



Department of Defense **INSTRUCTION**

NUMBER 1330.17

June 18, 2014

Incorporating Change 2, Effective September 14, 2018

USD(P&R)

SUBJECT: DoD Commissary Program

References: See Enclosure 1

1. **PURPOSE.** In accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), this instruction reissues DoD Instruction (DoDI) 1330.17 (Reference (b)) to establish policy, assign responsibilities, and prescribe procedures for operating the DoD commissary program.

2. **APPLICABILITY.** This instruction applies to:

a. OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components”).

b. The Commissioned Corps of the U.S. Public Health Service (USPHS), under agreement with the Department of Health and Human Services, and the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), under agreement with the Department of Commerce.

3. **POLICY.** It is DoD policy that:

a. The DoD commissary program is an integral element of the military pay and benefits package for active duty personnel. An income benefit is provided through savings on purchases of food and household items necessary to subsist and maintain the household of the Service member for the inclusive period of compensated duty or service. Pursuant to section 2481(b) of Title 10, United States Code (U.S.C.) (Reference (c)), the DoD commissary program enhances the quality of life of members of the uniformed services, retired members, and their dependents and supports military readiness, recruitment, and retention.

b. Pursuant to DoDD 5105.55 (Reference (d)), the Defense Commissary Agency (DeCA) operates a worldwide system of commissary stores and activities. Pursuant to section 2481 of Reference (c), the Defense commissary system and the Defense exchange system must be operated as separate systems of the DoD and will complement one another.

c. The DoD exercises close scrutiny over patronage of military commissaries to ensure the continued effectiveness of military commissaries as an integral part of the military compensation and benefits package. Only certain categories of patrons, other than those specified by statute, have been granted commissary privileges or permitted access to make purchases from the commissary system when doing so furthers the DoD mission. The compensation status of the Service member is the primary determinant of commissary privileges, or in the case of family members, the sponsor's compensation status. Positive identification (ID) will be required in accordance with Enclosure 2 of this instruction.

d. Pursuant to section 2482(a) of Reference (c), the needs of active duty Service members and the needs of their dependents will be the primary consideration whenever the Secretary of Defense assesses the need to establish a commissary store. Enclosure 3 of this instruction sets criteria for establishment and discontinuation of a commissary store.

e. Pursuant to section 2484 of Reference (c), the commissary system may sell merchandise similar to that sold in commercial grocery stores, as authorized in Enclosure 4 of this instruction.

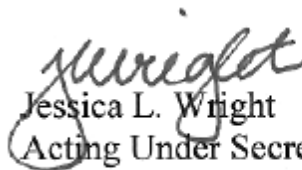
f. Pursuant to section 2484(e) of Reference (c), a single, uniform pricing method must be used in the Defense commissary system. Commissary pricing and surcharge assessment policies are in Enclosure 5 of this instruction. Any change to pricing policies will not take effect until the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)) submits written notice to Congress and a period of 90 days of continuous session of Congress expires.

g. Pursuant to sections 2483 and 2485 of Reference (c), DeCA and the DoD commissary program will be funded with appropriations. Pursuant to section 2484(h) of Reference (c), the DeCA Surcharge Account funds facility and equipment costs and reimburses the cost of collection of dishonored checks in accordance with Enclosure 5 of this instruction.

h. The DeCA Board of Directors will recommend, and the ASD(M&RA) will approve, an annual DeCA patron savings performance measure on commissary purchases as compared to U.S. commercial stores. DeCA will meet or exceed the U.S. grocery industry average for customer satisfaction. Customer savings and customer satisfaction will be measured in accordance with Enclosure 6 of this instruction.

i. Pursuant to section 2481(c) of Reference (c), the DoD Executive Resale Board (ERB) will provide advice to the ASD(M&RA) on the complementary operation of the Defense commissary system and the Military Services exchange system. The ERB will review, not less than annually, commissary and exchange cooperative efforts and the inter-Component strategy for commissary and exchange operations. The ERB will meet on an as-needed basis to resolve disagreements between elements of the military resale system.

4. RESPONSIBILITIES. See Enclosure 7.
5. PROCEDURES. See Enclosure 8 for DeCA Board of Directors governance procedures.
6. INFORMATION COLLECTION REQUIREMENTS. The customer satisfaction and performance data referred to in section 4 of Enclosure 6 of this instruction is submitted to the Committees on Armed Services of the U.S. Senate and the U.S. House of Representatives in accordance with section 2485(h)(3)(C) of Reference (c) and is coordinated with the Office of the Assistant Secretary of Defense for Legislative Affairs in accordance with the procedures in DoDI 5545.02 (Reference (e)).
7. RELEASABILITY. **Cleared for public release**. This instruction is available on the Directives Website at <http://www.esd.whs.mil/DD/>.
8. SUMMARY OF CHANGE 2. The changes to this issuance are administrative and update organizational titles and references.
9. EFFECTIVE DATE. This instruction is effective June 18, 2014.


Jessica L. Wright
Acting Under Secretary of Defense
for Personnel and Readiness

Enclosures

1. References
2. Patrons and ID
3. Establishment and Discontinuation of Commissary Stores
4. Authorized Commissary Merchandise
5. Commissary Program Funding
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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Instruction 1330.17, "Armed Services Commissary Operations," October 8, 2008 (hereby cancelled)
- (c) Title 10, United States Code
- (d) DoD Directive 5105.55, "Defense Commissary Agency (DeCA)," March 12, 2008
- (e) DoD Instruction 5545.02, "DoD Policy for Congressional Authorization and Appropriations Reporting Requirements," December 19, 2008
- (g) DoD Manual 1000.13, Volume 1, "DoD Identification (ID) Cards: ID Card Life-Cycle," January 23, 2014
- (h) Title 33, United States Code
- (i) DoD Manual 1348.33, Volume 1, "Manual of Military Decorations and Awards: Medal of Honor (MOH)," December 21, 2016
- (j) DoD 7000.14-R, Volumes 1-15, "Department of Defense Financial Management Regulation," date varies by volume
- (k) DoD Instruction 4000.19, "Support Agreements," April 25, 2013
- (l) DoD Directive 3025.18, "Defense Support of Civil Authorities (DSCA)," December 29, 2010, as amended
- (m) Title 41, Code of Federal Regulations
- (n) DoD Instruction 1015.10, "Military Morale, Welfare, and Recreation (MWR) Programs," July 6, 2009, as amended
- (o) DoD Instruction 5154.31, Volume 5, "Commercial Travel Management: The Per Diem, Travel and Transportation Allowance Committee (PDTATAC)," October 16, 2015
- (p) Public Law 93-400, "Office of Federal Procurement Policy Act," August 30, 1974
- (q) Federal Acquisition Regulation (FAR), current edition
- (r) DoD Instruction 7700.18, "Commissary Surcharge, Nonappropriated Fund (NAF), and Privately Financed Construction Reporting Procedures," December 15, 2004
- (s) Title 5, United States Code
- (t) Title 26, United States Code
- (u) System for Award Management Website, "System for Award Management (SAM)," <https://www.sam.gov/>
- (v) DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 1, 1993, as amended
- (w) DoD Instruction 8550.01, "DoD Internet Services and Internet-Based Capabilities," September 11, 2012
- (x) DoD Instruction 7600.02, "Audit Policies," October 16, 2014, as amended
- (y) DoD Instruction 1330.09, "Armed Services Exchange Policy," December 7, 2005
- (z) DoD Instruction 1330.21, "Armed Services Exchange Regulations," July 14, 2005
- (aa) DoD Directive 5124.10, "Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA))," March 14, 2018
- (ab) DoD Directive 5100.46, "Foreign Disaster Relief (FDR)," July 6, 2012

- (ac) DoD Instruction 4165.68, "Revitalizing Base Closure Communities and Community Assistance - Community Redevelopment and Homeless Assistance," February 13, 2014
- (ad) DoD Instruction 1015.15, "Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources," October 31, 2007, as amended

ENCLOSURE 2

PATRONS AND ID

1. AUTHORIZED COMMISSARY PATRONS. Except for limited delegations of authority to the Secretaries of the Military Departments and the Combatant Commanders in specific instances prescribed in section 5 of this enclosure, the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) or ASD(M&RA) is authorized to permit individuals or groups to utilize military commissaries. Installation commanders may only grant access to commissaries when authorized to do so by this enclosure for a specific category of patron.

2. POSITIVE ID REQUIRED. An individual who seeks to make a purchase from a commissary will be positively identified as an authorized patron at the point of purchase (cash register). For security reasons, the installation commander may require ID checks at the commissary entrance. At the discretion of the installation commander, visitors may accompany authorized patrons into the commissary but are not authorized to make commissary purchases. Authorized commissary patrons will be identified by:

- a. The complete regulation U.S. military uniform;
- b. An official ID authorized in Volume 1 of DoD Manual 1000.13 (Reference (g));
- c. An official ID card issued by the Military Service of which the patron is affiliated, NOAA, or USPHS; or
- d. Official DoD forms presented with positive ID (DD Form 4, "Enlistment/Reenlistment Document Armed Forces of the United States;" DD Form 1610, "Request and Authorization for TDY Travel of DoD Personnel;" and DD Form 1618, "Department of Defense (DoD) Transportation Agreement Transfer of Civilian Employees to and within Continental United States") located at: <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.
- e. In cases where access to the commissary is granted in accordance with sections 4 and 5 of this enclosure, the installation commander will establish procedures to verify status, maintain databases, and issue appropriate documentation to facilitate positive ID.

3. PATRONS AUTHORIZED COMMISSARY PRIVILEGES. This section lists the individuals, organizations, and activities entitled to or authorized unlimited commissary privileges, except when prohibited by treaty or other international agreements in foreign countries.

a. Uniformed Personnel. The following categories of uniformed personnel are authorized commissary privileges:

- (1) Members of the uniformed services:
 - (a) The Military Services.
 - (b) The USPHS Commissioned Corps.
 - (c) The NOAA Commissioned Corps and its predecessors.
- (2) Members of the Reserve Components.
- (3) Cadets and midshipmen of the Military Service academies.

b. Wage Marine Personnel. Pursuant to section 3074 of Title 33, U.S.C. (Reference (h)), ships officers and members of the crews of vessels of NOAA are authorized commissary privileges.

c. Retired Personnel. The following categories of retired personnel are authorized commissary privileges:

(1) All personnel carried on the official retired lists (Active and Reserve Components) of the uniformed services who are retired with pay, granted retirement pay for physical disability, or entitled to retirement pay whether or not such pay is waived or pending due to age requirement; or enlisted personnel transferred to the Fleet Reserve of the Navy and the Fleet Marine Corps Reserve, after 20 or more years of active service. These personnel are equivalent to Army and Air Force retired enlisted personnel. For Reserve Components, see chapters 67, 367, 571, and 867 of Reference (c).

(2) Officers and crews of vessels, lighthouse keepers, and depot keepers of the former Lighthouse Service who retired pursuant to section 754a of Reference (h). This applies to retired civilian employees of the Coast Guard who, on June 30, 1939, were serving as officers or crew on Lighthouse Service vessels, lighthouse keepers, or depot keepers of the former Lighthouse Service, and who, after June 30, 1939, and at the time of retirement, were civilian employees of the Coast Guard serving as lighthouse keepers or on board lightships or other Coast Guard vessels.

(3) Retired wage marine personnel, including retired noncommissioned ships officers, and crew members of vessels of NOAA and its predecessors (the Coast and Geodetic Survey and the Environmental Science Services Administration).

d. Medal of Honor Recipients. Pursuant to Volume 1 of DoD Manual 1348.33 (Reference (i)), Medal of Honor recipients are authorized commissary privileges.

e. 100 Percent Disabled Veterans. Honorably discharged veterans of the uniformed services classified by the Department of Veterans Affairs as having a 100 percent Service-connected disability or a 100 percent unemployability rating are authorized commissary privileges.

f. Authorized Family Members. Authorized family members (as defined in the Glossary) are authorized commissary privileges. Authorized family members include:

- (1) Abused dependent or former dependent.
- (2) Dependent children 21 or older.
- (3) Dependent children under 21.
- (4) Former dependents.
- (5) Lawful spouse.
- (6) Orphans.
- (7) Parents.
- (8) Surviving family member.
- (9) Surviving spouse.
- (10) Unremarried former spouse.

(11) Surviving spouses and dependents of honorably discharged veterans who are posthumously determined to have possessed Service-connected disabilities rated as 100 percent.

g. DoD Civilian Employees Stationed Outside the United States and Outside the U.S. Territories and Possessions. DoD appropriated and nonappropriated fund civilian employees (and the authorized family members of their household) stationed outside the United States and outside U.S. territories and possessions are authorized commissary privileges.

h. Official DoD Organizations and Military Services Resale Activities

(1) Official DoD organizations and other resale activities of the Military Services (except concessionaires) that are operated for uniformed personnel on active duty are authorized commissary privileges.

(2) Sales price to DoD organizations and resale activities of the Military Services or other authorized agencies will recoup the actual product cost of the item, commercial first destination transportation of the merchandise in the United States to the place of sale, the actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of the commissary; the surcharge; and applicable accessorial expenses pursuant to paragraph 010203(F), chapter 1, Volume 11A of DoD 7000.14-R (Reference (j)).

(3) Accessorial expenses will be collected and deposited to the DeCA Working Capital Fund operations account.

(4) Sales will be paid by government credit card. In the event of a major disaster or emergency, DoD organizations and resale activities may be on a charge sales basis with accounts payable at least monthly, as determined by the Secretary of the Military Department concerned. Sales to appropriated fund organizations are encouraged when it is economically beneficial to the U.S. Government.

i. Involuntarily Separated Uniformed Personnel. Pursuant to section 1146 of Reference (c), involuntarily separated uniformed personnel are authorized commissary privileges as specified in paragraphs 3.i(1) and 3.i(2) of this enclosure.

(1) A Service member who is involuntarily separated under other than adverse conditions from active duty during the period of qualified service pursuant to section 1146 of Reference (c), may continue to use the commissary store during the 2-year period beginning on the date of the member's involuntary separation in the same manner as an active duty Service member;

(2) A member of the Selected Reserve of the Ready Reserve who is involuntarily separated under other than adverse conditions and due to the exercise of force shaping authority of the Secretary concerned pursuant to section 647 of Reference (c) or other force shaping authority during the period of qualified service pursuant to section 1146 of Reference (c), may continue to use commissary stores during the 2-year period beginning on the date of the involuntary separation of the member in the same manner as an active duty Service member.

j. Service Members Who Receive Sole Survivorship Discharge. Pursuant to section 1146 of Reference (c), a Service member who receives a sole survivorship discharge (as defined by section 1174(i), of Reference (c)) granted after September 11, 2011, is authorized to continue to use commissary stores in the same manner as an active duty Service member during the 2-year period beginning on the later of the date of the member's separation or the date on which the member is first notified of the member's entitlement to benefits pursuant to section 1146 of Reference (c).

4. COMMISSARY ACCESS. This section lists the individuals, organizations, and activities that are permitted access to make purchases from the commissary, except when prohibited by treaty or other international agreements in foreign countries.

a. Hospitalized Veterans. Veterans discharged under honorable conditions from the uniformed services may be permitted commissary access when hospitalized where commissary facilities are available. This does not include veterans discharged under honorable conditions receiving outpatient treatment.

b. DeCA Employee Commissary Privileges. Notwithstanding the restriction in section 1 of Enclosure 4 of this instruction, DeCA personnel assigned to commissary stores within the United States may purchase commissary products, excluding tobacco products, from the commissary store where they are assigned, for personal, on-premise consumption during meals and other authorized breaks within their scheduled working hours.

c. DoD Presidentially Appointed, Senate-Confirmed (PAS) Officers. DoD civilian officials who are appointed by the President and confirmed by the Senate and who reside in quarters on DoD military installations are permitted commissary access. These privileges will extend to authorized family members of the DoD PAS officer who reside with that officer.

5. COMMISSARY ACCESS AUTHORIZED BY A DESIGNATED APPROVING AUTHORITY. This section lists the individuals, organizations, and activities that may be permitted access to make purchases from the commissary by the designated approving authorities, when it is without detriment to theirs or the commissary's ability to fulfill their missions, except when prohibited by treaty or other international agreements in foreign countries.

a. DoD Civilian Employees Assigned to the U.S. Territories and Possessions. DoD appropriated and nonappropriated fund civilian employees (and authorized family members of their household) under a valid transportation agreement may be authorized access to the commissary by the installation commander.

b. DoD Civilian Employees on Official Temporary Duty (TDY) Orders in Overseas Locations. DoD civilian employees on official TDY orders in overseas locations may be authorized access to the commissary by the installation commander of the overseas location.

c. Military Personnel of Foreign Nations. Officers and enlisted personnel of the military services of foreign nations on active duty may be permitted commissary access:

(1) When on duty with U.S. Military Services under competent invitational travel orders issued by the U.S. Army, the U.S. Navy, the U.S. Air Force, or the U.S. Marine Corps.

(2) When assigned military attaché duties in the United States and designated on reciprocal agreements with the Department of State.

(3) When, in overseas areas, determined by the Combatant Commander that the granting of such privileges is in the best interest of the United States, and that such persons directly participate in activities or functions of the U.S. military mission.

(4) When officers and enlisted personnel of foreign nations, retired, on leave in the United States, or attending U.S. schools, are under orders issued by the U.S. Army, the U.S. Navy, the U.S. Air Force, or the U.S. Marine Corps.

d. Bulk Sales to Non-DoD U.S. Government Departments or Agencies in Overseas Areas

(1) In the interest of the Federal Government economy, the installation commander or Secretaries of the Military Departments may authorize commissary bulk sales to a designated official of and for use by non-DoD Federal Government departments or agencies in overseas locations in accordance with DoDI 4000.19 (Reference (k)). This support may be authorized when the support can be furnished without unduly impairing the service to authorized DoD patrons.

(2) Sales will be on a reimbursable basis. Sales price to non-DoD U.S. Government departments or agencies in overseas areas will recoup the actual product cost of the item, commercial first destination transportation of the merchandise in the United States to the place of sale, the actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of the commissary; the surcharge; and accessorial expenses pursuant to paragraph 010203(F), chapter 1, Volume 11A of Reference (j). Additionally, accessorial expenses will be collected and deposited to the DeCA Working Capital Fund operations account.

(3) Recurring support requirements will be formalized in negotiated intra-agency or inter-agency agreements under the authority of the installation commander or Secretaries of the Military Departments. Service support agreements will be coordinated with the Director, DeCA, to ensure commissary resources are available.

e. Civilian Employees of Non-DoD U.S. Government Departments or Agencies Outside the United States and Outside the U.S. Territories and Possessions. Non-DoD U.S. Government employees, who were hired in the United States under a transportation agreement, service agreement, or tour renewal agreement of a non-DoD U.S. Government department or agency (and accompanying authorized family members) assigned outside the United States and outside U.S. territories and possessions may be authorized access by overseas installation commanders or Secretaries of Military Departments to military commissaries through official support agreements.

f. American National Red Cross (ARC) Personnel. Installation commanders may extend commissary access:

(1) Within the United States to uniformed and non-uniformed, full-time, paid, professional, and headquarters staff personnel of the Red Cross who are assigned to duty with the Military Services by the Red Cross, and who reside within a military installation in the United States. Paragraph 5m of this enclosure regarding criteria for civilian employees of the Military Services applies. These privileges will extend to authorized family members of the ARC employee who reside with the employee.

(2) Outside the United States to uniformed and non-uniformed, full-time, paid, professional headquarters staff personnel and to uniformed, full-time paid, secretarial and clerical workers at the ARC (and accompanying authorized family members) who are U.S. citizens and assigned to duty overseas with the Military Services by the ARC.

g. United Service Organizations (USO). Installation commanders, in overseas areas, may extend commissary access to:

(1) USO area executives, USO executive directors, and assistant executive directors (and accompanying authorized family members) who are U.S. citizens and assigned duties overseas.

(2) USO clubs and agencies to purchase subsistence supplies for use in club snack bars that support active duty forces and their families.

h. United Seamen's Service (USS). The installation commander may authorize commissary support to USS personnel to purchase goods for their personal and family needs, and for use in USS programs only when economic conditions or isolated locations are such that support is not available from the local civilian sources, cannot be imported from other sources, or its importation through local civilian sources would be at a prohibitive cost.

i. Armed Services Young Men's Christian Association (ASYMCA). In overseas areas, the installation commander may authorize commissary privileges for ASYMCA branch or unit directors and assistant directors to purchase goods and services for their personal and family needs and for use in ASYMCA programs.

j. Personal Agent. An officer, designated by the installation commander, may authorize a specific, named person to shop for or assist an authorized patron in any commissary:

(1) On a temporary basis (not exceeding 2 years unless extended for continuing hardship) under one of these conditions:

(a) In extreme hardship cases.

(b) When no adult authorized family member is capable of shopping due to injury, illness, incapacitation, or stationing away from their household.

(2) On a permanent basis for a blinded or other severely disabled eligible patron if the patron's disability is certified as permanent by an appropriate military medical authority.

(3) With a letter of authorization that will be issued stating:

(a) Name of authorized patron, bearing positive DoD ID, who may be accompanied by a personal agent; or

(b) Name of the personal agent authorized, when bearing positive ID, to purchase items on behalf of the named authorized patron.

(c) Duration of the personal agent status.

k. Organizational Representative. An officer, designated by the installation commander, may authorize a specific, named person or persons to shop for an organization, activity, or entity authorized in this enclosure. A letter of authorization (not exceeding 3 years) will be issued stating the name of the person or persons, bearing positive ID, who are authorized to purchase items on behalf of the named organization, activity, or entity.

l. Commissary Access in Emergency Situations

(1) Federally Declared Disasters

(a) Installation commanders may authorize emergency, temporary access to commissary stores by DoD appropriated and nonappropriated fund civilian employees and DoD contractors performing functions essential to restoring and continuing military operations or maintaining quality of life at installations within the federally declared major disaster areas.

(b) Installation commanders may permit temporary limited access to the commissary facilities in the United States by DoD appropriated and nonappropriated fund civilian employees and accompanying authorized family members evacuated from their assigned duty stations pursuant to evacuation orders issued by a commander (or equivalent DoD authority) in accordance with DoDD 3025.18 (Reference (1)). DoD appropriated and nonappropriated fund civilian employees and DoD contractors are not authorized to purchase tax-free tobacco items.

(2) Emergency Access Overseas and Outside the U.S. Territories and Possessions

(a) Commanders of an overseas geographic combatant command may grant temporary access to commissary locations overseas and outside U.S. territories and possessions to U.S. Government employees assigned to duties in an overseas location (including nonappropriated fund civilian employees) and non-host nation military and civilian personnel providing direct support to humanitarian relief efforts for the duration of disaster relief operations.

(b) The non-host nation military and civilian personnel must be providing direct support to foreign disaster relief efforts. Such access may only be authorized when the host nation has no objection under applicable status-of-forces or other agreements, the commissary has the capability of handling additional patrons, and granting access will not undermine the mission of serving the military community. Combatant Commanders may redelegate this authority to installation commanders in the area of operations. Commissary access does not authorize the purchase of tobacco items.

(3) Emergency Access for U.S. DoD Employees Evacuated to Safe Haven Locations in the United States. U.S. DoD civilian personnel (including nonappropriated fund civilian employees) and accompanying authorized family members, assigned to duties in an overseas disaster area and transferred to the United States under evacuation orders issued by a proper DoD authority, may be authorized temporary access to commissary stores by installation commanders at their safe haven location. Installation commanders at safe haven locations in the United States may only authorize commissary privileges when it is impractical for the DoD civilian employee evacuees to procure commissary supplies from civilian stores. DoD civilian employees granted temporary commissary access at safe haven locations are not authorized to purchase tax-free tobacco items.

m. DoD Civilian Employees Residing on an Installation Within the United States

(1) The Secretaries of the Military Departments may authorize limited commissary access to civilian employees of the DoD who reside on an installation within the United States when it is impractical for the civilian employee to procure such commissary supplies from civilian sources and the authorization will not impair the efficient operations of the installation.

Privileges will not include the purchase of tobacco products in those States and other jurisdictions, including the District of Columbia, that impose a tax on such products. These privileges will extend to authorized family members of the DoD civilian employee who reside with the employee.

(2) Delegation of this authority is prohibited.

n. U.S. Non-governmental Organizations, Firms Under Contract to the DoD, and Their Employees Stationed Outside the United States, and Outside the U.S. Territories and Possessions

(1) The Secretaries of the Military Departments may authorize limited commissary access to U.S. non-governmental organizations, firms under contract to the DoD, and their employees (and accompanying authorized family members) stationed outside the United States, and outside the U.S. territories and possessions on a reimbursable basis, provided that all of the criteria are met:

(a) Such agencies and individuals are serving the Military Services exclusively.

(b) It has been determined that the granting of the privilege would be in the best interest of the United States.

(c) Failure to grant such privilege would impair efficient DoD operation.

(2) Delegation of this authority is prohibited.

o. Individual, Classes, or Groups of Employees of Firms Under Contract to the U.S. Government Assigned to the U.S. Territories and Possessions

(1) The Secretaries of the Military Departments may authorize limited commissary access to individual, classes, or groups of employees of firms under contract to the U.S. Government assigned to the U.S. territories and possessions (and accompanying authorized family members), provided that all of the criteria are met:

(a) The employee exclusively serves the DoD and was hired in the 50 States, the District of Columbia, or a U.S. territory or possession other than the one to which the employee is assigned.

(b) Due to specific difficulties faced by the employee to obtain services from civilian or other federal agencies, such as unhealthful conditions, hostile or imminent danger, or extraordinarily difficult living conditions, granting commissary privileges is in the best interest of the U.S. Government.

(c) The denial of privileges would impair efficient DoD operations. Deviations will not be granted for a period of more than 2 years.

(2) The Secretaries of the Military Departments may redelegate this authority in writing but not below the installation commander concerned.

p. Non-DoD U.S. Federal Employees Serving in the U.S. Territories and Possessions

(1) The Secretaries of the Military Departments or the Combatant Commanders may grant deviations, and installation commanders may execute implementing official support agreements with other U.S. Government entities, to permit commissary access for non-DoD U.S. federal employees serving in the U.S. territories and possessions provided that all the following criteria are met:

(a) The employee is assigned under a service agreement, as defined in subpart 302-2.12 of Title 41, Code of Federal Regulations (Reference (m)), or a tour renewal agreement in accordance with subpart 302-3.209 of Reference (m).

(b) Granting access will alleviate individual hardship due to extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions.

(c) Granting access will fit into and support a web of security precautions essential to ensure the safety and security of the individual employee who is subject to current and specific threat conditions, such as hostile or imminent danger.

(2) Deviations will not be granted for a period of more than 2 years. Delegation of this authority outside the Military Department Secretariat or Combatant Command headquarters concerned is prohibited.

ENCLOSURE 3

ESTABLISHMENT AND DISCONTINUATION OF COMMISSARY STORES

1. COMMISSARY ESTABLISHMENT CRITERIA. The following criteria apply to the establishment of a commissary unless disposition is controlled by Base Realignment and Closure (BRAC) Commission recommendation or other provision of the law.

a. Establishment of a Commissary

(1) These criteria apply to establishment of a commissary in connection with:

(a) Activation of a new military installation or location (to include government-owned or contracted housing).

(b) First-time initiation of a commissary on an existing installation.

(c) Re-establishment of a commissary at a previous location.

(2) The needs of active duty Service members and their dependents will be given primary consideration when assessing the need for a commissary store and selecting the location of the store, so the requesting Secretary of the Military Department(s) must validate that all of these criteria are met and submit the documentation to the DeCA Board of Directors for endorsement that:

(a) The location has a military mission and active duty population to justify the income benefit provided by a commissary as an integral element of the pay and benefits package for active duty Service members. The most recent monthly data from the Defense Manpower Data Center (DMDC), documented in accordance with procedures in Appendix 1 to this enclosure, must validate that at least 500 Active, Reserve, and Guard personnel on active duty are permanently assigned to the installation or location.

1. The ASD(M&RA) may grant an exception to lower the threshold for active duty populations at U.S. sites that are approved for designation as remote and isolated in accordance with DoDI 1015.10 (Reference (n)).

2. The Secretary of the Military Department will identify whether a cost of living allowance (COLA) is authorized and the expected adjustment associated with the establishment of a commissary, as administered by the Per Diem, Travel and Transportation Allowance Committee (PDTATAC), in accordance with the provisions of Volume 5 of DoDI 5154.31 (Reference (o)).

(b) The location is managed as part of DoD's real property inventory. The most recent annual DoD Base Structure Report, prepared from the Military Department's real property

inventories in accordance with section 2721 of Reference (c), will list the military installation or location (to include government-owned or contracted housing) as meeting all of these elements:

1. An independent site assigned to a single installation.
2. The primary Service component owns, leases, or otherwise possesses the site.
3. The site is not designated for closure under base closure law.

(c) The Service component(s) certifies responsibilities, requirements, and sources of appropriations to establish the proposed commissary.

(d) The primary Service component will identify whether this is the first commissary established at the installation, which requires appropriated funding of the commissary facility; or, if the installation previously had a commissary store, which requires DeCA Surcharge Account funding of the commissary facility.

(e) The Service component(s) must certify whether recent or planned changes over the Future Years Defense Program to the proposed site or to military installations within a 20-mile radius, result from population expansion due to mission change or influx of new units or systems (resulting in a 25 percent or more increase in authorized and assigned Active, Reserve, and Guard personnel on active duty within a 2-year time span), which would require Service component appropriations to fund facilities construction (major and minor) of a commissary.

(f) Where Service component appropriations are the required funding source, the Service component(s) must certify the fiscal year that funding will be made available for commissary facility requirements and installation support services, and identify the funding by Service component, fiscal year, appropriation, project, scope, and cost.

b. Operating Analysis for Establishment. After the DeCA Board confirms that the criteria for establishment in paragraph 1(a) of this enclosure are satisfied, the Director, DeCA, will prepare and provide to the DeCA Board an operating analysis to validate that an independent commissary format is the suitable business model to serve the expected patrons, and to estimate the incremental changes to DeCA appropriated and DeCA Surcharge Account resource requirements and priorities, by year, over each of the 6 years of the Future Years Defense Program. The analysis will consider and document these factors:

(1) Expected Commissary Patrons. The number of authorized beneficiaries (active duty, Reserve, Guard, retiree, and dependents) derived in accordance with procedures in Appendix 2 to this enclosure, provided by the primary Service component, who are expected to regularly use the commissary, considering such factors as: population density and dispersion; distance and travel time from housing; civilian and commissary shopping alternatives; commuting and traffic patterns, and security of the military community in which the commissary would be located.

(2) Optimal Location and Store Format. The Director, DeCA, will validate:

(a) The requested commissary location is no closer than 20 miles distance to the nearest commissary or would not produce overlapping or redundant delivery of the commissary benefit.

(b) The suitable business model for an independent commissary format (store size, operating hours, etc.).

(c) The requested location has a suitable facility or site for commissary construction.

(3) DeCA Start-up Costs and Recurring Operations. The Director, DeCA, will provide to the DeCA Board of Directors documentation of:

(a) Start-up costs (facility, equipment, technology, etc.), specifying the costs that would be funded from DeCA appropriations and the DeCA Surcharge Account, and the recommended ranking of those projects among other competing capital projects.

(b) Additional manpower requirements for operating the store.

(c) Retail sales and surcharge funds generated by the establishment of the store and the amount of such sales and surcharge funds that migrate from nearby commissaries.

(d) Annual appropriated and surcharge operating costs, by year, over each of the years in the Future Years Defense Program, and whether funding of such costs requires offsets to operations at other store locations or requires increased support from the Service components.

(e) Additional periodic capitalization costs.

c. Commissary Establishment Decision. The DeCA Board of Directors will make its final recommendation on requests to establish a commissary as part of its annual evaluation of the annual DeCA program budget submission. The DeCA Board will submit its recommendation, with supporting documentation of the criteria from paragraph 1a of this enclosure and the operating analysis required by paragraph 1b of this enclosure, to the ASD(M&RA) for decision.

2. COMMISSARY DISCONTINUATION CRITERIA. The following criteria apply to the discontinuation of a commissary unless disposition is controlled by BRAC Commission recommendation or other provision of the law.

a. Discontinuing a Commissary

(1) The Secretaries of the Military Departments will annually review all commissary operations at military installations or locations (to include government-owned or contracted housing) assigned to its Service components; and will submit copies of the annual reviews to the DeCA Board of Directors for consideration during the review of the DeCA program budget.

(2) The effect on active duty Service members and their dependents who use the store and on the military community in which the commissary is located will be the primary consideration when assessing the discontinuation of a commissary store. The Military Department(s) will identify commissary operations that should be discontinued over the Future Years Defense Program under these criteria:

(a) The location is not managed as part of DoD's real property inventory. Commissary operations are discontinued when an installation is completely closed. The most recent annual DoD base structure report, prepared from the Military Departments real property inventories in accordance with section 2721 of Reference (c), either:

1. Does not list the military installation or location, to include government-owned or contracted housing, as assigned to a single installation with a primary Service component that owns, leases, or otherwise possesses the site; or

2. The site is closed under base closure law.

(b) The location no longer has a military mission or an active duty population to justify the income benefits provided by a commissary as an integral element of the pay and benefits package for active duty Service members. The most recent monthly data from the DMDC documented in accordance with Appendix 1 to this enclosure, does not validate that at least 100 Active, Reserve, and Guard personnel on active duty are permanently assigned to the installation or location.

1. The Director, DeCA, will prepare and provide to the Military Department(s) an estimate of the residual number of Active, Guard, and Reserve personnel and their dependents who regularly use the commissary whose quality of life would be affected by discontinuation of the commissary in accordance with section 2482(c)(2) of Reference (c).

2. The Secretaries of the Military Departments will identify whether COLA is authorized and the expected adjustment associated with the discontinuation of the commissary, as administered by the PDTATAC, in accordance with Reference (o).

b. Operating Analysis for Discontinuing a Commissary. After the Military Department obtains DeCA Board confirmation that the criteria for discontinuation are satisfied, the Director, DeCA, will prepare and provide to the DeCA Board an operating analysis to estimate the incremental changes to DeCA appropriated and DeCA Surcharge Account resource requirements and priorities that would result from discontinuation of the commissary. The analysis will document, by year, for each of the 6 years in the DeCA Future Years Defense Program:

(1) Reduced manpower requirements.

(2) Retail sales and surcharge funds lost by the discontinuation of the commissary and the amount of such sales and surcharge funds that would migrate to other commissaries.

(3) Reduced annual appropriated and surcharge operating costs, and whether funding of such costs would migrate to other store locations or require decreased support from the Service components

(4) The effect on periodic capitalization costs.

c. Commissary Discontinuation Decision. The Secretary of the Military Department concerned must obtain DeCA Board of Directors recommendation and ASD(M&RA) approval before discontinuing a commissary. The DeCA Board will submit the recommendation, with supporting documentation of the criteria and operating analysis, to the ASD(M&RA) for approval as part of the annual DeCA program budget submission. The written notice will include the DeCA Board of Directors' assessment of the impact the discontinuation will have on the quality of life for military patrons and the welfare and security of the military community in which the commissary is located.

d. Closing Commissaries Approved for Discontinuation. Pursuant to section 2482(d) of Reference (c), except in cases where discontinuation of a commissary store is located outside the United States or where the commissary discontinuation results from an installation closing pursuant to base closure law, a commissary store will not close until 90 days after the date the ASD(M&RA) submits written notice to Congress. The written notice will include an assessment of the impact discontinuation will have on the quality of life for military patrons and the welfare and security of the military community in which the commissary is located. The Secretary of the Military Department concerned will ensure sufficient advance written notice to the Director, DeCA, and the ASD(M&RA) to allow for this notice to Congress.

Appendixes

1. Permanently Assigned Active Duty DMDC Database Request Procedures
2. Expected Commissary Customer DMDC Database Request Procedures

APPENDIX 1 TO ENCLOSURE 3

PERMANENTLY ASSIGNED ACTIVE DUTY DMDC DATABASE REQUEST
PROCEDURES

This appendix provides standardized procedures to ensure the Service components obtain consistent responses from the DMDC Data Request System (DRS) in the format as shown in Figure 1. The procedures to request a permanently assigned active duty DMDC database response are:

- a. Login using the DMDC DRS at <https://dmdcrs.dmdc.osd.mil/dmdcrs>.
- b. Select Data Request and enter the following sections:
 - (1) Request Title: Permanently Assigned Active Duty DMDC Database Report
 - (2) Detailed Description:
 - (a) Request the current military personnel data as of (month, year) for X_____ installation or location (installation or location name, city, State, and ZIP code).
 - (b) Request this report reflect military personnel data (by Military Service) for Active Duty, Reserve on active duty, and National Guard on active duty who are “assigned to the Installation,” and reference DRS request #50323.
 - (3) Reason for Request: Data required for assisting with determination of commissary establishment.
 - (4) Under the section labeled “choose subject:”
 - (a) Select demographics.
 - (b) Populate the following categories: Active Duty Military and Reserve.
 - (5) Populate the following drop down sections: due date, time due, personal direct identifiers (No), DMDC future contact (Yes), media type (electronic delivery), and how often (one-time).
- c. Select Submit.

Figure 1. Permanently Assigned Active Duty DMDC Database Response Example

**Current Number of Military Personnel Assigned
By Base Installation, Service Component**
As of: May 31, 2012
Sources: Active Duty Master Personnel File, RCCPDS Master Personnel File

Dobbins, ARB	Assigned to the Installation
Active Duty	
Army	N/A
Navy	23
Air Force	9
Marine Corps	21
Reserve on Active Duty	
Army	1
Navy	31
Air Force	95
Marine Corps	6
National Guard on Active Duty	
Army	72
Air	1
Total AD Assigned	272

EXAMPLE

APPENDIX 2 TO ENCLOSURE 3

EXPECTED COMMISSARY CUSTOMER DMDC DATABASE REQUEST PROCEDURES

This appendix provides standardized procedures to ensure the Service components obtain the response from the DMDC DRS in the format as shown in Figure 2. The procedures to request an expected commissary customer DMDC database response are:

a. Login using the DMDC DRS at <https://dmdcrs.dmdc.osd.mil/dmdcrs>.

b. Select Data Request and enter the following sections:

(1) Request Title: Expected Commissary Customer DMDC Database Report

(2) Detailed Description:

(a) Request the current military personnel data as of (month, year) for X_____ installation or location (installation or location name, city, State, and ZIP code).

(b) Request this report reflect military population data (by Military Service) for Active Duty, Reserve on active duty, National Guard on active duty, Reserve (not Active Guard Reserve (AGR)), National Guard (not AGR), Active Duty Families, Reserve Families, National Guard Families, Retirees, and Retiree Families who are “Stationed on or Within 20 Miles of Installation,” and reference DRS request #45749.

(3) Reason for Request: Data required for assisting with determination of commissary establishment.

(4) Under the section labeled “choose subject:”

(a) Select demographics.

(b) Populate the following categories: Active Duty Military, Reserve, Retired, and Other/Unknown.

(5) Populate the following drop down sections: due date, time due, personal direct identifiers (No), DMDC future contact (Yes), media type (electronic delivery), and how often (one-time).

c. Select Submit.

d. The DMDC results include ZIP codes in their entirety that have an origin point that falls within the 20-mile radius of the installation or location requested. Other ZIP codes partially within the 20-mile radius but with an origin point outside the 20-mile radius are not included in the results. Inclusion of additional ZIP codes will require a follow-up request to DMDC.

Figure 2. Expected Commissary Customer DMDC Database Response Example

Current Number of Military Personnel Assigned By Service Component, Zip Code	
As of: May 31, 2012	
Sources: Active Duty Master Personnel File, RCCPDS Master Personnel File, Active Duty Family File, Reserve Family File, DEERS PITE LITE	
Service Component	Within 20 miles of the zip code 30069 near Dobbins ARB, GA
Active Duty	
Army	200
Navy	232
Air Force	77
Marine Corps	145
Coast Guard	16
Reserve on Active Duty	
Army	244
Navy	60
Air Force	104
Marine Corps	18
National Guard on Active Duty	
Army	303
Air	34
Reserve (Not AGR)	
Army	1,636
Navy	1,316
Air Force	1,607
Marine Corps	485
Coast Guard	2
National Guard (Not AGR)	
Army	2,307
Air	124
Dependents of Active Duty	
Army	1,929
Navy	647
Air Force	376
Marine Corps	422
Dependents of Reserve on Active Duty	
Army	275
Navy	127
Air Force	119

Figure 2. Expected Commissary Customer DMDC Database Response Example, Continued

Marine Corps	77
Dependents of National Guard on Active Duty	
Army	321
Air	44
Dependents of Reserve (Not AGR)	
Army	2,304
Navy	1,345
Air Force	1,935
Marine Corps	440
Dependents of National Guard (Not AGR)	
Army	1,775
Air	297
Retirees	12,542
Dependents of Retirees	17,421

EXAMPLE

ENCLOSURE 4

AUTHORIZED COMMISSARY MERCHANDISE

1. AUTHORIZED COMMISSARY STOCK ASSORTMENT. Commissaries are authorized to stock and sell merchandise similar to commercial grocery stores within the categories listed in this section for off-premise consumption, including take out of prepared foods. The assortment of brands must be sufficient to meet the reasonable demands of the commissary patrons and will ensure equitable competition. DeCA may designate the number of items to be stocked in the commissaries in each category. Except for tobacco products, merchandise sold in, at, or by commissary stores will be commissary store inventory.

- a. Grocery, food (whether stored chilled, frozen, or at room temperature).
- b. Grocery, non-foods, limited to:
 - (1) Charcoal and lighter fluid.
 - (2) Household supplies and household batteries.
 - (3) Paper, plastic, and foil products.
 - (4) Pet foods and supplies.
- c. Bakery.
- d. Dairy products.
- e. Delicatessen.
- f. Health and beauty aids including tobacco cessation products.
- g. Limited assortment of women's hosiery.
- h. Meat, poultry, fresh-water fish, and seafood.
- i. Produce, to include:
 - (1) Potted plants and associated items.
 - (2) Salad bar.
- j. Magazines and other periodicals.
- k. Nonalcoholic beverages.

1. Tobacco products. Tobacco products may be sold, in, at, or by commissary stores, where approved by the Secretary of the Military Department concerned. Tobacco products may only be sold in commissary stores on consignment as exchange items. Commissaries will support DoD goals to communicate to Service members that tobacco use is detrimental to health and readiness.

(1) Tobacco (including smokeless tobacco) must not be sold to anyone less than 18 years of age. A customer's ID must be checked if his or her age is not known to be over 18 and appears to be under 27. The sale of tobacco products in vending machines is prohibited. The distribution of free samples of tobacco products is prohibited.

(2) Defense retail systems will not enter into any new merchandise display or promotion agreements, or exercise any options in existing agreements, that provide for an increase in total tobacco shelf-space. Self-service promotional displays will not be used outside of the tobacco department. Incentives to increase the total number of tobacco displays will not be accepted, except to reallocate existing tobacco shelf-space among tobacco brands, if the total amount of tobacco shelf-space is not increased. Promotional practices for tobacco products will reflect general commercial practices and will not include "military only" coupons or other promotions unique to the military or military resale system.

(3) Commissaries will endeavor to display tobacco cessation products in areas that provide visibility and opportunity to customers who desire to change their tobacco habits.

2. MERCHANDISE AUTHORIZATIONS. Pursuant to section 2484(c) of Reference (c), sale of merchandise in, at, or by commissary stores not covered in section 1 of this enclosure may be approved by ASD(M&RA) who will notify Congress as appropriate. Requests for changes to merchandise authorizations will be submitted to the Deputy Assistant Secretary of Defense for Military Community and Family Policy and contain a written business case report that provides:

- a. Product description and merchandise category.
- b. The anticipated impact on each element of the Defense retail system if the deviation or waiver is not granted.
- c. The anticipated impact on customer service if the deviation or waiver is not granted.

3. MERCHANDISE RESTRICTIONS

a. Outside the United States and Outside the U.S. Territories and Possessions

(1) Geographic combatant commanders may, pursuant to section 2489 of Reference (c) and subject to ASD(M&RA) approval and notification to the Congress, establish restrictions on the ability of eligible patrons of commissary stores located outside of the United States and outside U.S. territories and possessions, to purchase certain merchandise items or limit the

quantity of certain merchandise items otherwise included within an authorized category, if the commander determines that such restrictions are necessary to prevent the resale of such merchandise in violation of treaty obligations of the United States or host-nation laws to the extent such laws are not inconsistent with U.S. laws.

(2) In establishing a quantity or other restriction, the commander may not discriminate among the various categories of eligible patrons of the commissary system; and will ensure that the restriction is consistent with the purpose of the overseas commissary system to provide reasonable access for eligible patrons to purchase merchandise items made in the United States.

b. Within the United States and the U.S. Territories and Possessions. The Secretaries of the Military Departments may submit requests, through the DeCA Board of Directors, to ASD(M&RA) for quantity and other restrictions on the sale of any particular item of commissary merchandise in the United States and U.S. territories and possessions consistent with the purpose of the commissaries to provide reasonable access for authorized patrons to purchase merchandise items.

ENCLOSURE 5

COMMISSARY PROGRAM FUNDING

1. APPROPRIATED FUNDING OF COMMISSARIES

a. Operating Expenses of Commissary Stores

(1) Amounts appropriated for the operation of DeCA and the Defense commissary system may be supplemented with funds from manufacturers' coupon redemption fees, handling fees for tobacco products, and other amounts received as reimbursement for support activities provided by commissary activities.

(2) Appropriated funds will be used to cover the following expenses of operating the commissary program, including above store-level DeCA activities, commissary stores (including those operated by exchanges pursuant to subsection 2485(b)(2) of Reference (c)), NEXMARTs, and central product processing facilities.

(a) Personnel. Salaries and wages of employees of the United States, host nations, and contractors supporting commissary operations. Pursuant to section 2485(d) of Reference (c), not more than 18 active duty Service members may be assigned to duty with DeCA. Military members may only be assigned to Headquarters, DeCA, or as veterinary specialists or as enlisted members assigned, above store level, as advisers for overseas commissaries.

(b) Transportation. Second destination transportation costs of commissary merchandise, supplies, and equipment within or outside the United States to include transoceanic movement of goods to and from overseas and U.S. sea and aerial ports of embarkation to first destination overseas; movement of U.S. and foreign goods within foreign areas; and movement of U.S. goods between DoD installations. Pursuant to section 2485(b) of Reference (c), DeCA may not pay any amount for service provided by the U.S. Transportation Command that exceeds the price at which the service could be procured through full and open competition, as defined in section 4(6) of Public Law 93-400 (Reference (p)).

(c) Communication Services. Includes service fees for electronic communications, telecommunications, Internet, television, cable, Defense Switched Network, fax, public address systems, other electronic media, and postal service. Authorization includes all informational communications and advertising inside and outside the commissary store, as defined in Enclosure 6 of this instruction.

(d) Operating Supplies. All supplies required for the day-to-day operation of commissaries and store-level offices dedicated to supporting commissary operations.

(e) Operating Services. This includes, but is not limited to, common services, separately identified and reported (to the extent possible), such as garbage and trash removal; sewage disposal; police and fire protection; pest control; medical inspection; road, sidewalk and

grounds maintenance; snow removal; procurement; financial accounting; merchandise handling; supply and financial administration; computer support and maintenance not specified under paragraph 3b of this enclosure; legal services; and other administrative and personnel support functions performed relative to the commissary operations.

(f) Major Losses. This applies to major losses of inventory, facilities, equipment, or supplies due to fire, theft (other than pilferage), explosion, power failure, storms, uncollectible checks, theft of funds, enemy actions, or acts of God.

(g) Utilities. The cost of electricity, heat, steam, water, ice, oil, gas, coal, compressed air, air-conditioning, refrigeration, and telephone for commissaries and store-level offices dedicated to commissary operations will be paid by direct citation. Utilities should be metered at the point of service to the commissary. However, in the absence of meters, estimates may be used. Such estimates will be based on the contract cost of utilities and prorated according to the size of the commissary. Estimates may be determined at Military Department level or at the installation level.

(h) Coupon Handling Fees. Appropriated funds may be expended to process the redemption of coupons; however, all costs incurred in connection with that effort will be reimbursed from fees received for handling or processing such coupons.

(i) Miscellaneous Expenses. Any cost associated with above-store-level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology (IT) costs.

b. Facilities Costs

(1) Appropriations will fund:

(a) Construction projects (major and minor) of headquarters-level commissary administrative offices.

(b) Construction projects (major and minor) of commissaries and central product processing facilities determined by the Military Services to be required to establish, activate, or expand a military installation, including BRAC and global restationing requirements; relocation of facilities for the convenience of the government; replacement of facilities funded by country-to-country agreements; initial establishment of a commissary on an existing installation; restoration of facilities and improvements destroyed by acts of God, fire, or terrorism; and correction of safety deficiencies. Expansion of a military installation must be the result of a mission change or influx of new units or systems and result in a 25 percent increase in authorized and assigned personnel strength within a 2-year time span.

(c) A ready to build site. Appropriated funds will be used to clear construction sites when choosing an alternate replacement commissary, building a new mission commissary, or relocating an existing commissary for the convenience of the government. Appropriations will also be used for environmental cleanup costs, utility runs exceeding 5 feet from the facility

footprint, roads necessary to access the commissary site (beyond the parking lot perimeter), and excessive grading. This policy applies to facilities projects funded with either appropriations or from the DeCA Surcharge Account.

(2) BRAC appropriations will fund the construction cost of commissaries and central product processing facilities determined by the Military Department concerned to be necessary to implement BRAC recommendations. The military construction (MILCON) appropriations of the Service components concerned will fund all other requirements listed in paragraph 1b(1) of this enclosure.

(3) Installed equipment is included and funded as part of the construction cost in accordance with paragraph 060201A(1), chapter 6, Volume 2B of Reference (j). Furniture, fixtures, and equipment (FF&E) (non-installed) for MILCON projects will be funded from operations and maintenance accounts of the Service component concerned. BRAC appropriations will fund FF&E for a BRAC-funded construction project.

(4) In accordance with section 2485(e) of Reference (c), the Secretary of a Military Department will pay DeCA for any use of a commissary facility by the Military Department for a purpose other than commissary sales or operations in support of commissary sales, when the facility was acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) using surcharge funds. The amount payable will be funded by appropriations equal to the depreciated value of the facility that is attributable to that use. The amounts paid will be credited to the DeCA Surcharge Account.

c. Resale Stocks. Goods acquired for sale by the DeCA (to include edible grocery items sold in NEXMARTs by the Navy Exchange Service Command) must be funded from the DeCA Defense Working Capital Fund stock account.

2. SALES PRICE AND SURCHARGE ASSESSMENT. Pursuant to section 2484(e) of Reference (c), the sales price of each item of merchandise and services sold in, at, or by commissary stores will recoup: the actual product cost of the item, commercial first destination transportation of the merchandise in the United States to the place of sale, and the actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of the commissary. Pursuant to section 2484(d) of Reference (c), a 5 percent surcharge on the sales price will be assessed at the point of sale on all items purchased.

a. The sales price and surcharge assessment requirements will not apply to the pricing of tobacco products or when a military exchange serves as the vendor of a merchandise item authorized pursuant to section 2484(c)(1) of Reference (c) and in accordance with paragraph 2 of Enclosure 4 of this instruction.

b. For tobacco products or when a military exchange serves as the vendor of a merchandise item authorized pursuant to section 2484(c)(1) of Reference (c) and in accordance with paragraph 2 of Enclosure 4 of this instruction, the commissary and exchange sales prices must be comparable for such items.

3. DeCA SURCHARGE ACCOUNT FUNDING OF COMMISSARIES. Revenues accounted for as DeCA Surcharge Account funds will not be merged with stock funds or other appropriated funds in the accounting records, and includes funds received from the surcharge applied to commissary sales; sale of recyclable materials and excess and surplus property; license fees, royalties, and business-related management fees; amounts received for commercially valuable information; charges received for the collection of dishonored checks; discounts earned; restitution made or ordered for the theft or damage of commissary equipment to the facility and such other sources as may be authorized by law. The DeCA Surcharge Account will fund:

a. Facilities Costs. The costs for sustainment, restoration (except for acts of God, fire, or terrorism), modernization and replacement (except for those facilities funded by country-to-country agreements) of either: an existing commissary or central product processing facility that is near or at the end of its useful life, or enlarging an existing commissary or central product processing facility when an increase in facility size is required for reasons other than an increase in assigned personnel strength of 25 percent or more within a 2-year time span. In these cases, the DeCA Surcharge Account will be used for construction costs (includes installed computer equipment), plus costs for environmental evaluation, surveys, administration, planning, design, real property, utilities, and non-installed FF&E (including non-installed computer equipment) necessary to provide a complete and usable commissary store or central product processing facility.

b. Equipment. Except as otherwise provided in paragraph 1b of this enclosure, the costs to acquire (by purchase, contract or lease), install, and maintain (commercial or government preventive maintenance and repair) equipment (including automated data processing equipment) that is dedicated to direct support of existing commissary store-level operations will be paid by direct citation of, or appropriated accounts will be reimbursed from, DeCA Surcharge Account funds.

c. Collection of Dishonored Checks

(1) A uniform charge consistent with commercial grocery store practices will be imposed for the collection of a dishonored check. Appropriated funds may be used to initially pay collection costs incurred in connection with collection of dishonored checks, but will be reimbursed out of funds in the DeCA Surcharge Account. Amounts collected as charges for dishonored checks will be credited to the DeCA Surcharge Account.

(2) In accordance with section 2485(g) of Reference (c), the person who presented the check and any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store are liable for the amount of a check that is returned unpaid, including any collection charges imposed. The amount for which a person is liable may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

ENCLOSURE 6

COMMISSARY PROGRAM OPERATIONS

1. ACQUISITION. Pursuant to sections 2304(c)(5) and 2484(f) of Reference (c), the Director, DeCA, may use other than competitive procedures to procure a brand-name commercial item that is regularly sold under the same brand name on a regional or national basis by commercial grocery or retail chain stores. Commercial convenience stores are not considered retail chains. Notwithstanding the provisions of section 2533a(8) of Reference (c), commissaries will, to the greatest extent practical, stock domestic U.S. products. This provision does not prohibit the sale of perishable products obtained under contract with U.S. companies.

a. Offshore Acquisition. Overseas commissaries will stock U.S. products. An exception is provided that commissaries may acquire products from offshore sources that:

(1) Have short shelf lives that are impractical to acquire in the United States to ship to overseas commissaries;

(2) Are indigenous unique specialty items which may, within reasonable limits, be offered for sale within commissaries overseas and in the United States; or

(3) Have no comparable U.S. products or U.S. sources of supply available.

b. Contracts with Federal Agencies and Instrumentalities

(1) Services

(a) Pursuant to section 2485(b) of Reference (c), DeCA and any other DoD agency that supports the operation of the commissary system, may enter into a contract or other agreement with another element of the DoD or with another federal department, agency, or instrumentality to provide or obtain services beneficial to the efficient management and operation of the commissary system. Arrangements with other federal entities may be documented with memorandums of understanding or agreement, rather than contractual action.

(b) Because contracts paid from appropriated or DeCA Surcharge Account funds must follow the Federal Acquisition Regulation (FAR) (Reference (q)), and since parties to these agreements are federal entities, the contract clauses will be tailored, as appropriate. Appropriated fund and DeCA Surcharge Account contracts executed under this authority must comply with the FAR including the requirement for competition and the direction to distribute micro purchases equitably among qualified suppliers.

(2) Support Services by DoD Entities. Support from military installations or Defense agencies will be documented using intra-agency agreements in accordance with Reference (k).

(3) Goods

(a) Pursuant to section 2484(c)(3)(A) of Reference (c), a Military Service exchange must be the vendor for the sale of tobacco products in commissary stores. In accordance with section 2484(g) of Reference (c), tobacco products will only be sold as non-commissary store inventory on consignment as exchange inventory.

1. Any revenue above the exchange's "cost of procurement" (or the determined amount) for tobacco products will be deposited to the DeCA Surcharge Account and treated as surcharge funds. When the exchange "cost of procurement" is not readily identifiable, DeCA and the applicable exchange service will jointly determine the amount.

2. DeCA and the applicable exchange service will jointly determine the amount of tobacco handling fees DeCA will collect from the exchange service to recover DeCA's operating costs for selling tobacco products.

(b) A Military Service exchange may be the vendor for merchandise authorized in Enclosure 4 of this instruction. When an exchange serves as the vendor of merchandise items authorized pursuant to section 2484(c)(1) of Reference (c) and in accordance with section 2 of Enclosure 4 of this instruction, any revenue above DeCA's cost of procuring the merchandise will be deposited to the DeCA Surcharge Account and treated as surcharge funds pursuant to section 2484(c)(3)(B) of Reference (c).

2. PURCHASE RESTRICTIONS

a. Individuals authorized commissary privileges and access, as identified in Enclosure 2 of this instruction, will not sell or give away commissary purchases to individuals, organizations, or activities not entitled to commissary privileges, and they are prohibited from using commissary purchases to support a private business. Purchases in excess of an authorized patron's or family's reasonable use or need are also an abuse of privileges. These prohibitions do not apply to food served to guests of authorized personnel, to limited and occasional bona fide gifts to friends or family members, or to limited and reasonable donations to charitable organizations.

b. Violations of these restrictions will provide a basis for suspension of commissary privileges or access or permanent revocation of commissary privileges or access by the installation commander concerned. In addition, disciplinary action may be taken against the individual if the violation(s) warrants such action, under the Uniform Code of Military Justice, civil service, or other pertinent regulations or agreements by the installation commander concerned or other appropriate commander.

3. COMMISSARY FACILITIES

a. Construction and capital programs will be managed, reported, and approved as prescribed in DoDI 7700.18 (Reference (r)). Facilities will be designed and operated under standards

similar to commercial food stores. Whenever practical, new commissaries and exchanges will be collocated and built as joint projects.

b. Pursuant to section 2484(h)(2) of Reference (c), DeCA may enter into contracts or agreements with one or more nonappropriated fund instrumentalities (NAFIs) of the United States for construction of a shopping mall or similar facility for a commissary store. DeCA may reimburse a NAFI for the commissary portion of the cost of a contract that is attributable to construction of the commissary store or to pay the contractor directly for that portion of such cost. For joint construction projects supervised by DeCA, unless the NAFI pays the contractor directly, DeCA may receive funds from the NAFI.

4. DeCA PERFORMANCE

a. DeCA must submit an annual performance plan through the DeCA Board of Directors, to the ASD(M&RA).

b. Customer savings and customer satisfaction with the Defense commissary system will be the primary metrics used for assessing DeCA's performance and will be measured against pre-determined benchmarks, which include grocery industry standards. This performance will be reviewed annually by the DeCA Board of Directors and reported to the ASD(M&RA).

c. Pursuant to section 2485(h)(3)(C) of Reference (c), the ASD(M&RA) will submit information on customer satisfaction and performance data to the Committees on Armed Services of the U.S. Senate and the U.S. House of Representatives.

d. DeCA must annually track average savings worldwide, in the United States, and overseas, by using a price comparison assessment conducted in accordance with standard industry practices. The survey will be completed annually in the continental United States (CONUS) and quarterly for outside the continental United States (OCONUS). The results will be provided to the PDTATAC for use in the CONUS and OCONUS COLA calculations.

(1) In CONUS, the survey will use a comprehensive database of actual commercial prices for scannable items from commercial U.S. grocery stores, adjusted for supercenters. Prices for fresh meat and produce will be obtained by a market basket survey of commercial U.S. grocery stores, adjusted for supercenters.

(2) For OCONUS, a sample of items representing categories carried within the commissaries will be compared to like items in local grocery stores and supercenters.

(3) Price comparisons will consider only identical items by brand and size and will exclude tobacco except for OCONUS surveys. Comparisons will use commissary sales price plus surcharge and the commercial price plus applicable sales tax. The prices will exclude any markdowns or store-specific sales for both CONUS and OCONUS COLA survey results.

(4) The survey will be structured to report cost and average savings by dollar and percentage in each of the following categories for each geographic area listed in paragraph 4a(5) of this enclosure:

- (a) Grocery, foods.
- (b) Dairy.
- (c) Frozen foods.
- (d) Grocery, non-foods.
- (e) Health and beauty aids.
- (f) Meat.
- (g) Produce.

(5) The survey will be structured to report cost and average savings by dollar and percentage in each of the following geographic areas:

- (a) 48 contiguous States.
- (b) Alaska.
- (c) Hawaii.
- (d) 50 States.
- (e) Overseas.
- (f) Worldwide (total savings exclusive of tobacco products).

e. DeCA must annually assess customer satisfaction system wide and for individual stores. The system-wide customer satisfaction assessment will be indexed to the grocery industry. Individual store customer satisfaction assessments will include evaluation of products and services.

5. PRIVATE OPERATION OF COMMISSARIES. Pursuant to section 2485(a) of Reference (c), private entities may not perform functions relating to procuring products sold in a commissary store, the overall management of the commissary system, or the management of a commissary store. DoD personnel must carry out such functions.

6. CARRYOUT OR BAGGER PERSONNEL

a. Bagger personnel are neither employees nor contractors of the installation, DeCA, the Military Services, the DoD, or the Federal Government. The installation commander may grant, deny, or revoke permission for an individual to enter the installation to provide bagger and carryout services as is determined to be in the best interests of the command.

b. Individuals who do not hold a valid military ID card should not ordinarily be issued a license and be granted access to the installation to provide bagging and carryout service. Exceptions may be permitted when there are insufficient military members, family members, or retirees available or interested in providing such services in the local area.

c. Installation commanders may delegate the authority to license individuals only to members of their staff. The commissary store director is not a member of the installation commander's staff. The commissary store director may grant and revoke permission to licensed individuals to enter the commissary store to provide bagging and carryout services.

7. COMMERCIALLY VALUABLE INFORMATION

a. Pursuant to section 2485(h) of Reference (c), the Director, DeCA may withhold commercially valuable information from public release in accordance with section 552(b)(3) of Title 5, U.S.C., also known as the "Freedom of Information Act," (Reference (s)). This authority notwithstanding, the Director, DeCA may:

(1) Using competitive procedures, enter into a contract or license agreement to provide commercially valuable information to commercial or public entities.

(2) Release, without charge, information on an item sold in commissary stores to the manufacturer or producer of that item or an authorized representative of that manufacturer or producer.

(3) By contract entered into with a business, grant a license to the business to use business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharge funds including software used in or comprising any such program. The fee charged for the license, determined by means of a survey, will be based on the costs of similar programs developed and marketed by businesses in the private sector.

b. Information may not be released in a form that identifies an individual customer or that provides information making it possible to identify an individual customer.

8. CHARITABLE ORGANIZATIONS

a. Donations

(1) Pursuant to section 2485(f) of Reference (c), DeCA may donate unmarketable, unsaleable, but edible food to:

(a) A nonprofit, charitable food bank exempt from federal income taxation pursuant to section 501(c)(3) of Title 26, U.S.C. (Reference (t)) and designated by the ASD(M&RA) or the Secretary of Health and Human Services to receive such donations;

(b) A State or local agency authorized to receive donations from the U.S. Department of Agriculture Food and Nutrition Service Food Distribution Division;

(c) A chapter or other local unit of a recognized national veterans organization that provides services to veterans without adequate shelter and has been designated by the Secretary of Veterans Affairs as authorized to receive such donations; or

(d) A not-for-profit organization that provides care for homeless veterans and has been designated by the Secretary of Veterans Affairs as authorized to receive such donations.

(2) DeCA is not authorized to perform any service, such as transportation, in connection with the donation of government-owned or vendor-owned food. Donations will take place at commissary store locations only.

(3) Food that may be donated under this provision must be certified as edible by appropriate food inspection technicians supporting the donating commissary, and would otherwise be destroyed as unusable.

(4) Food awaiting donation will be held by the donating commissary store, pending pick-up by the entity accepting the donation. Additionally, commissaries are authorized to hold (pending pickup by the entity accepting the donation) any edible food for which a vendor has credited the commissary account.

b. Cause Marketing. DeCA may participate in cause marketing. The acceptance of the promotion will be based on the savings offered and not the cause. A supplier may promote a particular charity with point of sale materials when it is considered in good taste and is consistent with and appropriate for display in a military facility. Commissary officials will not designate or name a specific charity to be promoted.

9. VENDOR SAMPLING AND PRODUCT DEMONSTRATIONS. Sampling and demonstrations of products available for sale are authorized at vendor expense. No commissary funds will be used to support sampling or product demonstrations.

10. IT STANDARDS

a. The commissary and exchange systems will achieve the full interchange of data to provide improved patron service while preserving the commissary and the exchange programs. DeCA

must comply with IT standards for the commissary and exchange systems, consistent with commercial enterprises and to enhance data interchange among the resale activities.

b. The Global Information Grid Technical Guidance Federation should be checked by DeCA quarterly at <http://gtg.csd.disa.mil> to ensure there are no new developments related to these standards. The Director, DeCA, will annually certify and submit through the DeCA Board of Directors to the ASD(M&RA), the organizational compliance with DoD IT standards for the commissary and exchange systems, and state whether or not new developments in the Global Information Grid Technology Guidance Federation require modifications of those standards to ensure data interchange capability, and describe IT acquisitions over \$1 million.

11. PATRON COMMUNICATIONS. DeCA may inform and educate authorized patrons about the value of their commissary benefit. DeCA may individually, or jointly with other instrumentalities of the United States, disseminate program information through DoD-sponsored media and non-DoD media, provided those media are primarily intended for personnel who are authorized commissary benefits.

a. Advertising

(1) Advertising by DoD activities of sales and savings to commissary shoppers will be restricted to materials available within the commissary store and other on-base locations, websites administered by DoD activities, or media delivered directly to authorized patrons.

(2) DeCA trading partners or their representatives (manufacturer, broker, vendor, or couponer) may use advertising resources available under customary industry and trade practices to promote available products or prices of commissary goods. The expenditure of appropriated funds is not authorized to support, duplicate, or replace such advertising.

(3) DeCA may not participate in commercial trading partner advertising placed with entities having an exclusion record on the System for Award Management website (Reference (u)).

(4) DeCA is not authorized either unsolicited or solicited commercial sponsorship, which is only authorized for military morale, welfare, and recreation (MWR) programs in accordance with Reference (n).

(5) Cross-promotional advertising among commissary, exchange, military MWR, and lodging programs is authorized. Cross-promotional advertising will be proportionately funded from the resources of the participating programs, except where no incremental costs are incurred.

b. Informational Communications

(1) Informational communications are principally designed to educate personnel who are authorized beneficiaries of the commissary. Dissemination of joint informational communications by or for the commissary, exchange, military MWR and lodging programs is

encouraged and may include other DoD military community and family support programs. Individual consent is not required for informational communications delivered to personnel who are identified through the DMDC and other DoD databases.

(2) Informational communications may not include pricing information for individual commissary products, including tobacco. Appropriated funds may be expended for informational communications produced for or prepared by DeCA. Joint informational communications will be proportionately funded from the resources of the participating programs, except where no incremental costs are incurred. Paid advertising will not be included in informational communications funded, in whole or in part, by appropriations.

c. Websites. Websites administered by DeCA will comply with DoD 5500.07-R (Reference (v)) and DoDI 8550.01 (Reference (w)).

d. Disclaimers

(1) Advertising, informational communications, and cross-promotional advertising, regardless of media, will contain a disclaimer stating “this offer is open only to authorized patrons.”

(2) There is no requirement to verify that the individual accessing media or receiving informational communications or promotional advertising is an authorized patron of the commissary. The verification will be made at point of sale to ensure that the individual possesses DoD ID credentials or is enrolled in databases that are necessary to establish eligibility for the benefits.

(3) Vendor advertisements on materials available within the commissary store, other on-base locations, websites linked to DoD website, DoD media, or distributed on DoD property will include appropriate disclaimers since the DoD does not endorse nor favor any commercial supplier, product, or service.

12. AUDITS AND INSPECTIONS. Audits and inspections will conform to DoDI 7600.02, (Reference (x)).

13. COMBINED COMMISSARY AND EXCHANGE STORES

a. A military exchange may be authorized to operate a combined commissary and exchange store pursuant to section 2488 of Reference (c) in cases of BRAC actions or where independent commissary and exchange operations are not suitable business models. Combined commissary and exchange stores, pursuant to section 2488 of Reference (c), are governed by DoDI 1330.09 (Reference (y)) and DoDI 1330.21 (Reference (z)), unless disposition is controlled by BRAC Commission recommendation or other provision of the law.

b. The grocery operations within NEXMARTs operated by the Navy Exchange Service Command and established before October 1, 2003, are not subject to Enclosure 8 of Reference (z), and will be funded and operated in accordance with the procedures in Enclosures 5 and 6 of this instruction. NEXMARTs established before October 1, 2003, may continue to operate, but no new NEXMART may be established without specific congressional authorization pursuant to section 2487(a) of Reference (c).

14. NAFI-OPERATED COMMISSARY STORES. Pursuant to section 2485(b)(2) of Reference (c), a DoD NAFI may operate a commissary store in accordance with the procedures in Enclosures 5 and 6 of this instruction. Subject to approval by the ASD(M&RA) and the Under Secretary Defense (Comptroller)/Chief Financial Officer (USD(C)/CFO), goods, supplies, facilities of, and funds appropriated for DeCA or any other agency of the DoD that support the operation of the commissary system may be transferred to a NAFI for the operation of a commissary store.

15. INDEPENDENT EXCHANGE OPERATIONS SELLING GROCERIES. If a commissary operation or combined store is not warranted at a location, then the Military Service exchange may elect to sell food items at the location, but appropriated fund support designated for commissaries will not be provided to offset the exchange cost of selling edible groceries.

ENCLOSURE 7

RESPONSIBILITIES

1. ASD(M&RA). Under the authority, direction, and control of the USD(P&R), the ASD(M&RA) is the DoD civilian officer assigned responsibility for the commissary benefit and the overall supervision of DeCA in accordance with Reference (a) and DoDD 5124.10 (Reference (aa)). The ASD(M&RA):

- a. Serves as the principal point of contact for all commissary matters within the DoD.
- b. Establishes uniform DoD policy and guidance to ensure proper administration and management of commissary programs and monitors compliance as prescribed in this Enclosure.
- c. Appoints the chair and members of the DeCA Board of Directors.
- d. Appoints the Director, DeCA.
- e. Transfers funds pursuant to section 2485(b)(2) of Reference (c) in coordination with the USD(C)/CFO.
- f. Establishes policies and oversees the aspects of the commissary program, including but not limited to:
 - (1) Authorizing who may use the commissary.
 - (2) Authorizing the commissary stock assortment and notifying Congress of the addition or removal of items.
 - (3) Approving pricing and surcharge policy changes and notifying Congress of the change in pricing policy.
 - (4) Approving commissary establishment, continuance, and discontinuation.
- g. Allocates assigned resources and provides overall day-to-day supervision of DeCA, including:
 - (1) Oversight of DeCA implementation of the procedures in this instruction.
 - (2) Funding and operations, providing fiscal guidance, and approving the submission of the annual DeCA budget to the USD(C)/CFO.
 - (3) Approval of the submission of the annual performance plan.
 - (4) Approval of the strategic plan.

h. Chairs the DoD ERB.

2. DIRECTOR, DeCA. Under the authority, direction, and control of the USD(P&R) and through the ASD(M&RA), the Director, DeCA:

a. Reports and is held accountable to the DeCA Board of Directors, and, through the chair, is accountable to the ASD(M&RA), for direct day-to-day operations of DeCA and the commissary system in accordance with Reference (aa).

b. Provides an annual report through the DeCA Board of Directors for ASD(M&RA) approval on commissary operations and future plans.

c. Develops and executes a strategic plan with goals and objectives.

d. Submits an annual performance plan and balanced scorecard, reviewed by the DeCA Board of Directors, and approved by the ASD(M&RA), which addresses customer savings and customer satisfaction, as well as other operational goals and initiatives.

e. Develops and submits the annual construction and capital investment programs through the DeCA Board of Directors to the ASD(M&RA).

f. Establishes and implements standard commissary operating procedures delivering consistent commissary store operations, merchandise assortment, and pricing, across the Military Services.

g. Develops and submits corporate plans, goals, and objectives for DeCA through the DeCA Board of Directors for ASD(M&RA) approval.

h. Develops and submits funding requirements and budget submissions through the DeCA Board of Directors for ASD(M&RA) approval.

i. Authorizes deviations from this instruction only in cases of emergency and where such deviation does not violate statute, treaty, other international agreement, or policies prescribed in paragraph 3 above the signature of this instruction. Such deviations will be effective only until the emergency ends, or until a proposed amendment can be submitted to the ASD(M&RA) for consideration. A report of any deviation will be furnished to the ASD(M&RA) and to the Military Department concerned within 30 days.

3. USD(C)/CFO. The USD(C)/CFO advises the USD(P&R) in accordance with Reference (d) on accounting, budgeting, funding, and pricing policy for commissaries.

4. IG DoD. The IG DoD provides a representative who will serve as an advisor to the DeCA Board of Directors' audit committee.

5. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Will comply with, and implement, the provisions of this instruction.
- b. May specifically authorize limited commissary access as authorized in section 4 of Enclosure 2 of this instruction.
- c. Submit requests to establish or disestablish a commissary to the chair, DeCA Board of Directors.
- d. Perform an annual assessment of commissary stores and submits copies to the DeCA Board of Directors.

6. COMBATANT COMMANDERS. The Combatant Commanders may authorize limited commissary access as authorized in paragraph 5p of Enclosure 2 of this instruction.

7. OVERSEAS GEOGRAPHIC COMBATANT COMMANDERS: In addition to the responsibilities in section 7 of this enclosure, the overseas geographic combatant commanders may:

- a. Establish purchase restrictions outside the United States and outside its territories and possessions as specified in paragraph 3a of Enclosure 4 of this instruction.
- b. Grant temporary access to commissary locations overseas and outside U.S. territories and possessions to U.S. Government employees and non-host nation military and civilian personnel providing direct support to humanitarian relief efforts as specified in paragraph 5l(2) of Enclosure 2 of this instruction.

ENCLOSURE 8

DeCA BOARD OF DIRECTORS

1. AUTHORITY. Pursuant to section 2485(c)(1) of Reference (c), the DoD DeCA Board of Directors (referred to in this Enclosure as the “Board”) is the permanent governing board for the commissary system, responsible for providing advice to the ASD(M&RA) regarding the prudent operation of the commissary system and assisting in the overall supervision of DeCA. The Board will strengthen the commissary benefit by making resource and capital development recommendations, as well as long-range planning recommendations that respond to the needs of military personnel and their families.

2. CHAIR. A senior general or flag officer from one of the Military Services (pay grade O-9) will serve as chair of the Board. The term of the chair will be approximately 2 years. The outgoing chair will make recommendations for the appointment of the chair to the ASD(M&RA) in consultation with senior Military Department representatives and with consideration for rotating the chair among the Military Departments whenever possible. The chair is the individual responsible for representing the Board in fulfilling its responsibilities to provide advice and assistance on the governance of DeCA, in accordance with section 2485(c)(3) of Reference (c). The chair provides input to the ASD(M&RA) on the performance of the Director, DeCA.

3. MEMBERS AND THEIR RESPONSIBILITIES

a. The Board will be accountable to the ASD(M&RA) for Board matters. DeCA Board members, as a corporate body, provide oversight on the governance of DeCA. Within parameters established by the ASD(M&RA), Board members collectively establish direction for, monitor the performance of, and assess accountability for results achieved by DeCA.

b. Each member serves as a representative of his or her Service component on commissary matters. Members ensure proper interface with other program and functional areas within their areas of expertise, and take action to achieve appropriate coordination within their respective Military Departments on commissary matters.

c. Individual members are also instrumental in ensuring their eligible Service component beneficiaries are aware of the commissary benefit.

d. The individuals holding the positions prescribed in paragraphs (1) through (3) of this section are the designated members of the DeCA Board. The Secretary of the Military Department concerned may recommend substituting positions to the ASD(M&RA) for approval.

(1) Department of the Army (three members)

- (a) Deputy Chief of Staff for Logistics (O-9).
- (b) Deputy Assistant Secretary of the Army (Civilian Personnel and Quality of Life) (Senior Executive Service (SES)).
- (c) Sergeant Major of the Army (E-9).
- (2) Department of the Navy (five members)
 - (a) Deputy Chief of Naval Operations (Fleet Readiness and Logistics) (O-9).
 - (b) Deputy Assistant Secretary of the Navy (Military Manpower and Personnel) (SES).
 - (c) Master Chief Petty Officer of the Navy (E-9).
 - (d) Deputy Commandant of the Marine Corps, Installations and Logistics (O-9).
 - (e) Sergeant Major of the Marine Corps (E-9).
- (3) Department of the Air Force (three members)
 - (a) Deputy Chief of Staff, Manpower, Personnel and Services (O-9).
 - (b) Deputy Assistant Secretary of the Air Force (Reserve Affairs and Airman Readiness) (SES).
 - (c) Chief Master Sergeant of the Air Force (E-9).

4. COMMITTEES. There are four standing committees. The chair may establish additional committees or working groups, as required, to fulfill the duties of the Board.

a. Executive Committee. The Board chair will chair the executive committee. The executive committee is composed of the other standing committee chairs. In cases where none of the senior enlisted Service representatives is serving as a committee chair, one will be selected by the Board to serve on the executive committee on a rotational basis. The executive committee supports the Board in recommending actions and facilitating the operations of the committees in between Board meetings. It acts to enhance the responsiveness and agility of the Board, but does not substitute for the Board as a decision-making body. A written record of executive committee actions will be made and distributed to all Board members and a copy filed with the executive secretary. The executive committee supports the DeCA Board chair in assessing and evaluating the performance of the Director, DeCA.

b. Finance Committee. The finance committee is composed of seven members: one Board member selected by majority vote of the Board who will serve as chair, a senior representative

from each Military Service budget organization with authority to fiscally commit his or her Military Service to support Board recommended actions, the DeCA Chief Financial Officer, and a senior representative of the Office of the USD(C)/CFO. The finance committee is responsible for the financial management oversight and budgeting of appropriated funds required to support the commissary benefit and for reviewing and prioritizing DeCA's investment program and annual DoD commissary construction and capital improvement program for endorsement by the Board to forward to the ASD(M&RA). In conjunction with the performance committee, the finance committee reviews requests for establishment and discontinuation of commissary stores and prepares recommendations for the Board to forward to the ASD(M&RA).

c. Audit Committee

(1) The audit committee will consist of four members who are independent of the day-to-day management of DeCA:

- (a) A representative from the Defense Finance and Accounting Service.
- (b) A representative from the Office of the USD(C)/CFO.
- (c) A representative from the finance committee other than the chair.

(d) Another Board member appointed by majority vote of the Board, who will serve as chair.

(2) The DeCA Chief Financial Officer may attend meetings of the audit committee as a non-voting member at the discretion of the committee chair. A representative of the Office of the IG DoD will serve as an advisor to the audit committee. The audit committee is concerned with the sound financial management of DeCA.

(3) DoD external auditors report to the audit committee, and the audit committee oversees the execution of the external audits. It reviews the findings and recommendations of external and internal audits. When appropriate, it identifies levels of risk in financial management practices and evaluates recommended procedures or processes to improve the financial strength of DeCA. It also ensures appropriate policies and procedures are in place to surface and address complaints alleging fraud, waste, abuse, or infringement of financial management principles. The audit committee is responsible for establishing audit requirements, identifying contract deliverables, monitoring the execution of the contract, identifying and assisting with resolution of obstacles to a clean opinion, and providing a forum to research, recommend, and issue guidance on accounting and auditing issues.

d. Performance Committee

(1) The performance committee will consist of eight members consisting of the four Service senior-enlisted advisors and four others selected from the Board membership, not serving on either the audit or finance committees, and approved by majority vote of the Board. The senior Board member will serve as chair.

(2) The performance committee reviews and recommends approval of DeCA's strategic plan and the annual performance plan, monitors DeCA's performance in achieving the goals and objectives of those plans, and makes recommendations to the Board regarding patron outreach initiatives. It is responsible for reviewing the annual assessment of commissary stores conducted by the Military Departments and, in conjunction with the finance committee, reviewing Military Department requests for establishment or discontinuation of commissaries.

5. DUTIES AND RESPONSIBILITIES: DeCA BOARD CHAIR

- a. Represents the Board in providing advice to the ASD(M&RA) on commissary policies and operations and on the delivery of the commissary benefit to the military community.
- b. Serves as the chair of the Executive Committee.
- c. In consultation with senior Military Department representatives, makes recommendations to the ASD(M&RA) on behalf of the Board concerning the selection of the Board chair and the Director, DeCA.
- d. Assesses the performance of the Director, DeCA, and provides input to the ASD(M&RA).
- e. Convenes the Board at least semi-annually or as necessary to conduct business.
- f. Communicates, as required, with Board members to keep them informed of committee and DeCA actions between Board meetings.
- g. Designates the Board executive secretary.

6. DUTIES AND RESPONSIBILITIES: DeCA BOARD OF DIRECTORS

- a. Advises the ASD(M&RA).
 - (1) Provides advice to the ASD(M&RA) regarding the prudent operation of the commissary system and to assist in the overall supervision of DeCA.
 - (2) Provides advice to the ASD(M&RA) on the delivery of the commissary benefit to the military community.
 - (3) Recommends policy changes to the ASD(M&RA).
 - (4) Recommends the establishment, continuance, and discontinuation of commissaries to the ASD(M&RA).

(5) Recommends commissary merchandise restrictions in the United States and U.S. territories and possessions to the ASD(M&RA).

b. Sets Direction

(1) Oversees development of and approves DeCA's business strategies and plans for achieving the strategic performance goals, which are established by the ASD(M&RA), within fiscal guidance and in compliance with applicable laws and regulations.

(2) Ensures internal consistency among business strategies, resources, and performance goals, including the directed level of commissary benefit.

(3) Endorses for submission to the ASD(M&RA) DeCA's proposed construction and capital investment programs and budgets.

(4) Endorses for submission to the ASD(M&RA) DeCA's financial and investment plans.

(5) Endorses, for submission to the ASD(M&RA), the annual DeCA performance plan.

c. Monitors Performance

(1) Monitors DeCA's performance against established goals, objectives, resources, and the specified benefit level.

(2) Ensures consistent commissary benefit across the Military Services.

(3) Reviews annual operating results and provides reports and assessments to the ASD(M&RA).

d. Evaluates and Assesses Results

(1) Endorses, for submission to the ASD(M&RA), the DeCA annual report on commissary operations and future plans.

(2) Reviews and takes appropriate action on the annual commissary assessment conducted by the Military Departments.

e. Provides Oversight of Management

(1) Through the Audit Committee:

(a) Monitors the execution of external audits.

(b) Evaluates and makes recommendations to management to improve the effectiveness of DeCA's internal control program, including the internal audit plan and the results of such audits, and the application of standards of conduct.

(c) Oversees DeCA's compliance with laws and regulations.

(2) Assesses DeCA's financial reporting procedures.

(3) Evaluates executive performance through the executive committee.

f. Communications and Advocacy. Promotes knowledge and understanding of the commissary benefit within the military community.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AGR	Active Guard and Reserve
ARC	American National Red Cross
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
ASYMCA	Armed Services Young Men's Christian Association
BRAC	base realignment and closure
COLA	cost of living allowance
CONUS	continental United States
DeCA	Defense Commissary Agency
DMDC	Defense Manpower Data Center
DoDD	DoD directive
DoDI	DoD instruction
DRS	data request system
ERB	Executive Resale Board
FF&E	furniture, fixtures, and equipment
FAR	Federal Acquisition Regulation
ID	identification
IG DoD	Inspector General of the Department of Defense
IT	information technology
MILCON	military construction
MWR	morale, welfare, and recreation
NAFI	nonappropriated fund instrumentality
NOAA	National Oceanic and Atmospheric Administration
OCONUS	outside the continental United States
PAS	Presidentially appointed, Senate-confirmed
PDTATAC	Per Diem, Travel and Transportation Allowance Committee
SES	Senior Executive Service
TDY	temporary duty

U.S.C.	United States Code
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USO	United Service Organizations
USPHS	U.S. Public Health Service
USS	United Seamen's Service

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

accessorial expenses. Expenses to be reimbursed as specified in paragraph 010203(F), chapter 1, Volume 11A of Reference (j).

active duty. Full-time duty in the active military service of the United States. This includes members of the Reserve Component serving on active duty or full-time training duty, but does not include full-time National Guard duty.

authorized family member. An individual whose relationship to the sponsor leads to entitlement, benefits, or privileges administered by the uniformed services. Family members as defined herein include:

abused dependent or former dependent. A dependent or former dependent entitled to payment of monthly transitional compensation pursuant to section 1059 of Reference (c), while receiving payments in accordance with the cited law, will be entitled to use commissary stores to the same extent and in the same manner as a dependent of a member of the Military Services on active duty for a period of more than 30 days.

dependent children 21 or older. Children, including adopted children, stepchildren, and wards, who are 21 years of age or older, unmarried, and dependent upon the sponsor for over half of their support and are either: incapable of self-support because of a mental or physical handicap; or have not passed their 23rd birthday and are enrolled in a full-time course of study at an institution of higher education.

dependent children under 21. Unmarried children under 21 years of age, including pre-adoptive children, adopted children, stepchildren, foster children, and wards dependent on the sponsor for over half of their support.

former dependents. The dependent of an unremarried former spouse, if before the divorce, the dependent was living in a home provided by or for an authorized sponsor and was dependent on the sponsor for over 50 percent of his or her support pursuant to section 1408 of Reference (c).

lawful spouse. If separated, a dependent spouse retains privileges until a final divorce decree

is issued.

orphans. Surviving unmarried children of a deceased uniformed Service member or retired member of a uniformed service, who are either adopted or natural born and under the age of 21, or who are over 21 and incapable of self-support; or under 23 and enrolled in a full-time course of study at an institution of higher education. The surviving children must have been dependents under the definitions in this instruction at the time of the death of the parent or parents.

parents. Father, mother, stepparent, parent by adoption, and parents-in-law who depend on the sponsor for over half of their support. The surviving dependent parents of a member of the Military Services who dies while on active duty are included.

surviving family member. Children or parents of a sponsor who are dependent on the surviving spouse for over half of their support.

surviving spouse. A widow or widower of a sponsor who has not remarried or who, if remarried, has reverted through divorce, annulment, or the demise of the spouse, to an unmarried status. This category also includes an unremarried former spouse who was married to a member or former member for at least 20 years, during which period the member or former member performed at least 20 years of service that are creditable in determining the member's or former member's eligibility for retired or retainer pay, or equivalent pay in accordance with section 1408 of Reference (c).

unremarried former spouse. An unremarried former spouse of a member or former member of the uniformed services, who, on the date of the final decree of divorce, dissolution, or annulment, had been married to the member or former member for a period of at least 20 years, during which period the member or former member performed at least 20 years of service creditable for retired or retainer pay, or equivalent pay.

carryout or bagger personnel. Individuals licensed by the installation commander for the purpose of engaging in a private for-profit business of bagging and carrying the purchases of authorized patrons at the installation commissary. Bagger personnel are self-employed persons who form a contractual relationship with each authorized patron for whom the bagger provides service.

cause marketing. A promotion in which a company doing business with the commissary program donates to a non-profit charity based upon a patron's purchase of company product or service.

central product processing facilities. DeCA-operated facilities that centrally distribute, pack, or process products sold in commissary stores to include distribution centers and meat processing plants.

closure. Occurs when all missions of the installation will cease or be relocated. All personnel positions (military, civilian, and contractor) will either be eliminated or relocated, except for personnel required for caretaking, conducting any ongoing environmental cleanup, and disposal of the base, or personnel remaining in authorized enclaves.

commercially valuable information. Commercially valuable information, as defined in section 2485(h) of Reference (c), includes information contained in the computerized business systems of commissary stores or DeCA that is collected through or in connection with the use of electronic scanners in commissary stores, including data relating to sales of goods or services; demographic information on customers; and any other information pertaining to commissary transactions and operations.

commissary administrative offices. Above-store level facilities operated by DeCA that provide logistical, procurement, and accounting support to commissary stores and central product processing facilities and executive control and management supervision of the commissary system, to include headquarters and regional offices.

commissary program. The activities of DeCA, the commissary system, combined commissary and exchange stores operated by the exchanges in accordance with Reference (z), the commissary stores operated by a NAFI pursuant to section 2485(b)(2) of Reference (c), and NEXMARTs.

commissary store (commissaries). Any military retail sales outlet operated under the authority of this instruction. This includes outlets on the same installation (annex, branch, or satellite store).

commissary system. Activities under the direct operation or supervisory control of the Director, DeCA, to include commissaries, commissary administrative offices, and central product processing facilities.

construction cost. Defined in Reference (r).

construction project. Defined in chapter 6, Volume 2B of Reference (j).

CONUS. The 48 contiguous States and the District of Columbia.

DeCA Surcharge Account. Refers to the “Surcharge Collections, Sales of Commissary Stores, Defense Commissary Agency” trust fund account on the books of the Treasury Department, also referred to as “Commissary Trust Revolving Fund” and “surcharge funds.”

Defense retail systems. The Defense commissary system, the exchange system, and category c revenue-generating activities operated by DoD military MWR programs pursuant to Reference (n).

exchange system. The Army and Air Force Exchange Service, the Navy Exchange Service Command, and Marine Corps Exchange activities performed under the authorization of References (y) and (z).

first destination transportation. Defined in paragraph 010205, chapter 1, Volume 2A of Reference (j).

food bank. A public or private charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

foreign disaster. In accordance with DoDD 5100.46 (Reference (ab)), an act of nature (such as a flood, drought, fire, hurricane, earthquake, volcanic eruption, or epidemic) or an act of man (such as riot, violence, civil strife, explosion, fire, or epidemic) that is or threatens to be of sufficient severity and magnitude to warrant the United States' foreign disaster relief to a foreign country or foreign persons or to an international organization.

foreign disaster relief. In accordance with Reference (ab), prompt aid that can be used to alleviate the suffering of foreign disaster victims. Normally, it includes humanitarian services and transportation; the provision of food, clothing, medicines, beds and bedding, temporary shelter and housing; the furnishing of medical materiel, medical and technical personnel; and making repairs to essential services.

Global Information Grid Technical Guidance Federation. An online repository of IT standards.

Military Departments. The Department of the Army, the Department of the Navy, and the Department of the Air Force, including the Reserve Components, which include the Army and the Air National Guards of the United States.

Military Service. A branch of the Armed Forces of the United States, established by act of Congress, in which persons are appointed, enlisted, or inducted for military service, and which operates and is administered within a military or executive department.

Military Services. The United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, and the United States Coast Guard.

modernization. Defined in Reference (r).

NEXMART. A retail sales outlet operated by the Navy Exchange Service Command that was operational prior to the establishment of DeCA, which were grandfathered under section 2487 of Reference (d). NEXMARTs are not combined stores authorized by sections 2485(b)(2) or 2488 of Reference (d).

nonappropriated fund instrumentality. Defined in DoDI 1015.15 (Reference (ad)).

OCONUS. Areas other than the 48 contiguous States and District of Columbia. Includes Alaska, Hawaii, and the U.S. territories and possessions.

organizational representative. A person designated in writing as the representative for an eligible organization, activity or entity authorized access to make purchases from a commissary for that organization.

overseas. Applies to locations other than the 50 States and the District of Columbia.

personal agent. A person designated in writing as the representative for an eligible patron authorized access to assist or make purchases from a commissary.

primary Service component. The host, supporting, or primary Service component that owns, leases, or possesses the installation.

re-establishment. Establishing a commissary store at an installation or location that previously had a commissary.

Ready Reserve. Includes members of the Selected Reserve, Individual Ready Reserve, and Inactive National Guard who possess a uniformed services ID card. The Ready Reserve is comprised of military members of the Reserve and National Guard, organized in units, or as individuals, liable for recall to active duty to augment the Active Components in times of war or national emergency in accordance with sections 12301(a) and 12302 of Reference (c).

replacement. Defined in Reference (r).

Reserve Components. The Army National Guard of the United States; the Army Reserve; the Navy Reserve; the Marine Corps Reserve; the Air National Guard of the United States; the Air Force Reserve; and the Coast Guard Reserve.

Reserve or National Guard on active duty. DoD National Guard and Reserve members who are on voluntary active duty providing full-time support to National Guard, Reserve, and Active Component organizations for the purpose of organizing, administering, recruiting, instructing, or training the Reserve Components.

restoration. Defined in Reference (r).

second destination transportation. Defined in paragraph 010204, chapter 1, Volume 2A of Reference (j).

Service component. Army Active, Army Reserve, Army National Guard, Navy Active, Navy Reserve, Marine Corps Active, Marine Corps Reserve, Air Force Active, Air Force Reserve, and Air National Guard.

sponsor. The individual from whom the commissary privilege flows to the authorized family members.

sustainment. Defined in Reference (r).

uniformed services. The Military Services, USPHS Commissioned Corps, and NOAA Commissioned Corps and its predecessors.

United States. The 50 United States and the District of Columbia.

U.S. territories and possessions. Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U. S. Virgin Islands.