

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

by reliable information showing that there is reasonable cause to believe that the person requested has committed a crime or offense made punishable by the laws of the jurisdiction making the request. A person will not be shielded from a just prosecution by the civil authorities solely because of his status as a member of the Armed Forces. In determining whether a member of the Armed Forces should be delivered to the civil authorities, the commanding officer will exercise his sound discretion in the light of the facts and circumstances of each particular case. Among other pertinent matters, he should consider the seriousness of the offense charged, whether court-martial charges are pending against the alleged offender, whether he is serving a sentence imposed by court-martial, and whether, under the existing military situation, the best interest of the service warrant his retention in the Armed Forces. With respect to extradition process, military personnel may be considered to be in the same status as persons not members of the Armed Forces. It is contrary to the general policy of the Department of the Army to transfer military personnel from a station within one State to a station within another State for the purpose of making such individuals amenable to civilian legal proceedings. Accordingly, if the delivery of a member of the Army is requested by a State other than the State in which he is located, the authorities of the requesting State will be required to complete extradition process according to the prescribed procedures to obtain custody of an individual from the State in which he is located and to make arrangements to take him into custody there.

(c) *Requirements for delivery.* There ordinarily will be required with each application by the civil authorities for the surrender of a member of the Armed Forces a copy of an indictment, presentment, information, or warrant, together with sufficient information to identify the person sought as the person who allegedly committed the offense charged and a statement of the maximum sentence which may be imposed upon conviction. If the request for delivery is based upon an indictment, presentment, or information, it

will be assumed that there is reasonable cause to believe that the offense charged was committed by the person named therein. If the request for delivery is based upon a warrant, the commanding officer may cause an inquiry to be made to satisfy himself that reasonable cause exists for the issuance of the warrant; however, if a warrant is accompanied by the statement of a United States attorney or the prosecuting officer of a State of the United States or political subdivision thereof that a preliminary official investigation of the offense charged shows that there is reasonable cause to believe that the offense charged was committed by the person named therein, no further inquiry need be made.

(d) *Retaining custody pending request for delivery.* If the commanding officer specified in paragraph (a) of this section is in receipt of a statement of a United States attorney or the prosecuting officer of a State of the United States or a political subdivision thereof that there is reasonable cause to believe that a member of the Armed Forces under his command has committed an offense punishable by the laws of the pertinent jurisdiction, the commanding officer may, upon the request of such civil official, agree to retain the alleged offender in his command for a reasonable period of time, not extending beyond the termination of his current enlistment or period of service, pending presentation of a request for delivery accompanied by the evidence indicated in paragraph (c) of this section.

(e) *Action by commanding officers.* Commanding officers, other than those specified in paragraph (a) of this section, will refer such requests with their recommendation for disposition to the appropriate commanding officer, who, after determining the propriety of the request, will take the action indicated in this paragraph. If the commanding officer having authority to deliver denies a request for delivery of an offender to the civil authorities, he will immediately forward the request direct to The Judge Advocate General, together with his reasons for denying the request. In cases involving special circumstances, the commanding officer

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having authority to deliver may forward the request with his recommendation for disposition direct to The Judge Advocate General for advice before taking his action.

(f) *Procedure for executing delivery.* When the commanding officer specified in paragraph (a) of this section authorizes the delivery of a person to the civil authorities, he will inform the appropriate requesting agency or official of the time and place of delivery. In addition, he will advise the requesting agency or official that delivery of the person will be made at no expense to the Department of the Army and with the understanding that the civil agency or official will advise the delivering commander of the outcome of the trial and, if the Army authorities desire to return the person, will deliver him to the place of original delivery or to an Army installation nearer the place of civil detention, as may be designated by the Army authorities, at no expense to the Department of the Army. A written receipt, in substantially the following form, should be executed by the official who takes delivery of the accused:

In consideration of the delivery of _____ (Grade and name) _____, (Service number) _____, United States Army, to the civil authorities of the: _____, (United States) _____, (State of) _____, at _____, (Place of delivery) for trial upon the charge of _____, hereby agree, pursuant to the authority vested in me as _____ (Official designation) that the commanding officer of _____ (General court-martial jurisdiction) will be informed of the outcome of the trial and that _____ will be returned to the Army authorities at the aforesaid place of delivery or to an Army installation nearer the place of civil detention, as may be designated by the authorities of the Department of the Army, without expense to such Department or to the person delivered, immediately upon dismissal of the charges or completion of the trial in the event he is acquitted, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of the case, unless the Army authorities shall have indicated that return is not desired..

The above agreement is substantially complied with when the civil agency or official advises the delivering commander of the outcome of the trial of

the alleged offender and of his prospective release to the Army authorities, and the individual is furnished transportation and necessary cash to cover his incidental expenses en route to an installation designated by Army authorities

(g) *Return to Army control.* Upon being advised of the outcome of the trial or other disposition of the charges against the alleged offender, the commanding officer specified in paragraph (a) of this section will, if return is desired, inform the appropriate civil agency or official of the name and location of the Army installation to which such person is to be delivered. Either the place of original delivery or an installation nearer the place of civil detention of the offender may be designated in accordance with existing policies governing assignments and transfers of personnel.

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

[28 FR 2732, Mar. 20, 1963]

PART 504—OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS

Sec.

504.1 General.

504.2 Procedures.

APPENDIX A TO PART 504—REQUEST FOR BASIC IDENTIFYING ACCOUNT DATA—SAMPLE FORMAT

APPENDIX B TO PART 504—CUSTOMER CONSENT AND AUTHORIZATION FOR ACCESS—SAMPLE FORMAT

APPENDIX C TO PART 504—CERTIFICATE OF COMPLIANCE WITH THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978—SAMPLE FORMAT

APPENDIX D TO PART 504—FORMAL WRITTEN REQUEST FOR ACCESS—SAMPLE FORMAT

APPENDIX E TO PART 504—CUSTOMER NOTICE OF FORMAL WRITTEN REQUEST—SAMPLE FORMAT

AUTHORITY: 12 U.S.C. 3401 *et seq.*, Pub. L. 95-630, unless otherwise noted.

SOURCE: 46 FR 60195, Dec. 9, 1981, unless otherwise noted.

§ 504.1 General.

(a) *Purpose.* This regulation provides DA policies, procedures, and restrictions governing access to and disclosure of financial records maintained by