

112TH CONGRESS
1ST SESSION

S. 1044

To amend title 10, United States Code, to authorize the Defense Commissary Agency to conduct a pilot program at military installations to be closed or subject to an adverse realignment under a base closure law under which a commissary store may sell additional types of merchandise.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2011

Ms. SNOWE (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize the Defense Commissary Agency to conduct a pilot program at military installations to be closed or subject to an adverse realignment under a base closure law under which a commissary store may sell additional types of merchandise.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENHANCED COMMISSARY STORES PILOT PRO-**
4 **GRAM.**

5 (a) AUTHORITY TO OPERATE ENHANCED COM-
6 MISSARY STORES.—Subchapter II of chapter 147 of title

1 10, United States Code, is amended by inserting after sec-
 2 tion 2488 the following new section:

3 **“§ 2488a. Enhanced commissary stores**

4 “(a) AUTHORITY TO OPERATE.—The Defense Com-
 5 missary Agency—

6 “(1) shall operate an enhanced commissary
 7 store at Naval Air Station, Brunswick, Maine; and

8 “(2) may operate an enhanced commissary
 9 store at such other military installations designated
 10 for closure or adverse realignment under a base clo-
 11 sure law as the Defense Commissary Agency con-
 12 siders to be appropriate.

13 “(b) ADDITIONAL CATEGORIES OF MERCHANDISE.—

14 (1) In addition to selling items in the merchandise cat-
 15 egories specified in subsection (b) of section 2484 of this
 16 title in the manner provided by such section, an enhanced
 17 commissary store also may sell items in the following cat-
 18 egories as commissary merchandise:

19 “(A) Alcoholic beverages.

20 “(B) Tobacco products.

21 “(C) Items in such other merchandise cat-
 22 egories (not covered by subsection (b) of section
 23 2484 of this title) as the Secretary of Defense may
 24 authorize.

1 “(2) Subsections (c) and (g) of section 2484 of this
 2 title shall not apply with regard to the selection, or method
 3 of sale, of merchandise in the categories specified in sub-
 4 paragraphs (A) and (B) of paragraph (1) or in any other
 5 merchandise category authorized under subparagraph (C)
 6 of such paragraph for sale in, at, or by an enhanced com-
 7 missary store.

8 “(c) SALES PRICE ESTABLISHMENT AND SUR-
 9 CHARGE.—Subsections (d) and (e) of section 2484 of this
 10 title shall not apply to the pricing of merchandise in the
 11 categories specified in subparagraphs (A) and (B) of para-
 12 graph (1) of subsection (b) or in any other merchandise
 13 category authorized under subparagraph (C) of such para-
 14 graph for sale in, at, or by an enhanced commissary store.
 15 Instead, the Secretary of Defense shall determine appro-
 16 priate prices for such merchandise sold in, at, or by an
 17 enhanced commissary store.

18 “(d) RETENTION AND USE OF PORTION OF PRO-
 19 CEEDS.—(1) The Secretary of Defense may retain
 20 amounts equal to the difference between—

21 “(A) the retail price of merchandise in the cat-
 22 egories specified in subparagraphs (A) and (B) of
 23 paragraph (1) of subsection (b) and in other mer-
 24 chandise categories authorized under subparagraph

1 (C) of such paragraph for sale in, at, or by an en-
2 hanced commissary store; and

3 “(B) the invoice cost of such merchandise.

4 “(2) The Secretary of Defense shall use amounts re-
5 tained under paragraph (1) for an enhanced commissary
6 store to help offset the operating costs of that enhanced
7 commissary store.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by inserting
10 after the item relating to section 2488 the following new
11 item:

“2488a. Enhanced commissary stores.”.

○