(5) Request the prisoner to execute a promissory note, since funds expended by the Department to cover medical services normally are on a reimbursable basis; and

(6) Submit the above information, along with recommendations and evaluations, to the Department for approval and authorization.

(d) Emergency expenditure authorization. When a medical emergency prohibits the delay inherent in contacting the Department and receiving authority to expend funds, the consular officer can expend up to an amount to be established by the Department without prior Departmental approval if:

(1) Symptoms determine eligibility for emergency medical treatment; or

(2) An immediate medical examination is warranted in order to verify the alleged abuse of a U.S. national prisoner by arresting or confining authorities; or

(3) Immediate emergency medical treatment or surgery is necessary to prevent death or permanent disablement, and there is insufficient time to explore private funds or obtain Department approval; and

(4) A promissory note already has been executed by the prisoner, or if the circumstances warrant, by the consular officer without recourse.

§ 71.11 Short-term full diet program.

(a) Eligibility criteria. A prisoner is considered eligible for the short-term full diet program under the following general criteria:

(1) The prisoner is to be or has been held in excess of one day in a holding jail or other facility;

(2) Incarcerating officials do not provide the prisoner food, and food is not available from any other sources, including private funding from family or friends; and

(3) If the funds exceed an amount to be established by the Department, the prisoner signs a promissory note for funds expended, since the assistance is on a normally reimbursable basis.

(b) Consular responsibility. As soon as the consular officer is aware that a U.S. national is incarcerated in a facility wherein food is not routinely provided, the consular officer should:

(1) Contact the prisoner in accordance with existing procedures;

(2) Determine the normal cost of basic diet and best method of effecting payment;

(3) Attempt to secure funds from private sources such as family or friends;

(4) Because funds expended by the Department to cover the short-term full diet program normally are on a reimbursable basis, have the prisoner execute a promissory note; and

(5) Contact the Department, providing the above information, for approval and authorization.

(c) Emergency expenditure authorization. Since an immediate need for a short-term full diet program often prohibits the delay inherent in contacting the Department and receiving authority to expend funds, the consular officer can expend up to an amount to be established by the Department without prior Departmental approval if the prisoner’s case meets the criteria established in paragraph (a) of this section. Expenditures above the predetermined limit must receive the prior approval of the Department.

§ 71.12 Dietary supplements.

(a) Eligibility criteria. A prisoner is considered eligible for the dietary supplement program under the following general criteria:

(1) An evaluation by a private physician, prison doctor, or other host country medical authority reveals that the prison diet does not meet the minimum requirements to sustain adequate health; or

(2) If the evaluation in paragraph (a)(1) of this section is not available, an evaluation by either a regional medical officer or Departmental medical officer reveals that the prison diet does not provide the minimum requirements to sustain adequate health.

(b) Consular responsibility. (1) When the consular officer is aware that the U.S. prisoner’s diet does not meet the minimum requirements to sustain adequate health, the consular officer shall obtain the necessary dietary supplements and distribute them to the prisoner on a regular basis.

(2) As soon as the consular officer believes that dietary supplements are being misused, the consular officer
shall suspend provision of the dietary supplements and report the incident in full to the Department.

PART 72—DEATHS AND ESTATES

SECTION 72.1 Definitions.

72.1 Consular officer includes any United States citizen employee of the Department of State who is designated by the Department of State to perform consular services relating to the deaths and estates abroad of United States nationals.

72.2 Legal representative means—

(a) An executor designated by will intended to operate locally exists;
(b) An administrator appointed by a court of law in intestate proceedings in the country where the deceased was residing at the time of death to take possession and dispose of the decedent’s personal estate;
(c) The next of kin, if authorized in the country where the deceased was residing at the time of death to take possession and dispose of the decedent’s personal estate;
(d) An authorized agent of the individuals described in paragraphs (b)(1), (b)(2) and (b)(3) of this section.

72.3 Disposition of remains.

72.4 Final statement of account.

72.5 Payment of debts owed by decedent.

72.6 Nominal possession; property not normally taken into physical possession.

72.7 Action when possession is impractical.

72.8 Procedure for inventorizing and appraising effects.

72.9 Final report of death.

72.10 Bank deposits in foreign countries.

72.11 Affidavit of next of kin.

72.12 Prohibition against performing legal services or employing counsel.

72.13 Transfer of personal estate to Department of State.

72.14 Export of cultural property; handling other property when export, possession, or import may be illegal.

72.15 Provisions in a will or advanced directive regarding disposition of remains.

72.16 Claims for lost, stolen, or destroyed personal estate.

72.17 Real property overseas belonging to a deceased United States citizen or national.

72.18 Payment of debts owed by decedent.

72.19 Final statement of account.

72.20 Nominal possession; property not normally taken into physical possession.

72.21 Action when possession is impractical.

72.22 Procedure for inventorizing and appraising effects.

72.23 Affidavit of next of kin.

72.24 Conflicting claims.

72.25 Transfer of personal estate to Department of State.

72.26 Export of cultural property; handling other property when export, possession, or import may be illegal.

72.27 Claims for lost, stolen, or destroyed personal estate.

REAL PROPERTY OVERSEAS BELONGING TO A DECEASED UNITED STATES CITIZEN OR NATIONAL.

72.28 Provisions in a will or advanced directive regarding disposition of remains.

FEES

72.29 Fees for consular death and estates services.

AUTHORITY: 22 U.S.C. 2715, 2715b, 2715c, 4196, 4197, 4198, 4199.

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