

–CITE–

36 USC CHAPTER 407 – CORPORATION FOR THE PROMOTION OF
RIFLE PRACTICE AND FIREARMS SAFETY 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND
ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
FIREARMS SAFETY

–HEAD–

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
FIREARMS SAFETY

–MISC1–

SUBCHAPTER I – CORPORATION

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40703. Powers.

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–SECRET–

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 10102 of this title.

–End–

–CITE–

36 USC SUBCHAPTER I – CORPORATION 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

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SUBCHAPTER I – CORPORATION

–End–

–CITE–

36 USC Sec. 40701 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND
ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

–HEAD–

Sec. 40701. Organization

–STATUTE–

(a) Federal Charter. – Corporation for the Promotion of Rifle
Practice and Firearms Safety (in this chapter, the "corporation")
is a federally chartered corporation.

(b) Non-Governmental Status. – The corporation is a private
corporation, not a department, agency, or instrumentality of the
United States Government. An officer or employee of the corporation
is not an officer or employee of the Government.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1335.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40701(a) 36:5501(a) (less Feb. 10, 1996, Pub. L.

"private, 104–106, title XVI, Sec.

nonprofit"). 1611(a) (less "nonprofit"),

(b)(1), 110 Stat. 515, 516.

40701(b) 36:5501(a) (related

to private), (b)(1).

Subsection (a) is substituted for the source provision for

consistency in the revised title.

In subsection (b), the words "is not" are substituted for "shall

not be considered to be" for clarity and to eliminate unnecessary

words.

CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM

Pub. L. 104–106, div. A, title XVI, Sec. 1622, Feb. 10, 1996, 110

Stat. 521 [former 36 U.S.C. 5522], provided that:

"(a) Continuation of Eligibility. – Notwithstanding any other

provision of law, a Federal employee who is employed by the

Department of Defense to support the Civilian Marksmanship Program

as of the day before the date of the transfer of the Program to the

Corporation and is offered employment by the Corporation as part of

the transition described in section 1612(d) [former 36 U.S.C. 5502(d)] may, if the employee becomes employed by the Corporation, continue to be eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense. The employer's contribution for such benefits shall be paid by the Corporation.

"(b) Regulations. – The Director of the Office of Personnel Management shall prescribe regulations to carry out subsection (a)."

–End–

–CITE–

36 USC Sec. 40702 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

–HEAD–

Sec. 40702. Governing body

–STATUTE–

(a) Board of Directors. – (1) The board of directors is the

governing body of the corporation. The board of directors may adopt bylaws, policies, and procedures for the corporation and may take any other action that it considers necessary for the management and operation of the corporation.

(2) The board shall have at least 9 directors.

(3) The term of office of a director is 2 years. A director may be reappointed.

(4) A vacancy on the board of directors shall be filled by a majority vote of the remaining directors.

(b) Director of Civilian Marksmanship. – (1) The board of directors shall appoint the Director of Civilian Marksmanship.

(2) The Director is responsible for –

(A) the daily operation of the corporation; and

(B) the duties of the corporation under subchapter II of this chapter.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1335.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40702(a)(1) 36:5501(c)(2). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1611(c)(1)–(4), (d), 110

Stat. 516.

40702(a)(2) 36:5501(c)(1).

40702(a)(3) 36:5501(c)(3).

40702(a)(4) 36:5501(c)(4).

40702(b)(1) 36:5501(d)(1).

40702(b)(2) 36:5501(d)(2).

In subsection (a)(1), the words "The board of directors is the governing body of the corporation" are added for consistency in the revised title.

In subsection (a)(3), the words "The term of office of a director is 2 years" are substituted for "Each member of the Board of Directors shall serve for a term of two years", and the words "A director may be reappointed" are substituted for "Members of the Board of Directors are eligible for reappointment", for consistency in the revised title and to eliminate unnecessary words.

In subsection (b)(1), the words "an individual to serve as" are omitted as unnecessary.

In subsection (b)(2), before clause (A), the words "is responsible for" are substituted for "shall be responsible for the performance of" to eliminate unnecessary words. In clause (B), the words "duties of the corporation under subchapter II of this chapter" are substituted for "functions described in section 5502" because subchapter II of this chapter restates 36:5502–5504 and 5507 and all of these sections provide for duties of the corporation that are the responsibility of the Director of Civilian

Marksmanship.

INITIAL BOARD OF DIRECTORS

Pub. L. 104–106, div. A, title XVI, Sec. 1611(c)(5), Feb. 10,

1996, 110 Stat. 516 [former 36 U.S.C. 5501(c)(5)], provided that:

"The Secretary of the Army shall appoint the initial Board of Directors. Four of the members of the initial Board of Directors, to be designated by the Secretary at the time of appointment, shall (notwithstanding paragraph (3)) [now 36 U.S.C. 40702(a)(3)] serve for a term of one year."

–End–

–CITE–

36 USC Sec. 40703 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

–HEAD–

Sec. 40703. Powers

–STATUTE–

The corporation may –

(1) adopt, use, and alter a corporate seal, which shall be judicially noticed;

- (2) make contracts;
- (3) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the activities of the corporation;
- (4) incur and pay obligations;
- (5) charge fees to cover the corporation's costs in carrying out the Civilian Marksmanship Program; and
- (6) do any other act necessary and proper to carry out the activities of the corporation.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1336.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40703(1) 36:5508(b). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1618(a)(1), (2), (b)–(e),

110 Stat. 520.

40703(2) 36:5508(c) (less

"leases").

40703(3) 36:5508(a)(1), (c)

(related to leases).

40703(4) 36:5508(d).

40703(5) 36:5508(a)(2).

40703(6) 36:5508(e).

In clause (2), the words "make contracts" are substituted for "enter into contracts" for consistency in the revised title. The words "agreements, or other transactions" are omitted as included in "contracts".

Clause (3) is substituted for "The Corporation may solicit, accept, hold, use, and dispose of donations of money, property, and services received by gift, devise, bequest, or otherwise" in 36:5508(a)(1) and "enter into . . . leases" in 36:5508(c) for consistency in the revised title.

Clause (4) is substituted for "determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid and may incur, allow, and pay such obligations and expenditures" to eliminate unnecessary words.

In clause (5), the words "charge fees to cover the corporation's costs" are substituted for "impose, collect, and retain such fees as are reasonably necessary to cover the direct and indirect costs of the Corporation" to eliminate unnecessary words.

Clause (6) is substituted for "take such other actions as are necessary or appropriate to carry out the authority provided in this section" for consistency in the revised title.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40704 of this title.

–End–

–CITE–

36 USC Sec. 40704 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND
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FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

–HEAD–

Sec. 40704. Restrictions

–STATUTE–

(a) Profit. – The corporation may not operate for profit.

(b) Use of Amounts Collected. – Amounts collected under section
40703(3) and (5) of this title, including proceeds from the sale of
firearms, ammunition, repair parts, and other supplies, may be used
only to support the Civilian Marksmanship Program.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1336.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40704(a) 36:5501(a) (related Feb. 10, 1996, Pub. L.

to nonprofit). 104–106, title XVI, Secs.

1611(a) (related to

nonprofit), 1618(a)(3), 110

Stat. 515, 520.

40704(b) 36:5508(a)(3).

In subsection (b), the words "ammunition, repair parts, and other supplies" are substituted for "ammunition, targets, and other supplies and appliances" for consistency in the revised title.

–End–

–CITE–

36 USC Sec. 40705 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

–HEAD–

Sec. 40705. Duty to maintain tax–exempt status

–STATUTE–

The corporation shall be operated in a manner and for purposes that qualify the corporation for exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) as an organization described in section 501(c)(3) of that Code (26 U.S.C. 501(c)(3)).

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1336.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40705 36:5501(b)(2). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1611(b)(2), 110 Stat. 516.

–End–

–CITE–

36 USC Sec. 40706 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND

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SUBCHAPTER I – CORPORATION

–HEAD–

Sec. 40706. Distribution of assets on dissolution

–STATUTE–

(a) Secretary of the Army. – On dissolution of the corporation, title to the following items, and the right to possess the items, vest in the Secretary of the Army –

(1) firearms stored at Defense Distribution Depot, Anniston, Anniston, Alabama on the date of dissolution.

(2) M–16 rifles under control of the corporation.

(3) trophies received from the National Board for the Promotion of Rifle Practice through the date of dissolution.

(b) Tax–Exempt Organizations. – (1) On dissolution of the corporation, an asset not described in subsection (a) of this section may be distributed to an organization that –

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) as an organization described in section 501(c)(3) of that Code (26 U.S.C. 501(c)(3)); and

(B) performs functions similar to the functions described in section 40722 of this title.

(2) An asset distributed under this subsection may not be distributed to an individual.

(c) Treasury. – On dissolution of the corporation, any asset not distributed under subsection (a) or (b) of this section shall be

sold and the proceeds shall be deposited in the Treasury.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1336.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40706(a) 36:5509(a)(1). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1619, 110 Stat. 520; Sept.

23, 1996, Pub. L. 104–201,

title X, Sec. 1073(c)(3),

110 Stat. 2657.

40706(b)(1) 36:5509(a)(2).

40706(b)(2) 36:5509(b).

40706(c) 36:5509(a)(3).

In subsection (a), before clause (1), the words "title to the following items, and the right to possess the items, vest in the Secretary of the Army" are substituted for "title to [specified items] . . . shall vest in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of such items" to eliminate unnecessary words. In clause (2), the words "M–16 rifles under control of the corporation" are substituted for

"M-16 rifles that are transferred to the Corporation under section 1615(a)(2), that are referred to in section 1616(a)(3), or that are otherwise under the control of the Corporation" to eliminate unnecessary words.

In subsection (b), paragraph (2) is applied only to subsection (b) because the prohibition is not relevant to 36:5509(a)(1) or (3).

-End-

-CITE-

36 USC Sec. 40707 01/06/03

-EXPCITE-

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER I – CORPORATION

-HEAD-

Sec. 40707. Nonapplication of audit requirements

-STATUTE-

The audit requirements of section 10101 of this title do not apply to the corporation.

-SOURCE-

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1337.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40707 (no source).

The section is added to except the Corporation for the Promotion of Rifle Practice and Firearms Safety from the application of section 10101 of the revised title, restating 36:1101–1103, which imposes audit requirements on certain federally chartered corporations. The corporation is not included in the list of corporations set out in 36:1101 to which the audit requirements apply.

–End–

–CITE–

36 USC SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–SECREf–

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 40702 of this title.

–End–

–CITE–

36 USC Sec. 40721 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND
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Subtitle II – Patriotic and National Organizations

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
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SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40721. Responsibility of corporation

–STATUTE–

The corporation shall supervise and control the Civilian
Marksmanship Program.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1337.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40721 36:5502(a) (words Feb. 10, 1996, Pub. L.

before cl. (1)). 104–106, title XVI, Sec.

1612(a) (words before cl.

(1)), 110 Stat. 516.

The words "shall supervise and control the Civilian Marksmanship Program" are substituted for "shall have responsibility for the overall supervision, oversight, and control of the Civilian Marksmanship Program, pursuant to the transfer of the program under subsection (d), including the performance of the following" to eliminate unnecessary words.

–End–

–CITE–

36 USC Sec. 40722 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40722. Functions

–STATUTE–

The functions of the Civilian Marksmanship Program are –

- (1) to instruct citizens of the United States in marksmanship;
 - (2) to promote practice and safety in the use of firearms;
 - (3) to conduct competitions in the use of firearms and to award trophies, prizes, badges, and other insignia to competitors;
 - (4) to secure and account for firearms, ammunition, and other equipment for which the corporation is responsible;
 - (5) to issue, loan, or sell firearms, ammunition, repair parts, and other supplies under sections 40731 and 40732 of this title;
- and

(6) to procure necessary supplies and services to carry out the Program.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1337.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40722 36:5502(a) (less Feb. 10, 1996, Pub. L.

words before cl. 104–106, title XVI, Sec.

(1)). 1612(a) (less words before

cl. (1)), 110 Stat. 516.

Before clause (1), the words "The functions of the Civilian Marksmanship Program are" are added because of the reorganization of the revised chapter.

In clause (3), the word "matches" is omitted as included in "competitions".

In clause (4), the words "to secure and account for" are substituted for "The provision of security and accountability for" for clarity and to eliminate unnecessary words. The words "for which the corporation is responsible" are substituted for "under the custody and control of the Corporation" for clarity and for consistency with section 40731(b) of this title related to firearms that are not under the direct custody and control of the corporation because they have been issued or loaned.

In clause (5), the words "ammunition, repair parts, and other supplies" are substituted for "ammunition, supplies, and appliances" for consistency in the revised title.

In clause (6), the words "supplies and services" are substituted for "supplies, appliances, clerical services, other related services, and labor" to eliminate unnecessary words.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40706 of this title.

–End–

–CITE–

36 USC Sec. 40723 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40723. Eligibility for participation

–STATUTE–

(a) Certification. – (1) An individual shall certify by affidavit, before participating in an activity sponsored or supported by the corporation, that the individual –

(A) has not been convicted of a felony;

(B) has not been convicted of a violation of section 922 of title 18; and

(C) is not a member of an organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require an individual to provide certification from law enforcement agencies to verify that the individual has not been convicted of a felony or a violation of section 922 of title 18.

(b) Ineligibility. – An individual may not participate in an activity sponsored or supported by the corporation if the individual –

(1) has been convicted of a felony; or

(2) has been convicted of a violation of section 922 of title

18.

(c) Limiting Participation. – The Director may limit participation in the program as necessary to ensure –

(1) the safety of participants;

(2) the security of firearms, ammunition, and equipment; and

(3) the quality of instruction in the use of firearms.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1337.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40723(a) 36:5503(a). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1613, 110 Stat. 517.

40723(b) 36:5503(b).

40723(c) 36:5503(c).

In subsection (a)(1), the words "shall certify" are substituted for "shall be required to certify", and the word "felony" is substituted for "Federal or State felony", to eliminate unnecessary words.

In subsection (a)(2), the words "provide certification" are

substituted for "attach to the person's affidavit a certification", and the words "law enforcement agencies" are substituted for "appropriate State or Federal law enforcement agency", to eliminate unnecessary words.

In subsection (b), the words "may not participate" are substituted for "shall not be eligible to participate" to eliminate unnecessary words. The words "through the Civilian Marksmanship Program" are omitted as unnecessary. The word "felony" is substituted for "Federal or State felony" to eliminate unnecessary words.

In subsection (c)(3), the words "the quality of instruction" are substituted for "quality instruction" for consistency in the subsection.

~~–SECRET–~~

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 922.

~~–End–~~

~~–CITE–~~

36 USC Sec. 40724 01/06/03

~~–EXPCITE–~~

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

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SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40724. Priority of youth participation

–STATUTE–

In carrying out the Civilian Marksmanship Program, the corporation shall give priority to activities that benefit firearms safety, training, and competition for youth and that reach as many youth participants as possible.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1338.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40724 36:5502(b). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1612(b), 110 Stat. 516.

–End–

–CITE–

36 USC Sec. 40725 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

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CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
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SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40725. National Matches and small–arms firing school

–STATUTE–

(a) Annual Competition. – An annual competition called the "National Matches" and consisting of rifle and pistol matches for a national trophy, medals, and other prizes shall be held as prescribed by the Secretary of the Army.

(b) Eligible Participants. – The National Matches are open to members of the Armed Forces, National Guard, Reserve Officers' Training Corps, Air Force Reserve Officers' Training Corps, Citizens' Military Training Camps, Citizens' Air Training Camps, and rifle clubs, and to civilians.

(c) Small–Arms Firing School. – A small–arms firing school shall be held in connection with the National Matches.

(d) Other Competitions. – Competitions for which trophies and medals are provided by the National Rifle Association of America shall be held in connection with the National Matches.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1338.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40725 10:4312.

In subsection (a), the provision for the National Matches to be held as prescribed by "the Secretary of the Army" is retained notwithstanding section 1612(d) of The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 517) which transferred the Civilian Marksmanship Program, including the National Matches, from the Secretary of the Army to the corporation. The conforming amendments in section 1624 of the Act (110 Stat. 522) did not repeal the authority of the Secretary of the Army to prescribe National Matches under 10:4312 or to prescribe subsistence and travel allowances for competitors under 10:4313.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40726 of this title.

–End–

–CITE–

36 USC Sec. 40726 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

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FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40726. Allowances for junior competitors

–STATUTE–

(a) Definition. – In this section, a "junior competitor" is a competitor at the National Matches, a small-arms firing school, a competition in connection with the National Matches, or a special clinic under section 40725 of this title who is –

(1) less than 18 years of age; or

(2) a member of a gun club organized for the students of a college or university.

(b) Subsistence Allowance. – A junior competitor may be paid a subsistence allowance in an amount prescribed by the Secretary of the Army.

(c) Travel Allowance. – A junior competitor may be paid a travel allowance in an amount prescribed by the Secretary instead of travel expenses and subsistence while traveling. The travel allowance for the return trip may be paid in advance.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1338.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40726(a) 10:4313(a)(1)

(words (words before "may
before cl. be paid").

(1))

40726(a) 10:4313(b).

(less
words

before cl.

(1))

40726(b) 10:4313(a)(1)

(words beginning
"may be paid").

40726(c) 10:4313(a)(2).

In this section, the provisions for a junior competitor to be paid a subsistence allowance and a travel allowance prescribed by "the Secretary of the Army" are retained notwithstanding section 1612(d) of The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 517) which transferred the Civilian Marksmanship Program, including the National Matches, from the Secretary of the Army to the corporation. The conforming amendments in section 1624 of the Act (110 Stat. 522) did not

repeal the authority of the Secretary of the Army to prescribe National Matches under 10:4312 or to prescribe subsistence and travel allowances for competitors under 10:4313.

–End–

–CITE–

36 USC Sec. 40727 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40727. Army support

–STATUTE–

(a) Logistical Support. – The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program for competitions and other activities. The corporation shall reimburse the Secretary for incremental direct costs incurred in providing logistical support. The reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide the logistical support.

(b) National Matches. – (1) The National Matches may be held at Department of Defense facilities where the National Matches were

held before February 10, 1996.

(2) The Secretary shall provide, without cost to the corporation, members of the National Guard and Army Reserve to support the National Matches as part of the annual training under title 10 and title 32.

(c) Regulations. – The Secretary shall prescribe regulations to carry out this section.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1338.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40727(a) 36:5507(a). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1617, 110 Stat. 519.

40727(b)(1) 36:5507(c).

40727(b)(2) 36:5507(b).

40727(c) 36:5507(d).

In subsection (a), the words "other activities" are substituted for "other activities conducted by the Corporation" to eliminate unnecessary words.

In subsection (b)(1), the words "continue to" are omitted as

unnecessary.

In subsection (b)(2), the words "for the use of" and "performance of" are omitted as unnecessary.

–End–

–CITE–

36 USC Sec. 40728 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40728. Transfer of firearms, ammunition, and parts

–STATUTE–

(a) Required Transfers. – In accordance with subsection (b) of this section, the Secretary of the Army shall transfer to the corporation all firearms and ammunition that, on February 9, 1996, were under the control of the director of civilian marksmanship (as that position existed under section 4307 of title 10 on February 9, 1996), including –

(1) all firearms on loan to affiliated clubs and State associations;

(2) all firearms in the possession of the Civilian Marksmanship

Support Detachment; and

(3) all M-1 Garand and caliber .22 rimfire rifles stored at Defense Distribution Depot, Anniston, Anniston, Alabama.

(b) Time for Transfers. – The Secretary shall transfer firearms and ammunition under subsection (a) of this section as and when necessary to enable the corporation –

(1) to issue or loan firearms or ammunition under section 40731 of this title; or

(2) to sell firearms or ammunition under section 40732 of this title.

(c) Vesting of Title in Transferred Items. – Title to an item transferred to the corporation under this section shall vest in the corporation –

(1) on the issuance of the item to an eligible recipient under section 40731 of this title; or

(2) immediately before the corporation delivers the item to a purchaser in accordance with a contract for sale of the item that is authorized under section 40732 of this title.

(d) Storage of Firearms. – Firearms stored at Defense Distribution Depot, Anniston, Anniston, Alabama, before February 10, 1996, and used for the Civilian Marksmanship Program (as that program existed under section 4308(e) of title 10 before February 10, 1996), shall remain at that facility or another storage facility designated by the Secretary, without cost to the corporation, until the firearms are issued, loaned, or sold by the corporation, or otherwise transferred to the corporation.

(e) Discretionary Transfer of Parts. – The Secretary may transfer from the inventory of the Department of the Army to the corporation any part from a rifle designated to be demilitarized.

(f) Limitation on Demilitarization of M–1 Rifles. – After February 10, 1996, the Secretary may not demilitarize an M–1 Garand rifle in the inventory of the Army unless the Defense Logistics Agency decides the rifle is unserviceable.

(g) Cost of Transfers. – A transfer of firearms, ammunition, or parts to the corporation under this section shall be made without cost to the corporation, except that the corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1339.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40728(a) 36:5505(a). Feb. 10, 1996, Pub. L.

104–106, title XVI, Secs.

1615, 1616(b), (c), 110

Stat. 518, 519; Sept. 23,

1996, Pub. L. 104–201, title

X, Sec. 1073(c)(1), (2), 110

Stat. 2657.

40728(b) 36:5505(b).

40728(c) 36:5505(d).

40728(d) 36:5506(b).

40728(e) 36:5505(c).

40728(f) 36:5506(c).

40728(g) 36:5505(e).

In subsection (a), the words "director of civilian marksmanship (as that position existed under section 4307 of title 10 on February 9, 1996)" are substituted for "Director of the Civilian Marksmanship Program" to avoid confusion with the office of the Director of Civilian Marksmanship created on February 10, 1996, by section 1611(d) of The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, 110 Stat. 516).

In subsection (b), the words "firearms or ammunition" are substituted for "such items" for clarity. In clause (2), the words "to purchasers" are omitted as unnecessary.

In subsection (c)(1), the words "eligible recipient" are substituted for "recipient eligible . . . to receive the item" to eliminate unnecessary words.

In subsection (c)(2), the word "purchaser" is substituted for "purchaser of the item" to eliminate unnecessary words.

In subsection (d), the words "(as that program existed under section 4308(e) of title 10 before February 10, 1996)" are added for clarity. The words "issued, loaned, or sold by the corporation"

are substituted for "issued, loaned, or sold by" for clarity.

In subsection (e), the words "transfer . . . to" are substituted for "make available to" for consistency in the revised section and in consideration of the words "transfer of . . . parts to" in 36:5505(e).

–REFTEXT–

REFERENCES IN TEXT

Sections 4307 and 4308 of title 10, referred to in subsecs. (a) and (d), were repealed by Pub. L. 104–106, div. A, title XVI, Sec. 1624(a)(1), Feb. 10, 1996, 110 Stat. 522.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40729 of this title.

–End–

–CITE–

36 USC Sec. 40729 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40729. Reservation of firearms, ammunition, and parts

–STATUTE–

(a) Reservation. – The Secretary of the Army shall reserve for the corporation –

(1) firearms described in section 40728(a) of this title;

(2) ammunition for firearms described in 40728(a) of this title;

(3) M–16 rifles held by the Department of the Army on February 10, 1996, and used to support the small–arms firing school; and

(4) parts from, and other supplies for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) Exception. – This section does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note).

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1339.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40729(a) 36:5506(a). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1616(a), (d), 110 Stat. 519.

40729(b) 36:5506(d).

In subsection (a)(4), the words "other supplies" are substituted for "accessories and accouterments" for consistency in the revised title.

–REFTEXT–

REFERENCES IN TEXT

Section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, referred to in subsec. (b), is section 1208 of Pub. L. 101–189, div. A, title XII, Nov. 29, 1989, 103 Stat. 1566, as amended, which was set out as a note under section 372 of Title 10, Armed Forces, and was repealed and restated in section 2576a of Title 10 by Pub. L. 104–201, div. A, title X, Sec. 1033(a)(1), (b)(1), Sept. 23, 1996, 110 Stat. 2639, 2640.

–End–

–CITE–

36 USC Sec. 40730 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40730. Surplus property

–STATUTE–

The corporation may obtain surplus property from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program. A transfer of property to the corporation under this section shall be made without cost to the corporation.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1340.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40730 36:5502(c). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1612(c), 110 Stat. 517.

The word "supplies" is omitted as included in "property".

–End–

–CITE–

36 USC Sec. 40731 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40731. Issuance or loan of firearms and supplies

–STATUTE–

(a) Issuance or Loan. – For purposes of training and competition, the corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, air rifles, caliber .22 and .30 ammunition, repair parts, and other supplies necessary for activities related to the Civilian Marksmanship Program to –

- (1) organizations affiliated with the corporation that provide firearms training to youth;
- (2) the Boy Scouts of America;
- (3) 4–H Clubs;
- (4) the Future Farmers of America; and
- (5) other youth oriented organizations.

(b) Security of Firearms. – The corporation shall ensure adequate oversight and accountability for firearms issued or loaned under this section. The corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with United States, State, and local laws.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1340.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40731(a) 36:5504(a). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1614(a), (d), 110 Stat. 517,

518.

40731(b) 36:5504(d).

In subsection (a), the words "repair parts, and other supplies" are substituted for "targets, and other supplies and appliances" for consistency in the revised title.

In subsection (b) the words "shall ensure" are substituted for "shall be responsible for ensuring" to eliminate unnecessary words.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40722, 40728 of this title.

–End–

–CITE–

36 USC Sec. 40732 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40732. Sale of firearms and supplies

–STATUTE–

(a) Affiliated Organizations. – The corporation may sell, at fair market value, caliber .22 rimfire and caliber .30 surplus rifles, air rifles, caliber .22 and .30 ammunition, repair parts, and other supplies to organizations affiliated with the corporation that provide training in the use of firearms.

(b) Gun Club Members. – (1) The corporation may sell, at fair market value, caliber .22 rimfire and caliber .30 surplus rifles, ammunition, repair parts and other supplies necessary for target practice to a citizen of the United States who is over 18 years of age and who is a member of a gun club affiliated with the corporation.

(2) Except as provided in section 40733 of this title, sales under this subsection are subject to applicable United States, State, and local law. In addition to any other requirement, the corporation shall establish procedures to obtain a criminal records check of the individual with United States Government and State law enforcement agencies.

(c) Limitation on Sales. – (1) The corporation may not sell a

repair part designed to convert a firearm to fire in a fully automatic mode.

(2) The corporation may not sell any item to an individual who has been convicted of –

(A) a felony; or

(B) a violation of section 922 of title 18.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1340.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40732(a) 36:5504(b)(1). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1614(b), (c), (e)(1), 110

Stat. 518.

40732(b)(1) 36:5504(b)(2) (1st

sentence).

40732(b)(36:5504(e)(1).

2) (1st

sentence)

40732(b)(36:5504(b)(2) (last

2) (last sentence).

sentence)

In subsection (a), the words "repair parts, and other supplies" are substituted for "repair parts, and accouterments" for consistency in the revised title.

In subsection (b)(1), the words "repair parts, and other supplies" are substituted for "targets, repair parts and accouterments, and other supplies and appliances" for consistency in the revised title.

In subsection (b)(2), the word "appropriate" is omitted as unnecessary.

In subsection (c)(1), the word "sell" is substituted for "offer for sale" to eliminate unnecessary words.

In subsection (c)(2), the words "any item" are substituted for "rifles, ammunition, or any other item available for sale to individuals under the Civilian Marksmanship Program" to eliminate unnecessary words.

–SECRET–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40722, 40728 of this title; title 18 section 922.

–End–

–CITE–

36 USC Sec. 40733 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND

ORGANIZATIONS

Subtitle II – Patriotic and National Organizations

Part B – Organizations

CHAPTER 407 – CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND
FIREARMS SAFETY

SUBCHAPTER II – CIVILIAN MARKSMANSHIP PROGRAM

–HEAD–

Sec. 40733. Applicability of other law

–STATUTE–

Section 922(a)(1)–(3) and (5) of title 18 does not apply to the shipment, transportation, receipt, transfer, sale, issuance, loan, or delivery by the corporation, of an item that the corporation is authorized to issue, loan, sell, or receive under this chapter.

–SOURCE–

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1341.)

–MISC1–

HISTORICAL AND REVISION NOTES

Revised Source (U.S. Code) Source (Statutes at Large)

Section

40733 36:5504(e)(2). Feb. 10, 1996, Pub. L.

104–106, title XVI, Sec.

1614(e)(2), 110 Stat. 518.

–SECREP–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 40732 of this title.

–End–