

CRS Report for Congress

The Civilian Marksmanship Program

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July 18, 1997



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THE CIVILIAN MARKSMANSHIP PROGRAM

SUMMARY

The Civilian Marksmanship Program (CMP) was initiated by Congress in the early 1900s. Throughout much of its existence as a government-sponsored and funded organization, little controversy surrounded the program, and in fact, it was (and remains today) a popular program among sportsmen, collectors, and various other groups. However, since the 1980s, with gun control becoming a key political issue, the CMP has been surrounded with contention (so much so that Congress made it a private, autonomous entity in October 1996). Some of the issues are:

The M1 rifle. One amenity offered by the CMP to its affiliates is the opportunity to purchase the semi-automatic, M1 Garand rifle. Considered to be a collector's item by many sportsmen and gun collectors, the M1 rifle has not been used by the U.S. military since 1957. Gun control advocates have argued that this program is a "million dollar gun giveaway" by the government, voicing concern that the CMP is providing military weapons to the general public. Those in favor of the CMP's sale of the weapons respond that in order to purchase an M1 through the CMP, one must go through a much more rigorous process than those who purchase weapons in the market, in fact a rigorous form of gun control. Other issues surrounding the sale of the M1 rifle exist as well.

Affiliation with the National Rifle Association. Some advocates of gun control have argued that the CMP is a front for the NRA. Although a supporter of the CMP, the NRA exists separate from the CMP, and members of one program are not required to participate in the other. By the nature of their existence, however, the two groups do interact with one another. The similarities the two organizations share have caused alarm among gun control advocates.

Anti-government groups. Critics of the CMP claim that it is connected to paramilitary, anti-government organizations. Though the possibility for this does exist, it is highly unlikely, given the rigorous background check one must go through when applying to purchase weapons or participate. Under law, participants must submit an affidavit to participate in any programs either sponsored or supported by the CMP.

Privatization of the CMP. With the privatization of the CMP in October 1996, Congress removed the government from its sponsorship of a citizens' military training program. However, because of the extensive ammunition and weapons that the Army still "holds" for the CMP, and because of the fact that these weapons were given to the program at the time of its privatization, the question of the government's role has now become an issue.

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THE CIVILIAN MARKSMANSHIP PROGRAM

INTRODUCTION

As it currently exists, the Civilian Marksmanship Program (CMP) is a private, nonprofit corporation whose purpose is to facilitate an interest in marksmanship by U.S. citizens.¹ In order to achieve their objective, the CMP offers various programs and activities for over 1,000 affiliated membership clubs and 50 state associations across the United States.² These programs include marksmanship training programs; organizing national rifle and pistol competitions; selling surplus M1 Garand rifles, supplying ammunition and other accouterments; and providing youth training programs.

The CMP is presently a self-described private corporation, yet this has not always been the case. Founded as a government sponsored training program in 1903, the objective of the CMP was originally to train a "nation of citizen soldiers". Throughout the 20th century, the program's evolution has been surrounded with different types of controversy during different time periods in history. Currently, proponents of gun control refer to the CMP as a "million dollar gun giveaway" by the government. Nevertheless, this politically contentious program has proven itself to be sufficiently popular enough to withstand political efforts to terminate it.

This report reviews the history of the CMP from its inception in 1903 to its current day status, focusing especially on controversial issues that have surrounded the CMP throughout the past decade. This report addresses the following questions:

- Why was the CMP founded, and how have its original objectives changed?
- What is the relationship of this program with other organizations such as the NRA or militia groups?
- What are the principal issues concerning the sale of M1 Garand rifles (and other military accouterments) to U.S. citizens?
- How is the program administered, and who is ultimately responsible for its success or failure?

¹U.S. Army Audit Agency, Consulting Report: SR 94-C9, "The Civilian Marksmanship Program", March 11, 1994.

²Approximately 126,000 individuals are members of the affiliated clubs across the United States. National Board for the Promotion of Rifle Practice (NBPRP), Information Briefing.

BACKGROUND

In 1903, at the request of then-Secretary of War Elihu Root, Congress began a reorganization of the existing militia in hopes of creating a better trained standing army. Poor marksmanship skills demonstrated during the Spanish-American War of 1898 combined with various other organizational and training inadequacies were the causes of Root's desire for change.³

Numerous procedure and policy changes at this time emphasized the need for a well trained and organized militia and standing army. Policies implemented under Public Law 33, 1903, related to civilian military training, include the following:

- They redefined who was eligible to participate in the militia to include all able-bodied male citizens⁴ and those able-bodied males of foreign birth who declared their intention to become citizens of the United States between the ages of eighteen and forty-five.
- The militia was divided into two classes: the organized militia (referred to as the National Guard of the State, Territory, or District of Columbia) and the Reserve Militia. The organized militia consisted of the "... regularly enlisted, organized, and uniformed active militia in the several States and the Territories and the District of Columbia ... whether known and designated as National Guard, militia, or otherwise" The law remained silent with regard to the definition of the "reserve militia."
- "... [S]tandard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the Army of the United States, for arming all of the organized militia in the said States and Territories and District of Columbia ..." were issued to the organized militia at no cost to the State, Territory or District of Columbia.
- Members of the organized militia were required to participate in organized training by the government. Training camps were comprised of " ... at least five consecutive days, ... to assemble for drill and instruction ... or for target practice not less than twenty-four times, and shall also have required during such year an inspection of each such company, troop, and battery to be made

³Weigley, R. (1967) **History of the United States Army**, The Macmillan Company, New York.

⁴In the original Militia Act of 1792, those who could participate in the militia were limited to "... every able-bodied white male citizen ..." By 1903, this restriction had been lifted and all able-bodied male citizens were considered members of the militia.

by an officer of such militia or an officer of the Regular Army." During these training times, the same pay was given to those men in the militia as was provided for men of the Regular Army.

- The Secretary of War could detail Regular Army officers to report for duty in connection with the organized militia, including their use as instructors at military training camps for the militia members.
- And, finally, any militia troops encamped "... at any military post or camp of the United States" were furnished with ammunition for instruction in "... firing and target practice" as deemed necessary by the Secretary of War under the discretion of an officer giving instruction.⁵

In hopes of encouraging target practice, Congress appropriated funding in March of 1903 for a "... national trophy and medals and other prizes to be provided and contested for annually to be open to the Army, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for"⁶

A definitive juncture in the history of the Army's involvement in civilian marksmanship instruction occurred in 1908 with the implementation of legislation that made specific allowances for the Secretary of War to appoint a board of five officers⁷ to be responsible for "... practicable, equitable representation to all sections of the United States ... respecting the condition, status, and needs of the whole body of the organized militia."⁸

With the inception of the National Defense Act of 1916 (Public Law No. 85), which was passed with possible U.S. involvement in World War I looming, Congress began enacting explicit legislation that applied to the civilian military training program. Public Law No. 85, 64th Congress, authorized camps for military instruction for citizens "... upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War"⁹ Uniforms and various other necessary accouterments for military training were apportioned to the citizens, as were medical supplies, places to stay during training, etc. Limited amounts of ordnance and quartermaster property could

⁵Sections 1-21 of Public Law No. 33, January 21, 1903.

⁶The sum of \$2,500 began to be annually appropriated from the Treasury at this time. Public Law No. 132, March 2, 1903.

⁷"... on the active list of the organized militia so selected as to secure ... for consultation with the Secretary of War...." Public Law No. 145, May 27, 1908.

⁸This board would later be referred to as the "National Militia Board", *ibid*.

⁹Public Law No. 85, June 13, 1916.

be sold to persons receiving training, as well, at no cost to the government.¹⁰

Further, this act redefined the composition of the Militia. It continued to consist of all previous characteristics (as defined in 1903). In addition, it was now divided into three classes: the National Guard, the Naval Militia, and the Unorganized Militia. The National Guard was comprised of the regularly enlisted militia (between the ages of 18 and 45) and of commissioned officers (between the ages of 21 and 64).

The National Defense Act of 1916 abolished the National Militia Board. The Militia Division that existed within the War Department was renamed the Militia Bureau of that department, and was put under the immediate direction of the Secretary of War.

Rifle and target practice were further explicitly encouraged by Congress for the general citizenry of the United States through the establishment and maintenance of indoor and outdoor rifle ranges, under such a plan which would allow for access to ranges across the nation. All members of the military and all able-bodied male citizens were invited to train and practice at these ranges, and military instructors, rifles and ammunition were also made available to these men to better their marksmanship skills. Pay allowances and travel vouchers were provided by the War Department to those individuals who took part in these events as well.

Following WWI, Congress proceeded to promote a “nation of citizen soldiers” through continued and increased funding for the various marksmanship programs. On June 7, 1924, the following programs were extended:

- Construction of indoor and outdoor ranges across the nation;
- Instruction for all able-bodied citizens in marksmanship, including the employment of military instructors;
- National competitions in the use of arms and the issuance in connection therewith of the necessary arms, ammunition, targets, and other necessary supplies (including trophies, prizes, etc.);¹¹
- Sale of marksmanship equipment (at cost to the government) to members of the National Rifle Association of America (NRA) and other organized clubs for practice as well as the issuance of necessary training accouterments for marksmanship;

¹⁰The amount of equipment that could be sold to an active participant in the program was limited to that which was required for “... his proper equipment.” *ibid.*

¹¹Congress appropriated \$7,500 for medals, trophies, and other material for national rifle competitions. Public Law No. 213, June 7, 1924.

- Maintenance of the National Board for the Promotion of Rifle Practice (NBPRP)¹² to include necessary expenses;
- Transportation of employees, civilians, and instructors to give or undergo instruction or to attend marksmanship competitions.¹³

Additional funds for "... the promotion of rifle practice throughout the United States"¹⁴ were allocated by Congress in 1927. In 1928, the National Defense Act was amended to include provisions for "... an annual competition known as the national matches, for the purpose of competing for a national trophy, medals, and other prizes to be provided, together with a small-arms firing school, which competition and school shall be held annually under such regulations as may be prescribed by the Secretary of War."¹⁵ The national matches consisted of rifle and pistol matches and are open to members of every service of the United States military¹⁶ and the citizens' military training camps as well as rifle clubs and individual civilians.

It wasn't until the 1940s, and Franklin Roosevelt's advocacy of efforts to expedite the war effort, that other substantive changes were made to the civilians' military training program. Congress began to require full reports by the NBPRP with regard to various programs, equipment, expenditures, etc., beginning in 1946.¹⁷ The Secretary of the Army began delegating the following responsibilities to the Assistant Secretary of the Army on February 7, 1948:¹⁸

- the position of President of the NBPRP;
- duties including activities relating to civilian marksmanship;
- and,

¹²Although the establishment of a monitoring board can be legislatively traced back as early as 1908 (some historians purport it to be 1903, although no legislation to support that claim has been located), it is not referred to as the National Board for the Promotion of Rifle Practice (NBPRP) until 1924.

¹³A total of \$89,900 was appropriated for the construction of the ranges, the instructors at camps and competitions, and for transportation costs, *ibid*.

¹⁴Congress began appropriating \$7,500 annually at this time, Public Law No. 612, February 14, 1927.

¹⁵Public Law No. 557, May 28, 1928.

¹⁶Including the National Guard or Organized Militia, and the Reserve Officers' Training Corp, *ibid*.

¹⁷Public Law No. 615, August 7, 1946.

¹⁸Authority for this delegation comes from allowances made by Executive Order (9001), December 27, 1941.

- approval of program expenditures by the NBPRP.

In 1956, all military legislation was organized, categorized, and re-enacted as positive law under Title 10 of the United States Code, including the civilian marksmanship program. Sections 4307-4312 of this code provide authority for all aspects of the civilian marksmanship program.¹⁹ Few changes occurred within the CMP in the following few decades; mainly the amount of funds that were to be appropriated for the various pre-existing programs was modified over the years. Yet, by the beginning of the 1980s, with gun control becoming a key political issue, the existence of a government-sponsored and funded weapons training program became a more controversial issue.

Throughout the late 1980s and early 1990s, the CMP remained politically contentious. A 1986 review by the Army Audit Agency recommended that the program needed to be reevaluated in terms of its basic objectives and future direction. A subsequent General Accounting Officer report found the program to be of limited value because:

- CMP objective and goals are not linked to Army mobilization and training plans.
- Army requirements do not exist for the program-trained personnel or instructors.
- Program-trained personnel are not tracked and may not be available when needed.²⁰

Despite increasing criticism from gun control proponents, the program remained very popular among sporting groups and collectors.²¹

Opposition to the program, including opposition from the Army, was expressed to Congress in a hearing held on March 8, 1990. In a compromise, the House recommended the following:

- Limit the authorization to \$4 million.²²

¹⁹See Appendix 1 for a full description of Sections 4307-4312.

²⁰U.S. General Accounting Office, "Military Preparedness Army's Civilian Marksmanship Program Is of Limited Value", May 1990: 1. This latter argument suggests that all who receive such training should be put on some sort of list for "tracking" reasons. The listing of such individuals would certainly raise concerns over privacy and civil liberties.

²¹As of November 1989, approximately 165,000 individuals in 1,945 clubs were affiliated with the CMP [D]uring 1989, about 8.7 million rounds of ammunition were issued to the Boy Scouts for use at their summer camps. The Director of Civilian Marksmanship estimates that up to 365,000 junior-aged scouts were exposed to rifle training." Also during 1989, the CMP sponsored 135 matches involving 7,468 competitors, as well as the "National Matches" at Camp Perry in which approximately 3,650 competitors participated. U.S. GAO: 2-3.

²²Ultimately, Congress appropriated \$5 million for the program in FY91 and FY92.

- Require the program to become self-sufficient within two years.
- Allow certain organizations (such as the Boy Scouts or 4-H Club) to continue to receive ammunition without charge. All others should be charged fair value for armaments and services.
- Limit the program to the FY90 level and deposit any additional funds in the U.S. Treasury.

Finally, the House Armed Services Committee noted that, although the program would attempt to become self-sufficient, it did not endorse an expansion of the program.²³

The Senate insisted on an amendment to enforce these recommendations and the conferees agreed. According to this amendment, the program should become financially self-sufficient within two years, and all host organizations would be charged fair market value for services and equipment received through the program beginning October 1, 1992.²⁴

In FY93, despite the termination date established in the FY91 Authorization Act, the program was continued. Purportedly, this continuation was allowed due to difficulties arising from the organization's transition to self-sufficiency. Only \$2.7 million was authorized and appropriated in FY93. For FY94, the program was authorized/appropriated \$2.483 million; FY95 \$2.544 million. (In each year, from FY90 to the present, Congress has included language in each DOD appropriations bill preventing the use of funds for the demilitarization or disposal of certain weapons, including M1 Garand rifles.²⁵)

²³U.S. Congress. House. Committee on Armed Services, National Defense Authorization Act for Fiscal Year 1991, 101st Cong., 2d Sess., H.R. 4739, H. Rept. 101-665, August 3, 1990: 247-8.

²⁴Congressional Record, October 23, 1990: H12188.

²⁵Public Law 101-511 states, "None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines", November 5, 1990.

Public Law 102-172 states, "None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines", November 26, 1991.

Public Law 102-396 states, "None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines", October 6, 1992.

Public Law 103-139 states, "None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines", November 11, 1993.

Public Law 103-335 states, "None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines", September 30, 1994.

Public Law 104-61 states, "None of the funds available to the Department of Defense may be used to demilitarize or dispose of M1 Carbines, M1 Garand rifles, M14 rifles, .22 caliber rifles, or M1911 pistols", December 1, 1995.

In the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), Congress created the Corporation for the Promotion of Rifle Practice and Firearms Safety.²⁶ Under the provisions provided for in law, the corporation is to be a private, nonprofit, nongovernment entity. The corporation is responsible for the overall supervision of the Civilian Marksmanship Program. The corporation may issue, loan,²⁷ or sell firearms and ammunition to specified organizations and individuals. (Certain individuals are not eligible to participate, including those convicted of violations of certain laws, for example.) Under this law, the Secretary of the Army has ordered the transfer of those weapons (formerly under the control of the Director of Civilian Marksmanship Program) at the Anniston Army Depot (now known as the Defense Distribution Depot, Anniston) to the corporation. The weapons are not physically transferred from the depot - rather, ownership has transferred on paper. Should the corporation dissolve, all weapons and trophies are vested in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of these items. The Army continues to provide logistical support for the CMP and the corporation is directed to reimburse the Secretary for incremental direct costs incurred by providing such support. Thus, with the creation of the Corporation, all appropriations for the CMP cease. In essence, this law allows the CMP to continue without federal appropriations.

Since its transformation in 1996, the CMP has been able to maintain itself both financially and organizationally. It presently offers the following programs:

- Marksmanship training clinics and camps with adult volunteers and military personnel (when available) as trainers;
- Issuing ammunition (calibers .22 and .30) at no cost to the affiliated clubs;

Public Law 104-208 states, "None of the funds available to the Department of Defense may be used to demilitarize or dispose of M1 Carbines, M1 Garand rifles, M14 rifles, .22 caliber rifles, or M1911 pistols", September 30, 1996.

²⁶"The House bill contained a provision ... that would convert the Civilian Marksmanship Program to a federally chartered nonprofit corporation.

"The Senate amendment contained a similar provision

"The Senate recedes with an amendment that would convert the CMP to a private nonprofit corporation. The provision would require the Secretary of the Army to provide for the transition of the CMP from an appropriated fund activity ... to a viable nonprofit corporation.

"The conferees recognize the value of the CMP, and believe the program should continue as a non-federal government entity." U.S. Congress. House. Conference Committee. National Defense Authorization Act for Fiscal Year 1996, 104th Cong., 2d Sess., S. 1124, H. Rept. 104-450, January 22, 1996: 872 (Public Law 104-106, February 10, 1996).

Once privatized, the authority for the Corporation was removed from Title 10 (Armed Forces) of the United States Code. The authority for the Corporation now is under Title 36 (Patriotic Societies and Observances), Chapter 87, Sections 5501-5523 of the United States Code.

²⁷Although the CMP has the authority to loan weapons, they reportedly have not been doing so because of liability concerns.

- National rifle and pistol competitions for members of the military and for members of associated clubs;
- Sale of surplus M1 Garand rifles and ammunition to members of affiliated clubs; and
- Youth training programs, particularly for the Boy Scouts, 4-H groups, high school and college rifle teams.²⁸

ISSUES

Over the past few years, legislation was introduced to eliminate the Civilian Marksmanship Program. Conversely, others have sought to return M1s from overseas and place them on the U.S. market for sale.²⁹

Sale of M1 Garand Rifle

Of the numerous functions of the CMP, perhaps none has brought about greater controversy than that which allows for the sale of surplus U.S. military semi-automatic³⁰ rifles, particularly the M1. (Officially known as "U.S. Rifle, Caliber .30, M1," the weapon has also been called the Garand or M1 Garand in recognition of its designer, John C. Garand. Other versions of the rifle exist, as well as differing models, including the M1 carbine and M1C. This report will use the term M1 to refer to the Garand unless specifically referring to another weapon, i.e., the carbine.)

The M1 rifle was adopted by the U.S. military in 1936 and had widespread use by the U.S. and her allies during World War II, the Korean War and until 1957. "Despite a total production figure of 5,505,296 M1 rifles, original 'as issued' Garands are surprisingly difficult to find today."³¹ According to authorities, many of these weapons were damaged, lost, or destroyed during the wars. Some were repaired, but the replacement parts, as likely as not, came from a different manufacturer. (Numerous corporations produced the weapon including Springfield Armory, Winchester Repeating Arms Co., International Harvester, and Harrington & Richardson.) While many weapons were given to

²⁸Title 36 (Patriotic Societies and Observances), Chapter 87. Sections 5501-5523 of the United States Code.

²⁹Mintz, John, WWII weapons become a gun industry grail, Washington Post, November 19, 1996: C1, C4.

³⁰Semi-automatic rifles require the trigger to be pulled for each round to be fired. Following the firing of the weapon, it automatically reloads, then ceases operation until the trigger is pulled again or until all ammunition in the weapon is expended. Automatic weapons, not available for sale under the CMP, allow for multiple rounds to be fired with a single pull of the trigger.

³¹Canfield, Bruce N., A Collector's Guide to the M1 Garand and the M1 Carbine, Rhode Island, Andrew Mowbray Publishers, 1996: 11.

allies, it was estimated that during the 1960s, the U.S. government destroyed up to 3 million rifles by cutting the barrels with torches. Some of these were rewelded and resold by scrap dealers. This led to the government melting, crushing, or otherwise making the weapons unsalvageable.

M1 Garands are not impossible to find in the commercial marketplace. Phone calls placed to eight weapons stores in various states (numbers pulled from telephone directories on the Internet) yielded three stores that had M1s on hand (ranging in price from \$470 to \$700) for sale; two who could get an M1 (from \$375 to \$500); and three that neither carried the weapon nor made an offer to "get one."³² Although unscientific, this survey shows that the M1 is available with a minimum of searching. As noted above, the price can vary considerably. The condition of these weapons ranges from inferior to match grade.³³ Those in the latter category include refurbished, restored, or nearly new weapons assembled to exacting standards and costing well over \$1,000. These are mail-ordered match grade weapons, and not categorically the same as original M1 collector's items. Those seeking to purchase the M1 via commercial means can inspect the weapon and comparison shop.

Those seeking to purchase an M1 from former military stocks must participate in the CMP. (Only one M1 rifle per person may be purchased through the CMP.) This is a formidable multi-staged process requiring time, money, and patience on the part of the participant. In the initial stage, the participant must join or belong to a CMP affiliated gun club or association and have had experience firing high powered weapons. (Usually these requirements can be met at some personal expense.)

In the second stage, the participant must file numerous forms. These forms include a privacy act statement, a copy of a membership card that shows membership in a CMP affiliated club or state association, proof of participation in a recognized rifle competition³⁴ or other documentation showing recognized proficiency, identification (e.g., birth certificate, passport, military discharge papers-DOD Form 214), notarized certification of purchase form, and finally, legible fingerprints made by a law enforcement agency or proof of a government security clearance.

³²(Telephone survey conducted by CRS staff.) Store representatives that we spoke with stated that the M1s are available. They depend on "trade-ins" from customers or barter with other dealers in order to obtain them.

³³"Match grade" refers to weapons which have had specifications enhanced so that they are competitive in shooting events. The weapons are restored so that they are superior to the original weapons.

³⁴At one time, the CMP loaned M1 rifles to affiliated organization, in part, to facilitate training and competition. However, it has been reported that because of liability and the potential of lawsuits, some clubs will not lend these weapons. In such cases, novices must obtain a weapon for training/matches to qualify in order to be able to participate. Failure to do so prohibits the novice from being eligible.

In the third stage, once the documentation has been received and favorably processed, the participant is contacted with a request to send \$310 (cashier's check or money order) in payment for the purchase of an M1. (This price is less than the cost ranges quoted to us above but it does not consider the cost of club dues and match fees, as required to qualify.)

Finally, after processing of the payment, an M1 is selected from the existing inventory by the seller and shipped to the participant. (The purchaser does not buy the M1 of their choice.) The entire process averages approximately one year from the original filing to delivery. Efforts are under way to reduce this period to six months or so. In addition, limits are imposed on the purchase of ammunition from the program.

Perhaps the major area of debate over the program has come largely from those most interested in issues pertaining to gun control. Certain individuals believe that all weapons should be destroyed or at least kept out of the public domain. Conversely, there are those who argue that all citizens should be trained and allowed (or even required) to carry weapons. Somewhat closer to the mainstream are those interested in "responsible ownership." Such individuals disagree on what level of access to firearms should be allowed and under what rules and laws, if any, should be in place. These groups have voiced opinions about the CMP for varying reasons.

As it currently operates, the CMP sells a limited number of weapons each year. The reasons for the limit are twofold. First, should too many be sold, the price would drop as demand wanes. Because the program is to remain self-sufficient, a drop in price would require that more be sold to keep afloat, thereby reducing the price further. The second reason is that, although not so prohibited, it was congressional intent that the program not be expanded. Some have suggested that the numbers are kept low to minimize public concern. Although this may be an outcome, there is no evidence that this represents a reason for limiting annual sales.

Economic aspects of the program, coupled with its rigorous application process can be influenced by other changes in the marketplace. As noted, the purchase price of the weapon through the program is less than that found in the commercial marketplace. The price differential, at least in part, offsets some of the burden of the program's requirements. However, should the importation³⁵ of M1s be allowed, it has been argued that this would "flood the market" thereby creating a drop in prices that would affect the self-sufficiency of the program. Conversely, it has been argued that the imports are not likely to consist of a large number of weapons of the quality sought after by collectors. Those following this line of reasoning note that the importation of these weapons will not necessarily affect demand by collectors.

³⁵Countries such as the Philippines, Turkey, Pakistan, and South Korea are known to possess M1 rifles. Mintz, John, "WWII Weapons Become a Gun Industry Grail", The Washington Post, November 19, 1996.

Some have argued that it would be better to leave the weapons in storage. As this line of argument suggests, fewer weapons would be available (or "on the street") if the program stopped selling this weapons. Further, it is argued that it would cost little to leave these weapons in storage. These arguments appear to have some merit. If the program were stopped, eventually there would be fewer M1s available. It would, however, do nothing to stop the sale of other weapons, including those that are state of the art.

Likewise, not selling the weapons still leaves storage facility costs, including security, with which to contend. To eliminate these costs, some have argued that not only could the program be terminated, but that the available weapons could be destroyed thereby removing the storage costs. As noted above, early efforts to destroy these weapons have not always proven successful and have sometimes been met with opposition. In addition, the cost of destruction must be taken into account. Given the volume of these weapons and the totality of the destruction required, such costs could be substantial.

As noted above, some have argued that the program leads to "more guns on the street", and they therefore oppose it for "gun control reasons." In addition, they note that the M1, (particularly the M1 carbine) can be made to fire in the automatic mode. Proponents argue that the program should be maintained, or expanded, for a number of reasons. First, the M1 (and other military weapons), because of their bulk (M1s are more than 3 feet in length and weigh nearly 10 lbs.), are not the weapons of choice among those perpetrating street crimes. In fact, evidence of crimes being linked to the CMP are difficult to find. Second, terminating the CMP will not remove the commercially available weapons from the public domain since these remain for sale in the civilian marketplace. Third, the program is in its own right a form of gun control. For few other weapons and means of procurement, is the purchaser subjected to a more rigorous background check, the filing of personal information (including fingerprints) nor such a long waiting period as is the purchaser of the M1 who goes through the CMP. Terminating this program will not increase gun control, but may in fact decrease it. It is important to note that in order to be able to purchase an M1 through the CMP, the participant must have a record of his marksmanship training at an accepted and recognized training facility. (In addition, most, if not all, gun clubs or associations that are CMP affiliated require safety training; again, something not necessarily assured when M1s or other weapons are purchased privately.) Fourth, those purchasing the weapon via the CMP must show at least a minimum of experience with high powered weapons, a requirement not contingent on purchasing an M1 or other weapon in the civilian marketplace. Finally, the alteration of a weapon from semi-automatic to automatic is not only prohibited by law, but also somewhat difficult, and, in fact, an improbable "improvement" for the M1.

Other opponents of the CMP have claimed that this is a multi-million dollar gun "give-away." The weapons have been transferred on paper from the Army to the corporation. The corporation was created by Congress and can be

disbanded, or modified at their discretion.³⁶ Since the corporation, is nonprofit, and the purchasers must pay fair market prices, it is not clear who is the direct beneficiary of this "give away." Likewise, the weapons remain with the U.S. Army (at Defense Distribution Depot, Anniston, Alabama for example) until sold by the corporation. Since the corporation sells only a few thousand M1s per year, it would take over 30 years for these weapons to be sold. (According to estimates presented by Sen. Lautenberg, approximately 176,000 guns are involved.³⁷ The CMP sells approximately 6,000 per year.)

National Rifle Association

Various other criticisms have been leveled at the program. Included among these are arguments that the CMP is a front for the National Rifle Association (NRA). The National Rifle Association has long been a supporter of this program. Likewise, given its role in training and providing other services to those interested in shooting, the NRA has long been recognized as a credible organization by the CMP. The role and interaction between these organizations are not surprising. However, it is important to note that CMP participants are not required to be members of the NRA, nor are all NRA members participants in the CMP. Nevertheless, it is not surprising that those who are interested in shooting would perhaps find themselves interested in both the NRA and CMP. According to an NRA official, "The NRA spent nearly \$1 million per year and offered approximately 100 NRA volunteers per year at the National Matches in Camp Perry, Ohio."

Connections to anti-government groups

Claims of connections to various militia groups have been cited by opponents of this program. One instance has been cited in this respect.³⁸ According to the Army, paramilitary groups are barred by regulation from using military ranges.³⁹ In this instance, membership in a paramilitary group and an affiliated CMP club overlapped. Members of the group were asked to leave the range and they complied. As noted, regulations prohibit such members from using these facilities. In addition, those seeking to join paramilitary organization are unlikely to seek out this program. Under CMP rules, club leaders must be cleared by the FBI. (Few paramilitary organizations are likely

³⁶It is important to note that should the corporation disband, the unsold weapons are returned to U.S. Army control.

³⁷Actually, only 168,000 usable M1s were set aside for sale. The remaining M1s were not available for sale because they were damaged or inoperable.

³⁸Gugliotta, Guy, and Susan Schmidt, "Militia Members Ejected From Shooting Range", Washington Post, May 5, 1995: 12.

³⁹Subsection (a) of section 1613 of Public Law 104-106 (February 10, 1996) states that in order for an individual to participate in any activity sponsored or supported by the CMP, he must provide an affidavit certifying that he is "... not a member of any organization that advocates the violent overthrow of the United States Government."

to seek this type of exposure to Federal authorities.) In addition, if such individuals seek to purchase weapons via the program, they would probably find the extensive background investigation unwelcome. Nevertheless, it remains probable that such individuals would have an interest in the facilities offered by the program. Terminating the program would not discourage such individuals go away. They would more than likely find other means to acquire training and such weapons if they so desire. Conversely, a termination of the CMP would deny the benefits of the program to the thousands of legitimate participants.

Privatization

Since its privatization, the question of who is ultimately responsible and liable for the CMP has now surfaced as an issue. Until 1996, the Department of Defense (definitively, the Secretary of the Army) was responsible for the CMP. However, the CMP now falls into a unique category - a government corporation. Though no specific definition of a government corporation exists, government corporations do possess many similar characteristics including:

- The mission of the organization must be stipulated by law, and the management of the corporation must fulfill this mission regardless of what it desires;
- The corporation must be backed by "full faith and credit of the Treasury";
- The officers and employees of the government corporation are officers and employees of the federal government.⁴⁰

Few, if any, government corporations are designed or administered in the same manner which makes a side by side comparison a difficult task. As designed, the CMP now falls into the category of a "government corporation hybrid." The corporation itself is authorized under U.S. law, Title 36 "Patriotic Societies, Etc.", as a federally recognized corporation.

Although the CMP was established by law to be private, nonprofit corporation, it is hardly independent of Army support. Additionally, should the Corporation be dissolved, all defined assets will return to the Army. Lastly, although the M1s are sold by the "corporation," they reside on DOD property and are under DOD care. Thus, the private and independent nature of the corporation is confused and considered by some to be a matter of dispute.

⁴⁰However, under Public Law 104-106, CMP employees are not considered federal employees. For a full assessment of government corporations see U.S. Senate Committee on Governmental Affairs, "Managing the Public's Business: Federal Government Corporations", 104th Congress, 1st Session, S. Prt. 104-118, April, 1995.

APPENDIX 1

TITLE X, CHAPTER 1041, AUGUST 10, 1956, SECTIONS 4307-4312

4307. Director of civilian marksmanship: detail

The President may detail a commissioned officer of the Army or of the Marine Corps as director of civilian marksmanship, to serve under the direction of the Secretary of the Army. Aug. 10, 1956, c. 1041, 70A Stat. 235.

4308. Civilian rifle ranges: establishment; instruction

(a) The Secretary of the Army, under regulations approved by him upon recommendation of the National Board for the Promotion of Rifle Practice, shall provide for-

(1) the construction, equipment, maintenance, and operation of indoor and outdoor rifle ranges and their accessories and appliances;

(2) the instruction of able-bodied citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

(3) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of those arms, and the issue of the arms, ammunition, targets, and other supplies and appliances, necessary for those purposes;

(4) the award to competitors of trophies, prizes, badges, and other insignia;

(5) the sale to members of the National Rifle Association, at cost, and the issue to clubs organized for practice with rifled arms, under the direction of the National Board for the Promotion of Rifle Practice, of the arms, ammunition, targets, and other supplies and appliances necessary for target practice;

(6) the maintenance of the National Board for the Promotion of Rifle Practice, including provision for its necessary expenses and those of its members;

(7) the procurement of necessary supplies, appliances, trophies, prizes, badges and other insignia, clerical and other services, and labor; and

(8) the transportation of employees, instructors, and civilians to give or receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Secretary to participate in matches or competitions in the use of rifled arms.

(b) There is authorized to be appropriated annually the sum of \$7,500 for the incidental expenses of the National Board for the Promotion of Rifle Practice, including books, pamphlets, badges, trophies, prizes, and medals. Aug. 10, 1956, c. 1040, 70A Stat 236.

4309. Rifle ranges: recommendations to Congress; regulations

(a) The Secretary of the Army shall submit annually to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges under a plan to provide facilities for rifle practice in all sections of the country.

(b) All rifle ranges established under subsection (a) and all rifle ranges already constructed, in whole or in part with funds provided by the United States, may be used by members of the armed forces and by all able-bodied males capable of bearing arms, under regulations prescribed by the authorities controlling those ranges and approved by the Secretary. Aug. 10, 1956, c. 1041, 70A Stat. 236.

4310. Rifle instruction: detail of members of Army

(a) The President may detail regular or reserve officers and noncommissioned officers of the Army to duty as instructors at rifle ranges for training civilians in the use of military arms.

(b) The Secretary of the Army may detail enlisted members of the Army as temporary instructors in the use of the rifle to organized rifle clubs requesting that instruction. Aug. 10, 1956, c. 1041, 70A Stat. 236.

4311. Rifle instruction: issue of rifles and ammunition

The Secretary of the Army may provide for the issue of a reasonable number of standard military rifles, and such quantities of ammunition as are available, for the use in conducting rifle practice at rifle ranges established under section 4309 of this title at which instructors have been detailed under section 4310 of this title. Aug. 10, 1956, c. 1041, 70A Stat. 237.

4312. National rifle and pistol matches: small-arms firing school

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

(b) 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) A small-arms firing school shall be held in connection with the National Matches.

(d) Competitions for which trophies and medals are provided by the National Rifle Association of America shall be held in connection with the National Matches. Aug. 10, 1956, c. 1041, 70A Stat. 237.

4313. National rifle matches and small-arms school: expenses

(a) Competitors at the National Matches under section 4312 of this title may draw not more than \$1.50 a day as a subsistence allowance. If meals are furnished, a sum not to exceed \$1.50 per man per day may be spent for that purpose while the contest is in progress.

(b) A travel allowance of five cents a mile may be paid to a civilian competitor instead of traveling expenses and subsistence while traveling, and the allowance for the return trip may be paid in advance. Aug. 10, 1956, c. 1041, 70A Stat. 237.

APPENDIX 2

TITLE XVI - CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SEC. 1601. SHORT TITLE.

This title may be cited as the "Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

SUBTITLE A - ESTABLISHMENT AND OPERATION OF THE CORPORATION

SEC. 1611. ESTABLISHMENT OF THE CORPORATION.

(a) **ESTABLISHMENT.** - There is established a private, nonprofit, corporation to be known as the "Corporation for the Promotion of Rifle Practice and Firearms Safety" (in this title referred to as the "Corporation").

(b) **PRIVATE, NONPROFIT STATUS.** - (1) The Corporation shall not be considered to be a department, agency, or instrumentality of the Federal Government. An officer or employee of the Corporation shall not be considered to be an officer or employee of the Federal Government.

(2) 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 as an organization described in section 501(c)(3) of such code.

(c) **BOARD OF DIRECTORS.** - (1) The Corporation shall have a Board of Directors consisting of not less than nine members.

(2) The Board of Directors may adopt bylaws, policies, and procedures for the Corporation and may take any other action that the Board of Directors considers necessary for the management and operation of the Corporation.

(3) Each member of the Board of Directors shall serve for a term of two years. Members of the Board of Directors are eligible for reappointment.

(4) A vacancy on the Board of Directors shall be filled by a majority vote of the remaining members of the Board.

(5) 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)) serve for a term of one year.

(d) **DIRECTOR OF CIVILIAN MARKSMANSHIP.** - (1) The Board of Directors shall appoint an individual to serve as the Director of the Civilian Marksmanship.

(2) The Director shall be responsible for the performance of the daily operations of the Corporation and the functions described in section 1612.

SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) **FUNCTIONS.** - The Corporation 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:

(1) The instruction of citizens of the United States in marksmanship.

(2) The promotion of practice and safety in the use of firearms, including the conduct of matches and competitions in the use of those firearms.

(3) The award to competitors of trophies, prizes, badges, and other insignia.

(4) The provision of security and accountability for all firearms, ammunition, and other equipment under the custody and control of the Corporation.

(5) The issue, loan, or sale of firearms, ammunition, supplies, and appliances under section 1614.

(6) The procurement of necessary supplies, appliances, clerical services, other related services, and labor to carry out the Civilian Marksmanship Program.

(b) **PRIORITY FOR YOUTH ACTIVITIES.** - 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.

(c) **ACCESS TO SURPLUS PROPERTY.** - (1) The Corporation may obtain surplus property and supplies from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program.

(2) Any transfer of property and supplies to the Corporation under paragraph (1) shall be made without cost to the Corporation.

(d) **TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM TO CORPORATION** - (1) The Secretary of the Army shall provide for the transition of the Civilian Marksmanship Program, as defined in section 4308(e) of title 10, United States Code (as such section was in effect on the day before the date of the enactment of this Act), from conduct by the Department of the Army to conduct by the Corporation. The transition shall be completed not later than September 30, 1996.

(2) To carry out paragraph (1), the Secretary shall provide such assistance and take such action as is necessary to maintain the viability of the program and to maintain the security of firearms, ammunition, and other property that are transferred or reserved for transfer to the Corporation under section 1615, 1616, or 1621.

SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN MARKSMANSHIP PROGRAM.

(a) **CERTIFICATION REQUIREMENT.** - (1) Before a person may participate in any activity sponsored or supported by the Corporation, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any Federal or State felony or violation of section 922 of title 18, United States Code.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require any person to attach to the person's affidavit a certification from the appropriate State or Federal law enforcement agency for purposes of paragraph (1)(A).

(b) **INELIGIBILITY RESULTING FROM CERTAIN CONVICTIONS.** - A person who has been convicted of a Federal or State felony or a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(c) **AUTHORITY TO LIMIT PARTICIPATION.** - The Director of Civilian Marksmanship may limit participation as necessary to ensure-

(1) quality instruction in the use of firearms;

(2) the safety of participants; and

(3) the security of firearms, ammunition, and equipment.

SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND AMMUNITION BY THE CORPORATION.

(a) **ISSUANCE AND 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, caliber .22 and .30 ammunition, air rifles, targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program to the following:

(1) Organizations affiliated with the Corporation that provide training in the use of firearms to youth.

(2) the Boy Scouts of America.

(3) 4-H Clubs.

(4) Future Farmers of America.

(5) Other youth-oriented organizations.

(b) **SALES.** - (1) The Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, repair parts, and accouterments to organizations affiliated with the Corporation that provide training in the use of firearms.

(2) Subject to subsection (e), the Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, ammunition, targets, repair parts and accouterments, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years

of age who are members of a gun club affiliated with the Corporation. In addition to any other requirement, the Corporation shall establish procedures to obtain a criminal records check of the person with appropriate Federal and State law enforcement agencies.

(c) **LIMITATIONS ON SALES.** - (1) The Corporation may not offer for sale any repair part designed to convert any firearm to fire in a fully automatic mode.

(2) The Corporation may not sell rifles, ammunition, or any other item available for sale to individuals under the Civilian Marksmanship Program to a person who has been convicted of a felony or a violation of section 922 title 18, United States Code.

(d) **OVERSIGHT AND ACCOUNTABILITY.** - The Corporation shall be responsible for ensuring adequate oversight and accountability of all firearms issued or loaned under this section. The Corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with Federal, State, and local laws.

(e) **APPLICABILITY OF OTHER LAW.** - (1) Subject to paragraph (2), sales under subsection (b)(2) are subject to applicable Federal, State, and local laws.

(2) Paragraphs (1), (2), (3), and (5) of section 922(a) of title 18, United States Code, do not apply to the shipment, transportation, receipt, transfer, sale, issuance, loan, or delivery by the Corporation of any item that the Corporation is authorized to issue, loan, sell, or receive under this title.

SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION FROM THE ARMY TO THE CORPORATION.

(a) **TRANSFERS REQUIRED.** - The Secretary of the Army shall, in accordance with subsection (b), transfer to the Corporation all firearms and ammunition on the day before the date of the enactment of this Act that are under control of the Director of the Civilian Marksmanship Program, 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 Anniston Army Depot, Anniston, Alabama.

(b) **TIME FOR TRANSFER.** - The Secretary shall transfer firearms and ammunition under subsection (a) as and when necessary to enable the Corporation-

- (1) to issue or loan such items in accordance with section 1614(a); or
- (2) to sell such items to purchasers in accordance with section 1614(b).

(c) **PARTS.** - The Secretary may make available to the Corporation any part from a rifle designated to be demilitarized in the inventory of the Department of the Army.

(d) **VESTING OF TITLE IN TRANSFERRED ITEMS.** - Title to an item transferred to the Corporation under this section shall vest in the Corporation-

- (1) upon the issuance of the item to a recipient eligible under section 1614(a) to receive the item; or
- (2) immediately before the Corporation delivers the item to a purchaser of the item in accordance with a contract for a sale of the item that is authorized under section 1614(b).

(e) **COSTS OF TRANSFERS.** - Any 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.

SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND AMMUNITION FOR THE CORPORATION.

(a) **RESERVATION OF FIREARMS AND AMMUNITION.** - The Secretary of the Army shall reserve for the Corporation the following:

- (1) All firearms referred to in section 1615(a).
- (2) Ammunition of such firearms.
- (3) All M16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.
- (4) Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) **STORAGE OF FIREARMS AND AMMUNITION.** - Firearms stored at Anniston Army Depot, Anniston, Alabama, before the date of the enactment of this Act and used for the Civilian Marksmanship Program shall remain at that facility, or another storage facility designated by the Secretary of the Army, without cost to the Corporation, until the firearms are issued, loaned, or sold by, or otherwise transferred to, the Corporation.

(c) **LIMITATION OF DEMILITARIZATION OF M-1 RIFLES.** - After the date of the enactment of this Act, the Secretary may not demilitarize any M-1 Garand rifle in the inventory of the Army unless that rifle is determined by the Defense Logistics Agency to be unserviceable.

(d) **EXCEPTION FOR TRANSFERS TO FEDERAL AND STATE AGENCIES FOR COUNTERDRUG PURPOSES.** - The requirement specified in subsection (a) 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).

SEC. 1617 ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.

(a) **LOGISTICAL SUPPORT.** - The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program and for competitions and other activities conducted by the Corporation. The Corporation shall reimburse the Secretary for incremental direct costs incurred in providing such support. Such reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide such support.

(b) **RESERVE COMPONENT PERSONNEL.** - The Secretary shall provide, without cost to the Corporation, for use of members of the National Guard and Army Reserve to support the National Matches as part of the performance of annual training pursuant to titles 10 and 32, United States Code.

(c) **USE OF DEPARTMENT OF DEFENSE FACILITIES OF NATIONAL MATCHES.** - The National Matches may continue to be held at those Department of Defense facilities at which the National Matches were held before the date of the enactment of this Act.

(d) **REGULATIONS.** - The Secretary shall prescribe regulations to carry out this section.

SEC. 1618 GENERAL AUTHORITIES OF THE CORPORATION.

(a) **DONATIONS AND FEES.** - (1) The Corporation may solicit, accept, hold, use, and dispose of donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) The Corporation may impose, collect, and retain such fees as are reasonably necessary to cover the direct and indirect costs of the Corporation to carry out the Civilian Marksmanship Program.

(3) Amounts collected by the Corporation under the authority of this subsection, including the proceeds from the sale of firearms, ammunition, targets, and other supplies and appliances, may be used only to support the Civilian Marksmanship Program.

(b) **CORPORATE SEAL.** - The Corporation may adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) **CONTRACTS.** - The Corporation may enter into contracts, leases, agreements, or other transactions.

(d) **OBLIGATIONS AND EXPENDITURES.** - The Corporation may 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.

(e) **RELATED AUTHORITY.** - The Corporation may take such other actions as are necessary or appropriate to carry out the authority provided in this section.

SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN EVENT OF DISSOLUTION.

(a) **DISTRIBUTION.** - If the Corporation dissolves, then-

(1) upon the dissolution of the Corporation, title to all firearms stored at Anniston Army Depot, Anniston, Alabama, on the date of dissolution, all 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, and all trophies received by the Corporation from the National Board for the Promotion of Rifle Practice as of such date, shall vest in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of such items;

(2) assets of the Corporation, other than asset described in paragraph (1), may be distributed by the Corporation to an organization that-

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code; and

(B) performs functions similar to the functions described in section 1612(a); and

(3) all assets of the Corporation that are not distributed pursuant to paragraphs (1) and (2) shall be sold, and the proceeds from the sale of such assets shall be deposited in the Treasury.

(b) PROHIBITION. - Assets of the Corporation that are distributed pursuant to the authority of subsection (a) may not be distributed to an individual.

SUBTITLE B - TRANSITIONAL PROVISIONS

SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE CORPORATION.

(a) FUNDS. - (1) On the date of the submission of a certification in accordance with section 1623 or, if earlier, October 1, 1996, the Secretary of the Army shall transfer to the Corporation-

(A) the amounts that are available to the National Board for the Promotion of Rifle Practice from sales programs and fees collected in connection with competitions sponsored by the Board; and

(B) all funds that are in the nonappropriated fund account known as the National Match Fund.

(2) The funds transferred under paragraph (1)(A) shall be used to carry out the Civilian Marksmanship Program.

(3) Transfers under paragraph (1)(B) shall be made without cost to the Corporation.

(b) PROPERTY. - The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:

(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before the date of the enactment of this Act (other than property to which section 1615(a) applies).

(2) Title to property under the control of the National Match Fund on such day.

(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) OFFICES. - The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of the date of the enactment of this Act by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) COSTS OF TRANSFERS. - Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM.

(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) 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).

SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM BY THE ARMY.

(a) **REPEALS.** - (1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

(b) **CONFORMING AMENDMENTS.** - (1) Section 4313 of title 10, United States Code, is amended-

(A) by striking out subsection (b); and

(B) in subsection (a)-

(i) by striking out "(a) JUNIOR COMPETITORS.-" and inserting in lieu thereof "(a) ALLOWANCES FOR PARTICIPATION OF JUNIOR COMPETITORS.-" and

(ii) in paragraph (3), by striking out "(3) For the purposes of this subsection" and inserting in lieu thereof "(b) JUNIOR COMPETITOR DEFINED.- For the purposes of subsection (a)".

(2) Section 4316 of such title is amended by striking out ", including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,".

(3) Section 925(a)(2)(A) of title 18, United States Code, is amended by inserting after "Section 4308 of title 10" the following: "before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

(c) **EFFECTIVE DATE.**- The amendments made by this section shall take effect on the earlier of-

(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623; or

(2) O c t o b e r 1 , 1 9 9 6 .

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