

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 UNREARRIED 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

to use commissary stores and MWR retail facilities under the same conditions as specified in subsection (a) for a member of the Selected Reserve.

(e) DEPENDENTS.—(1) Dependents of a member who is permitted under subsection (a), (b), or (d) 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 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.

(f) 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; Pub. L. 118-31, div. A, title XVII, §1722(h), Dec. 22, 2023, 137 Stat. 672.)

Editorial Notes

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

2023—Subsec. (c). Pub. L. 118-31, §1722(h)(1), inserted “and Space Force” after “Reserve” in heading and “or the Space Force” after “reserve component” in text.

Subsec. (d). Pub. L. 118-31, §1722(h)(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 118-31, §1722(h)(2), (4), redesignated subsec. (d) as (e) and substituted “subsection (a), (b), or (d)” for “subsection (a) or (b)” in par. (1). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 118-31, §1722(h)(2), redesignated subsec. (e) as (f).

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.”

Statutory Notes and Related Subsidiaries

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