

coordinated among Division/District Engineers and the ZI army commanders, and include provisions covering flood emergencies.

RELIEF SHIPMENTS

**§ 502.11 Commercial freight shipments of supplies by voluntary non-profit relief agencies.**

(a) *Scope of section.* Provided in this section are the rules under which the Department of the Army, in order to further the efficient use of United States voluntary contributions for relief in the foreign country hereinafter named, will pay ocean freight charges from United States ports to designated foreign ports of entry on supplies donated to or purchased by United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid (called "the Committee" in this section), for distribution in the Ryukyu Islands.

(b) *Agencies within scope of this section.* Any United States voluntary nonprofit relief agency may make application to the Chief of Civil Affairs, Department of the Army, Washington, DC 20310, for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign country listed in paragraph (a) of this section, *Provided:*

(1) The agency is registered with and recommended by the Committee to the Department of the Army;

(2) The supplies are within the general program and projects of the agency as previously submitted to and approved by the Committee, and are essential in support of such programs and projects;

(3) The agency's representatives to whom the supplies are consigned for distribution abroad are acceptable to the Committee;

(4) The Committee has notified the Department of the Army that:

(i) The agency is not engaged in commercial or political activities;

(ii) Contributions to the agency are eligible for tax exemption under income tax laws;

(iii) The agency is directed by an active and responsible board of American

citizens who serve without compensation;

(iv) The accounts of the agency are regularly audited by a certified public accountant;

(v) The agency currently reports its activities and operations to the Committee including its budget and reports of income and expenditures, its transfer of funds, and its exports of commodities and such other information as the Committee may deem necessary, and such reports are open for public inspection;

(vi) The general program and projects by countries of operation of the agency have been approved by the Committee to permit the coordination of private agency programs with each other and with the programs of the Department of the Army in the Ryukyu Islands;

(vii) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operation of the agency's general program and projects;

(viii) The supplies are free of customs duties, other duties, tolls, and taxes;

(ix) The agency has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of the supplies is supervised by United States citizens, and such operations are appropriately identified as to their American character.

(c) *Manner of payment of ocean freight charges.* (1) The Department of the Army will reimburse agencies qualified under this section, to the extent of ocean freight charges paid by them for shipments made in conformity with this section: *Provided,* That application for such reimbursement on shipments must be submitted to the Department within thirty days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement or

unit basis, and free of any other charges.

(2) The voluntary non-profit relief agencies which qualify under this section may apply to the Office of the Chief of Civil Affairs, Department of the Army, Washington, DC 20310, for authorization to make shipments via Military Sea Transportation Service vessels, in conformity with this section. Upon approval of the request, the Chief of Civil Affairs will issue a Department of Army Approved Part Program authorizing shipment from a designated Port of Embarkation to end of ship's tackle at port of discharge, and including fund citation for reimbursement of Chief of Transportation. All costs of inland transportation are to be borne by the voluntary agencies.

(d) *Refund by agencies.* Any agency reimbursed under this section will refund promptly to the Department of the Army upon demand the entire amount reimbursed (or such lesser amount as the Department may demand) whenever it is determined that the reimbursement was improper as being in violation of any of the provisions of the Foreign Assistance Act of 1948, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Department of the Army.

(e) *Saving clause.* The Secretary of the Army may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this section.

(Interpret or apply Title II, sec. 112, 75 Stat. 719, 22 U.S.C. 2366 note)

[27 FR 177, Jan 6, 1962]

## PART 503—APPREHENSION AND RESTRAINT

Sec.

503.1 Persons not subject to military law.

503.2 Delivery to civil authorities.

### § 503.1 Persons not subject to military law.

Persons not subject to military law may be apprehended or restrained by members of the Department of the Army, other than in foreign countries, as follows:

(a) *General.* All members of the Department of the Army having the ordinary right and duty of citizens to assist in the maintenance of the peace. Where, therefore, a felony or a misdemeanor amounting to a breach of the peace is being committed in his presence, it is the right and duty of every member of the military service, as of every civilian, to apprehend the perpetrator.

(b) *Restraint.* The restraint imposed under the provisions of paragraph (a) of this section will not exceed that reasonably necessary, nor extend beyond such time as may be required to dispose of the case by orderly transfer of custody to civil authority or otherwise, under the law.

(c) *Ejection.* Persons not subject to military law who are found within the limits of military reservations in the act of committing a breach of regulations, not amounting to a felony or a breach of the peace, may be removed therefrom upon orders from the commanding officer and ordered by him not to reenter. For penalty imposed upon reentrance after ejection, see title 18, United States Code, section 1382.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

[28 FR 2732, Mar. 20, 1963]

### § 503.2 Delivery to civil authorities.

(a) *Authority.* Any commanding officer exercising general court-martial jurisdiction or commanding officer designated by him may, in accordance with the Uniform Code of Military Justice, Article 14 (10 U.S.C. 814), authorize the delivery of a member of the Armed Forces under his command, when such member is accused of a crime or offense made punishable by the laws of the jurisdiction making the request, to the civil authorities of the United States, a State of the United States, or a political subdivision thereof under the conditions prescribed in this section.

(b) *Policy.* The policy of the Department of the Army is that commanding officers will cooperate with civil authorities and, unless the best interests of the service will be prejudiced thereby, will deliver a member of the Armed Forces to such authorities upon presentation of a proper request accompanied