

Department of State

§ 72.19

persons, the consular officer should make all necessary arrangements for the disposition of the remains of deceased officers and employees of the Foreign Service according to specific instructions from the Department.

(b) *Personnel of other Government agencies.* The consular officer should extend to other departments or agencies of the United States Government all appropriate aid, in accordance with specific instructions received through the Department of State for the disposition of the remains of an employee who has died while serving in a foreign country.

§ 72.14 Fees for disposing remains.

No fees are prescribed for services in connection with the disposition of remains of United States citizens or nationals. Fees for such services with respect to the remains of foreign nationals are as prescribed in the Schedule of Fees, 22 CFR 22.1.

[63 FR 6480, Feb. 9, 1998]

PERSONAL ESTATES OF DECEASED CITIZENS

§ 72.15 Statutory responsibility of consular officer.

Sections 1175–1179 of title 22 of the United States Code prescribe the statutory responsibility of officers of the United States Foreign Service for the personal estates of deceased United States citizens dying outside the United States.

§ 72.16 Regulatory responsibility of consular officer.

Except as otherwise provided in §§ 72.18 through 72.26, the consular officer (or in his absence a diplomatic officer) should take possession and dispose of the personal estates (other than the articles described in §§ 72.29 and 72.30) of all United States citizens who die within his jurisdiction or were residing therein at the time of death. This responsibility should be discharged in accordance with the procedure prescribed herein so far as that procedure is authorized by:

- (a) Treaty provisions; or
- (b) The laws or authorities of the country wherein the estate is located; or

(c) Established usage.

§ 72.17 Responsibility of consular agents.

A consular agent has no statutory authority to take possession and dispose of the personal estate of a deceased citizen of the United States, except under the immediate supervision and as the agent of his principal consular officer. The consular agent, therefore, should immediately report the circumstances to, and request instructions from, his principal consular officer, who should assume the responsibility for taking possession and disposing of the personal estate in accordance with the regulations in this part.

§ 72.18 Responsibility if legal representative is present.

According to law (22 U.S.C. 1175), the consular officer should not take possession or dispose of the personal estate of a deceased citizen who has left a legal representative in the country where the death occurred or in the country where he was residing at the time of death. As used here, the term “legal representative” means—

- (a) An executor designated by will or testament;
- (b) An administrator appointed in interstate proceedings;
- (c) An agent of executor or administrator qualifying by power of attorney;
- (d) A child of legal age;
- (e) A parent;
- (f) The next of kind (nearest blood relative);
- (g) The surviving spouse.

§ 72.19 Responsibility if trustee for personal estate is present.

Likewise, the law (22 U.S.C. 1175) stipulates that the consular officer should not take possession or dispose of the personal estate of a deceased citizen who has left in the country where the death occurred, or in which he was residing at the time of death, a “trustee by him appointed.” The language of the statute includes any person, natural or juristic, appointed by the decedent in a will, or appointed by a deed to hold legal title to the personal property for the benefit of a named beneficiary.