

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.)

Editorial Notes

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 the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

(B) lawfully acquired by such person.

(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

(3) The Secretary of the Army may accept rifles, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

(b) COST OF RECOVERY.—The Secretary of the Army may not acquire anything under sub-

section (a) if the United States would incur any cost for such acquisition.

(c) AVAILABILITY FOR TRANSFER.—Any rifles, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any rifles, ammunition, repair parts, or supplies under this paragraph.

(d) MARKET VALUE.—The Secretary of the Army may only transfer an item under subsection (c) if the Secretary receives fair market value for the item.

(e) CONTRACTS.—Notwithstanding section 3201(e) of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of section 3204(a)¹ to carry out this section.

(f) AECA.—Transfers authorized under this section may only be made in accordance with applicable provisions of the Arms Export Control Act (22 U.S.C. 2778).

(g) RIFLE DEFINED.—In this section, the term “rifle” has the meaning given such term in section 921 of title 18.

(Added Pub. L. 114-328, div. A, title X, §1096(a), Dec. 23, 2016, 130 Stat. 2440; amended Pub. L. 117-81, div. A, title XVII, §1702(l)(7), Dec. 27, 2021, 135 Stat. 2160.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (f), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

AMENDMENTS

2021—Subsec. (e). Pub. L. 117-81 substituted “section 3201(e)” for “subsection (k) of section 2304” and “section 3204(a)” for “subsection (c) of such section”.

Statutory Notes and Related Subsidiaries

REPORT ON ACQUISITION AND TRANSFER

Pub. L. 114-328, div. A, title X, §1096(d), Dec. 23, 2016, 130 Stat. 2441, provided that:

“(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of the Army shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the acquisition and transfer of excess rifles, ammunition, repair parts, and other supplies described in section 40731(a) of title 36, United States Code, that were provided to a country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 [22 U.S.C. 2314]. The report shall include each of the following:

“(A) A list of excess rifles, ammunition, repair parts, and other supplies known to the United States

¹ So in original. Probably means section 3204(a) of title 10.

Army as eligible for transfer under section 40731(a) of title 36, United States Code.

“(B) An assessment of whether and how the Secretary of the Army intends to use the authorities under section 40728B of title 36, United States Code, as added by this section.

“(C) Any other issue that the Secretary of the Army considers appropriate.

“(2) PROHIBITION ON TRANSFERS PENDING SUBMITTAL OF REPORT.—No rifle, ammunition, repair part, or supplies acquired under section 40728B(a) of title 36, United States Code, may be transferred until the date that is 90 days after the date of the submittal of the report required under paragraph (1).”

§ 40729. Reservation of firearms, ammunition, and parts

(a) RESERVATION.—The Secretary of the Army shall reserve for the corporation—

- (1) firearms described in subsections (a) and (h) of section 40728 of this title;
- (2) ammunition for firearms described in subsections (a) and (h) of section 40728 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 and caliber .45 M1911/M1911A1 surplus pistols.

(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).

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1339; Pub. L. 114-92, div. A, title X, §1087(a)(2)(B), Nov. 25, 2015, 129 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40729(a)	36:5506(a).	Feb. 10, 1996, Pub. L. 104-106, title XVI, §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.

Editorial Notes

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, 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, §1033(a)(1), (b)(1), Sept. 23, 1996, 110 Stat. 2639, 2640. Section 372 of Title 10 was renumbered section 272 by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-92, §1087(a)(2)(B)(i), substituted “subsections (a) and (h) of section 40728” for “section 40728(a)”.

Subsec. (a)(2). Pub. L. 114-92, §1087(a)(2)(B)(ii), substituted “subsections (a) and (h) of section 40728” for “40728(a)”.

Subsec. (a)(4). Pub. L. 114-92, §1087(a)(2)(B)(iii), inserted “and caliber .45 M1911/M1911A1 surplus pistols” after “caliber .30 and caliber .22 rimfire rifles”.

§ 40730. Surplus property

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.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40730	36:5502(c).	Feb. 10, 1996, Pub. L. 104-106, title XVI, §1612(c), 110 Stat. 517.

The word “supplies” is omitted as included in “property”.

§ 40731. Issuance or loan of firearms and supplies

(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.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40731(a)	36:5504(a).	Feb. 10, 1996, Pub. L. 104-106, title XVI, §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.

§ 40732. Sale of firearms and supplies

(a) AFFILIATED ORGANIZATIONS.—The corporation may sell, at fair market value, surplus caliber .22 rimfire rifles, caliber .30 surplus rifles, and caliber .45 M1911/M1911A1 surplus pistols, 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, surplus caliber