

108TH CONGRESS  
2D SESSION

# S. 2368

To limit the closure of Department of Defense commissary and exchange stores and facilities and Department of Defense dependent elementary and secondary schools, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 2004

Mrs. CLINTON (for herself, Mr. LEAHY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To limit the closure of Department of Defense commissary and exchange stores and facilities and Department of Defense dependent elementary and secondary schools, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Military Family Morale  
5       and Welfare Protection Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Today, members of the Armed Forces and  
2           their families are heroically fighting the war on ter-  
3           rorism.

4           (2) Members of the Armed Forces are deployed  
5           away from their families and placed in harms way  
6           in order to win this war.

7           (3) Members of the Armed Forces and their  
8           families are suffering casualties in this war.

9           (4) Members of the Armed Forces and their  
10          families deserve support to preserve their quality of  
11          life, especially in these turbulent times.

12          (5) The Department of Defense has commenced  
13          actions to close certain of its commissary stores, mo-  
14          rale, welfare, and recreation retail facilities, and de-  
15          pendent elementary and secondary schools, all with-  
16          out the specific authorization of Congress.

17          (6) Members of the Armed Forces and their  
18          families consider the privileges and benefits available  
19          through such stores and facilities, and the avail-  
20          ability of education through such schools, to be vital  
21          to their quality of life.

1 **SEC. 3. PROHIBITION ON CLOSURE OF COMMISSARY**  
2 **STORES, MWR RETAIL FACILITIES, AND DE-**  
3 **PENDENT ELEMENTARY AND SECONDARY**  
4 **SCHOOLS WITHOUT AUTHORIZATION OF CON-**  
5 **GRESS.**

6 Notwithstanding any other provision of law, the Sec-  
7 retary of Defense may not close any commissary store,  
8 MWR retail facility, or Department of Defense dependent  
9 elementary or secondary school without the specific au-  
10 thorization of Congress for such action by law.

11 **SEC. 4. COMPTROLLER GENERAL REPORT.**

12 Not later than 90 days after the date of the enact-  
13 ment of this Act, the Comptroller General of the United  
14 States shall submit to the appropriate committees of Con-  
15 gress a report on the policy of the Department of Defense,  
16 and the criteria utilized by the Department, with respect  
17 to the closure of commissary stores, MWR retail facilities,  
18 and Department of Defense dependent elementary and  
19 secondary schools, including an assessment whether or not  
20 such policy and criteria are consistent with Department  
21 policies and procedures on the preservation of the quality  
22 of life of members of the Armed Forces.

23 **SEC. 5. DEFINITIONS.**

24 In this Act:

25 (1) The term “appropriate committees of Con-  
26 gress” means—

1                   (A) the Committee on Armed Services of  
2                   the Senate; and

3                   (B) the Committee on Armed Services of  
4                   the House of Representatives.

5                   (2) The term “MWR retail facility” means an  
6                   exchange store or other revenue-generating facility  
7                   operated by nonappropriated fund activities of the  
8                   Department of Defense for the morale, welfare, and  
9                   recreation of members of the Armed Forces.

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