

AFFIDAVIT AND LIABILITY AGREEMENT INFORMATION

To assist in explaining the affidavit requirement for participation in Civilian Marksmanship Program events, the following information is provided.

Congress in Public Law 104-106 enacted in February 1996 imposed the affidavit requirement. This legislation allowed the Civilian Marksmanship Program to continue by transferring it from the Army to a new private entity created by Congress called the Corporation for Promotion of Rifle Practice and Firearms Safety, Inc.

Section 40723 title 36 United States Code provides:

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

By definition an affidavit is a statement that is sworn before an official authorized to administer an oath, for example, a notary public. That in brief, is the reason for this procedure. Unless and until the law is changed, we have to comply with it.

There are some steps you can take to minimize the inconvenience. First, each person needs to make the affidavit only **ONCE** (not at every event). The affidavit need not be completed at the event, but can be done well in advance. For example, the club could distribute the affidavit form to all its members with its next regular mailing, thus cover all of its own members. Event announcements could include a notice that any non-members desiring to participate bring with them a completed affidavit. This affidavit is required only for participants' 18 years of age and older.

Further, there is no requirement to send these affidavits to the CMP. They are to be retained by the club. The club officers simply certify in their annual reports to the CMP that the club requires such affidavits for all participants, and that they are kept on file. The only affidavits that the CMP itself will keep are those we require annually, at the National Trophy Matches.

It should be pointed out that the affidavit has at least one redeeming feature. You will note that the form provided by the CMP has two parts. The first part is the certification required by law, discussed above; the second part is a waiver of liability. This protects the club sponsoring the event as well as the CMP against any claim caused by the carelessness of others. Lawsuits against anyone with the remotest connection to a mishap are an unfortunate fact these days. This can be financially ruinous to many clubs that do not have the resources to fight frivolous claims. The fact that the waiver of liability is included within a document that is notarized reinforces its validity.

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Marco Cascella



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Table of Contents Affidavit And Liability Agreement Brrc

1. Understanding the eBook Affidavit And Liability Agreement Brrc
 - The Rise of Digital Reading Affidavit And Liability Agreement Brrc
 - Advantages of eBooks Over Traditional Books
2. Identifying Affidavit And Liability Agreement Brrc
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Affidavit And Liability Agreement Brrc
 - User-Friendly Interface
4. Exploring eBook Recommendations from Affidavit And Liability Agreement Brrc
 - Personalized Recommendations
 - Affidavit And Liability Agreement Brrc User Reviews and Ratings
 - Affidavit And Liability Agreement Brrc and Bestseller Lists

5. Accessing Affidavit And Liability Agreement Brrc Free and Paid eBooks
 - Affidavit And Liability Agreement Brrc Public Domain eBooks
 - Affidavit And Liability Agreement Brrc eBook Subscription Services
 - Affidavit And Liability Agreement Brrc Budget-Friendly Options
6. Navigating Affidavit And Liability Agreement Brrc eBook Formats
 - ePub, PDF, MOBI, and More
 - Affidavit And Liability Agreement Brrc Compatibility with Devices
 - Affidavit And Liability Agreement Brrc Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Affidavit And Liability Agreement Brrc
 - Highlighting and Note-Taking Affidavit And Liability Agreement Brrc
 - Interactive Elements Affidavit And Liability Agreement Brrc
8. Staying Engaged with Affidavit And Liability Agreement Brrc
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Affidavit And Liability Agreement Brrc
9. Balancing eBooks and Physical Books Affidavit And Liability Agreement Brrc
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Affidavit And Liability Agreement Brrc
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Affidavit And Liability Agreement Brrc
 - Setting Reading Goals Affidavit And Liability Agreement Brrc
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Affidavit And Liability Agreement Brrc
 - Fact-Checking eBook Content of Affidavit And Liability Agreement Brrc
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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