

fire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana, as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

(2) The items specified for transfer under paragraph (1)—

(A) shall be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or the United States Navy and may not be resold; and

(B) shall be rendered inoperable prior to award and transfer to marksmanship competitors.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1339; Pub. L. 114-92, div. A, title X, § 1087(a)(1), Nov. 25, 2015, 129 Stat. 1012; Pub. L. 115-91, div. A, title III, § 349, Dec. 12, 2017, 131 Stat. 1366.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40728(a)	36:5505(a).	Feb. 10, 1996, Pub. L. 104-106, title XVI, §§ 1615, 1616(b), (c), 110 Stat. 518, 519; Sept. 23, 1996, Pub. L. 104-201, title X, § 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).

REFERENCES IN TEXT

Sections 4307 and 4308 of title 10, referred to in subsections (a) and (d), were repealed by Pub.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

The date of the enactment of this subsection, referred to in subsec. (h)(1), is the date of enactment of Pub. L. 114-92, which was approved Nov. 25, 2015.

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, referred to in subsec. (i), is the date of enactment of Pub. L. 115-91, which was approved Dec. 12, 2017.

AMENDMENTS

2017—Subsec. (i). Pub. L. 115-91 added subsec. (i).

2015—Subsec. (h). Pub. L. 114-92 added subsec. (h).

TRANSFERS OF SURPLUS FIREARMS TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY: PILOT PROGRAM AND LIMITATION

Pub. L. 114-92, div. A, title X, § 1087(b), (c), Nov. 25, 2015, 129 Stat. 1013, 1014, which related to a one-year pilot program under which the Secretary could transfer to the Corporation for the Promotion of Rifle Practice and Firearms Safety certain firearms, was repealed by Pub. L. 115-91, div. A, title X, § 1091(c), Dec. 12, 2017, 131 Stat. 1608.

§ 40728A. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to corporation

(a) AUTHORITY TO RECOVER.—The Secretary of the Army may recover from any country to which surplus firearms, ammunition, repair parts, or other supplies described in section 40732(a) of this title are furnished on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such surplus firearms, ammunition, repair parts, or supplies that become excess to the needs of such country.

(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any surplus firearms, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

(c) AVAILABILITY FOR TRANSFER TO CORPORATION.—Any surplus firearms, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.

(Added Pub. L. 109-364, div. A, title III, § 354(a), Oct. 17, 2006, 120 Stat. 2162; amended Pub. L. 114-92, div. A, title X, § 1087(a)(2)(A), Nov. 25, 2015, 129 Stat. 1013.)

AMENDMENTS

2015—Pub. L. 114-92, § 1087(a)(2)(A)(i), substituted “surplus firearms” for “rifles” wherever appearing.

Subsec. (a). Pub. L. 114-92, § 1087(a)(2)(A)(ii), substituted “section 40732(a)” for “section 40731(a)”.

§ 40728B. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons

(a) AUTHORITY TO RECOVER.—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any rifle, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

(A) provided to any country on a grant basis under the conditions imposed by section 505 of