

1 **Subtitle E—Commissary and Non-**
2 **appropriated Fund Instrumen-**
3 **tality Benefits and Operations**

4 **SEC. 651**[H652 SRw/a file D57]. **LIMITATION ON DEPARTMENT**
5 **OF DEFENSE ENTITIES OFFERING PERSONAL**
6 **INFORMATION SERVICES TO MEMBERS AND**
7 **THEIR DEPENDENTS.**

8 (a) IMPOSITION OF LIMITATION.—Subchapter III of
9 chapter 147 of title 10, United States Code, is amended
10 by inserting after section 2492 the following new section:

11 **“§ 2492a. Limitation on Department of Defense enti-**
12 **ties competing with private sector in of-**
13 **fering personal information services**

14 “(a) LIMITATION.—(1) Notwithstanding section
15 2492 of this title, the Secretary of Defense may not au-
16 thorize a Department of Defense entity to offer or provide
17 personal information services directly to users using De-
18 partment resources, personnel, or equipment, or compete
19 for contracts to provide such personal information services
20 directly to users, if users will be charged a fee for the
21 personal information services to recover the cost incurred
22 to provide the services or to earn a profit.

23 “(2) The limitation in paragraph (1) shall not be con-
24 strued to prohibit or preclude the use of Department re-
25 sources, personnel, or equipment to administer or facili-

1 tate personal information services contracts with private
2 contractors.

3 “(b) EXCEPTIONS.—The limitation in subsection (a)
4 shall not apply if the Secretary of Defense determines
5 that—

6 “(1) a private sector vendor is not available to
7 provide the personal information services at specific
8 locations;

9 “(2) the interests of the user population would
10 be best served by allowing the Government to pro-
11 vide such services; or

12 “(3) circumstances (as specified by the Sec-
13 retary for purposes of this section) are such that the
14 provision of such services by a Department entity is
15 in the best interest of the Government or military
16 users in general.

17 “(c) PERSONAL INFORMATION SERVICES DE-
18 FINED.—In this section, the term ‘personal information
19 services’ means the provision of Internet, telephone, or tel-
20 evision services to consumers.”.

21 “(b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such subchapter is amended by insert-
23 ing after section 2492 the following new item:

 “2492a. Limitation on Department of Defense entities competing with private
 sector in offering personal information services.”.

1 (c) EFFECT ON EXISTING CONTRACTS.—Section
2 2492a of title 10, United States Code, as added by sub-
3 section (a), does not affect the validity or terms of any
4 contract for the provision of personal information services
5 entered into before the date of the enactment of this Act.