

2018—Pub. L. 115-232, div. A, title VI, §621(b)(2), Aug. 13, 2018, 132 Stat. 1799, added item 1065.

2003—Pub. L. 108-136, div. A, title VI, §651(c), Nov. 24, 2003, 117 Stat. 1522, added items 1063 and 1064 and struck out former items 1063 “Use of commissary stores: members of Ready Reserve”, 1063a “Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency”, 1064 “Use of commissary stores: persons qualified for retired pay under chapter 1223 but under age 60”, and 1065 “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents”.

2002—Pub. L. 107-314, div. A, title III, §322(b)(2), Dec. 2, 2002, 116 Stat. 2510, inserted “or national emergency” after “disaster” in item 1063a.

2001—Pub. L. 107-107, div. A, title III, §331(d)(3), Dec. 28, 2001, 115 Stat. 1058, struck out “with at least 50 creditable points” after “Ready Reserve” in item 1063.

1998—Pub. L. 105-261, div. A, title III, §362(e), Oct. 17, 1998, 112 Stat. 1985, added items 1063, 1063a, and 1064 and struck out former items 1063 “Period for use of commissary stores: eligibility for members of the Ready Reserve” and 1064 “Use of commissary stores by certain members and former members”.

1996—Pub. L. 104-106, div. A, title III, §342(b), Feb. 10, 1996, 110 Stat. 266, 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 item 1065.

1992—Pub. L. 102-484, div. A, title III, §365(c)(2), Oct. 23, 1992, 106 Stat. 2382, substituted “eligibility for members of the Ready Reserve” for “eligibility attributable to active duty for training”.

1990—Pub. L. 101-510, div. A, title III, §321(d), Nov. 5, 1990, 104 Stat. 1528, added items 1064 and 1065.

§ 1061. Survivors of certain Reserve and Guard members

(a) **BENEFITS.**—The Secretary of Defense shall prescribe regulations to allow dependents of members of the uniformed services described in subsection (b) to use commissary and exchange stores on the same basis as dependents of members of the uniformed services who die while on active duty for a period of more than 30 days.

(b) **COVERED DEPENDENTS.**—A dependent referred to in subsection (a) is a dependent of a member of a uniformed service who died—

(1) while on active duty, active duty for training, or inactive-duty training (regardless of the period of such duty); or

(2) while traveling to or from the place at which the member was to perform, or has performed, active duty, active duty for training, or inactive-duty training (regardless of the period of such duty).

(Added Pub. L. 100-370, §1(c)(1), July 19, 1988, 102 Stat. 841.)

HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 99-145, title III, §308, Nov. 8, 1985, 99 Stat. 618.

§ 1062. Certain former spouses and surviving spouses

(a) **CERTAIN UNREMARRIED FORMER SPOUSES.**—The Secretary of Defense shall prescribe such regulations as may be necessary to provide that an unremarried former spouse described in subparagraph (F)(i) of section 1072(2) of this title is entitled to use commissary stores and MWR retail facilities to the same extent and on the

same basis as the surviving spouse of a retired member of the uniformed services.

(b) **CERTAIN REMARRIED SURVIVING SPOUSES.**—The Secretary of Defense shall prescribe such regulations as may be necessary to provide that a surviving spouse of a deceased member of the armed forces, regardless of the marital status of the surviving spouse, is entitled to use commissary stores and MWR retail facilities to the same extent and on the same basis as an unremarried surviving spouse of a member of the uniformed services.

(c) **MWR RETAIL FACILITIES DEFINED.**—In this section, the term “MWR retail facilities” has the meaning given that term in section 1063 of this title.

(Added Pub. L. 100-370, §1(c)(1), July 19, 1988, 102 Stat. 841; amended Pub. L. 118-31, div. A, title VI, §633(a), (c), Dec. 22, 2023, 137 Stat. 297.)

HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 97-252, title X, §1005, Sept. 8, 1982, 96 Stat. 737.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118-31 inserted “and surviving spouses” at end of section catchline, designated existing provisions as subsec. (a), inserted heading, substituted “use commissary stores and MWR retail facilities” for “commissary and exchange privileges”, and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 118-31, div. A, title VI, §633(b), Dec. 22, 2023, 137 Stat. 297, provided that: “The Secretary of Defense shall prescribe regulations under section 1062(b) of title 10, United States Code, as added by subsection (a)(3), not later than October 1, 2025.”

§ 1063. Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60

(a) **MEMBERS OF THE SELECTED RESERVE.**—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use commissary stores and MWR retail facilities on the same basis as members on active duty.

(b) **MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.**—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use commissary stores and MWR retail facilities on the same basis as members serving on active duty.

(c) **RESERVE AND SPACE FORCE RETIREES UNDER AGE 60.**—A member or former member of a reserve component or the Space Force under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use commissary stores and MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

(d) **MEMBERS OF THE SPACE FORCE.**—A member of the Space Force in a space force active status who is not on sustained duty shall be permitted