITY.—The Secretary of each military department shall administer all Fisher Houses and Fisher Suites associated with facilities of that

<sup>1</sup> See References in Text note below.