

7 FAM 440 CONSULAR ARREST EMERGENCY MEDICAL AND DIETARY ASSISTANCE PROGRAMS

*(CT:CON-097; 12-09-2004)
(Office of Origin: CA/OCS/PRI)*

7 FAM 441 OCS TRUST ACCOUNTS

(CT:CON-097; 12-09-2004)

You must direct family members or other depositors to contact CA/OCS/ACS for information on transfer of funds. Upon receipt of funds from the family, the Department (CA/OCS/ACS) deposits these funds with the U.S. Treasury, opens or updates an ACS case, and cables the appropriate post to disburse that amount of money, or credit it to an account established for the prisoner. See 7 FAM 300 for general guidance on CA/OCS financial assistance programs and CA public information at:

**CA Internet Home Page ...
Emergency Financial Assistance for U.S. Citizens Abroad
Sending Money to Overseas Citizens Services**

7 FAM 441.1 Policy

(CT:CON-097; 12-09-2004)

- a. Family members and others transmitting funds to U.S. citizen or national prisoners must utilize private channels whenever possible. The OCS Trust system must be used only when:
 - (1) There is no private or commercial service available; and
 - (2) The service, while available, has proven inefficient, unreliable, or corrupt.
- b. You must accept and process only those funds that the arrestee clearly needs for reasonable and necessary expenses.
- c. OCS Trusts must not be used for bribery or other illegal use of funds.
- d. Officers handling funds on behalf of prisoners must keep strict accounts

to avoid misunderstandings or unjust accusations.

7 FAM 441.2 Depositing Funds

(CT:CON-097; 12-09-2004)

The Department **cannot accept cash or personal checks**. Depositors may transmit funds to the Department (CA/OCS/ACS) using the following guidelines.

7 FAM 441.2-1 Types of Deposits

(CT:CON-097; 12-09-2004)

Following are the acceptable types of deposits and the estimated time required to process each:

- (1) **Western Union**: Funds arrive at the State Department within a few hours. (See Western Union Internet home page or 1-800-325-6000);
- (2) **Wire Transfer**: Bank transfers from a commercial bank to the Bank of America branch in the Department of State can take several days. However, the fees are considerably less than Western Union when transferring large amounts;
- (3) **Postal Money Order**: Due to current security measures, overnight mail takes 2 to 3 days to reach CA/OCS, and regular mail can take 3 to 4 weeks;
- (4) **Cashier's Check**: Overnight mail takes 2 to 3 days to reach CA/OCS, and regular mail can take 3 to 4 weeks; and
- (5) **Certified Check**: This is the least expensive but slowest way to transfer funds. Overnight mail takes 2 to 3 days to reach CA/OCS, and regular mail can take 3 to 4 weeks.

7 FAM 441.2-2 Payee

(CT:CON-097; 12-09-2004)

All money orders, bank drafts, and certified checks must be made payable to the **Department of State**, and must include:

- (1) Name of the prisoner;
- (2) Name of the post; and
- (3) Name, address and telephone number of the depositor.

7 FAM 441.2-3 Amounts

(CT:CON-097; 12-09-2004)

While there are no specific monetary limits on the OCS Trust procedure, neither the Department nor post will handle funds grossly in excess of those reasonable for prisoners' legitimate needs. These may include:

- (1) Supplemental living expenses;
- (2) Legal fees;
- (3) Fines;
- (4) Reparations; and
- (5) Medical expenses.

7 FAM 441.2-4 Service Charge

(CT:CON-097; 12-09-2004)

Congress requires that the Department of State charge a service/handling fee once each fiscal year on a trust account established for an individual within a consular district. This fee is currently set at U.S. \$30.00 (see 22 CFR 22.1, Schedule of Fees item 92).

- (1) This fee is deducted from the initial deposit received by the Department for the individual.
- (2) It is deducted again if the prisoner transfers to another consular district. See 7 FAM 300.

7 FAM 441.2-5 Replenishing Accounts

(CT:CON-097; 12-09-2004)

- a. Often it is necessary to maintain an OCS Trust account for an incarcerated U.S. citizen/national prisoner for a long period.
- b. Payers in the United States may send intermittent payments for ongoing disbursement, or one large amount that you draw from as needed.
- c. There is only **one charge per fiscal year** for establishing and maintaining the account – there is no additional charge for additional funds transmitted in the same fiscal year.

7 FAM 441.3 Disbursement

(CT:CON-097; 12-09-2004)

- a. Once the deposit is received in OCS, the amount and payee are entered into the **ACS** system, generating accounting information. This data is

then telegraphed to the Post Financial Management (FM) officer, who in turn will establish an account with the post cashier for each prisoner receiving funds.

- b. The approval and fiscal data will replicate into your **ACS** system usually well before the telegram reaches post. You may wish to provide the ACS data to your FM officer in order to expedite disbursement.
- c. You must draw from the account of each prisoner an amount sufficient for his or her needs at a given point in time, generally in host country currency
- d. Funds are normally carried by the officer making the visit, and handed to the prisoner directly.
- e. The prisoner must count the funds, and sign for them in a receipt book or similar permanent record maintained by the consular officer.
- f. After disbursement, enter the amount and date into the **ACS** system.
- g. Report the disbursement by cable to CA/OCS/ACS, CA/EX/RES and RM/GFS/DFS/FO/AR.

FYI: This may be combined with the cable reporting on your prison visit.

7 FAM 442 EMERGENCY MEDICAL AND DIETARY ASSISTANCE PROGRAM (EMDA-I)

7 FAM 442.1 Authorities

(CT:CON-097; 12-09-2004)

- a. Public Law 95-45, of June 15, 1977, effective October 1, 1978, 22 U.S.C. 2670(j), authorized the Department of State to provide, on a reimbursable basis when possible, medical and/or dietary assistance to U.S. citizens/nationals incarcerated abroad when private sources for this assistance are not otherwise available. Also see implementing regulations, 22 CFR 71.10 (Emergency Medical Assistance); 22 CFR 71.11 (Short Term Full Diet Program); and 22 CFR 71.12 (Dietary Supplements).
- b. A similar program was later developed for indigent U.S. citizens/nationals abroad who are **not** incarcerated. This program was labeled EMDA-II,

and the existing prisoner program renamed EMDA-I (see 7 FAM 300 for EMDA-II Procedures).

7 FAM 442.2 Purpose

(CT:CON-097; 12-09-2004)

The Emergency Medical/Dietary Assistance (EMDA-I) program is designed to assist U.S. citizens/nationals abroad who, because of their incarceration, cannot secure the minimal medical treatment or dietary regimen necessary to sustain an acceptable standard of life. EMDA-I consists of three services:

- (1) Provision of emergency medical treatment of U.S. citizen/national prisoners. Such services are normally provided on a reimbursable basis;
- (2) Short-term provision of full feeding for prisoners in detention centers where meals are not normally furnished by incarcerating authorities. Such services are normally provided on a reimbursable basis; and
- (3) Provision of dietary supplements to U.S. prisoners in areas where local conditions or local diets do not provide the minimum requirements to sustain adequate health (see 7 FAM 445.1). This part of the program is not on a reimbursable basis because the post normally purchases dietary supplements in large quantities and distributes them to individual prisoners at a relatively low cost.

7 FAM 442.3 Policy

(CT:CON-097; 12-09-2004)

Successful implementation of this program depends largely upon your understanding its purpose, scope operation, and the reactions of host government officials to the program and their cooperation in permitting the program to function.

- (1) The purpose of the program is emphatically not to abrogate host-government responsibilities to provide adequate medical and dietary care for U.S. citizen/national prisoners under their jurisdiction;
- (2) The existence of EMDA-I does not alleviate your responsibilities to make adequate and prompt representations to host officials when these responsibilities are not being met;
- (3) As indicated above, the first two services are provided on a reimbursable basis to the extent possible. This means:
 - (a) Prisoners receiving funds or food under these two parts of the program are required to sign Form DS-3072 Application for Emergency Loan and Evacuation Documentation, a multipurpose form which incorporates both the loan

application and promissory note; and

- (b) You must make efforts to obtain funds from private sources before U.S. Government funds are authorized.

7 FAM 442.4 Post Preparations

(CT:CON-097; 12-09-2004)

Your post must develop pertinent, local background information that will assist in program implementation and management. Such information must include, but is by no means limited to:

- (1) A list of private physicians whose services might be used in providing emergency medical services (see 7 FAM 300);
- (2) Whether local jails customarily provide inadequate food for prisoners because of the local bureaucratic setup and/or the relatively short holding term;
- (3) Whether prisoners are likely to be held in court-operated facilities, pending or during trial, where food is not routinely provided;
- (4) A list of restaurants or other food service establishments normally used to provide meals for prisoners;
- (5) A professional evaluation of the dietary adequacy of meals normally served in detention facilities, particularly penitentiaries where convicted persons serve their sentences. This professional evaluation can be made, using a list of an average day's meals, by any competent authority in country in whom post has confidence, including:
 - (a) Private physician;
 - (b) Prison doctor; and
 - (c) Host country medical authority.
- (6) If a reliable evaluation is not available from the preceding sources, you must utilize:
 - (a) The post's RMO;
 - (b) The post's panel physician; or
 - (c) M/MED in the Department.

Note:

Be aware, that there are practical, licensing and litigation issues that may prevent the Regional Medical Officer (RMO) from taking action, or serving as anything more than an informal advisor. The RMO must clear his or her participation

with M/MED first.

- (7) A list of the various types of vitamins or other dietary supplements obtainable in the area, and possible sources; and
- (8) Written guidelines or procedures to enable the post to control the disbursement and accountability of funds under the three parts of the EMDA-I program.

7 FAM 443 EMERGENCY MEDICAL ASSISTANCE

(CT:CON-097; 12-09-2004)

This part of EMDA-I provides funding for emergency medical treatment of imprisoned U.S. citizens/nationals on a limited basis when the service cannot be funded privately, and cannot or will not be provided by the host government.

7 FAM 443.1 Eligibility Criteria

(CT:CON-097; 12-09-2004)

U.S. citizen/national prisoners are considered eligible to receive paid medical treatment if:

- (1) Adequate treatment for a physical or psychiatric condition cannot or will not be provided by prison authorities or the host government;
- (2) All reasonable attempts to tap private resources have failed, or such resources do not exist; and
- (3) There are medical indications that the emergency medical assistance is necessary to prevent, or attempt to prevent, the loss of life or limb, or that failure to provide service may cause permanent disability.

7 FAM 443.2 Services Covered

(CT:CON-097; 12-09-2004)

Once approved, you may expend EMDA-I funds for:

- (1) Medical examination, when required;
- (2) Emergency treatment;
- (3) Non-elective surgery;
- (4) Medications and related medical supplies and equipment required

- on a routine basis to sustain life (such as insulin);
- (5) Preventive or protective medications and medical supplies and equipment (such as vaccinations, inoculations) required to combat epidemic conditions (general or intramural);
 - (6) Childbirth attendance, including necessary medical care of newborn children; and
 - (7) Transportation for the U.S. citizen or national and attendant(s) designated by the incarcerating officials between the place of incarceration or site where the injury or illness occurred and the place(s) of treatment.

7 FAM 443.3 Post Action

(CT:CON-097; 12-09-2004)

You must immediately take the following actions upon learning that a U.S. citizen/national prisoner is in need of emergency medical assistance.

7 FAM 443.3-1 Communicate with the Prisoner

(CT:CON-097; 12-09-2004)

Make every effort to personally contact the ill or injured prisoner as soon as possible. If an immediate personal visit is not possible:

- (1) Attempt to contact the prisoner by telephone;
- (2) Speak by phone with prison officials and other U.S. citizen or national inmates who might be able to provide a layman's description of the illness or injury; or
- (3) Arrange to have a known resident in the area of the prison personally visit the prisoner and provide non-professional's observations to the consular officer.

Note:

- **Private volunteers are an option of last resort**
- **They must be used sparingly and, if time permits, in coordination with CA/OCS/ACS**

7 FAM 443.3-2 Obtain a Medical Evaluation

(CT:CON-097; 12-09-2004)

Obtain a professional medical diagnosis and prognosis of the ill or injured

prisoner. Some possible sources of such evaluations might be:

- (1) A host government physician or health official;
- (2) Local private physician; or
- (3) If warranted and time permits, you may request an evaluation from the Regional Medical Officer (RMO).
 - (a) Be aware, however, that there are practical, licensing and litigation issues that may prevent the RMO from taking action, or serving as anything more than an informal advisor; and
 - (b) The RMO must clear his or her participation with M/MED first.

7 FAM 443.3-3 Estimate Costs

(CT:CON-097; 12-09-2004)

Determine, as accurately as possible the estimated costs of the recommended treatment or surgery.

7 FAM 443.3-4 Contact Private Resources

(CT:CON-097; 12-09-2004)

Make determined efforts to obtain:

- (1) The names and addresses of family or friends who might serve as a source of private funds for medical services;
- (2) The Privacy Act waiver (see 7 FAM Exhibit 410); and
- (3) The necessary funds from private sources.

7 FAM 443.3-5 Identify Local Contact Points

(CT:CON-097; 12-09-2004)

Obtain the name and address of the physician providing the service, the name and address of the hospital, and the name and address of the individual or institution to which payments are to be made.

7 FAM 443.3-6 Complete EMDA-I Loan Application

(CT:CON-097; 12-09-2004)

- a. See Form DS-3072 Emergency Loan Application and Evacuation Documentation. This is a multi-purpose combined form for all ACS-related loans for citizens/nationals. See CA/OCS Intranet Financial Assistance feature for sample forms. The consular officer completes lines 1 through 8 based on information provided by the applicant.

- b. The loan applicant must read and complete Part 1 of the application, lines 9 and 10 and sign line 11. Note: line 12 is reserved for crisis event evacuations. Request that the applicant complete lines 15 and 16.
- c. The consular officer must sign on line 17 and affix the seal to the document on page 2 of the application.
- d. If the signature of the applicant is unavailable due to incapacity and no family member is available to execute the application, a consular officer may use the "**Signature Without Recourse**" procedure for lines 11 and 18, and sign in line 17 and use line 19 to note the circumstances. See CA/OCS Intranet Financial Assistance feature and 7 FAM 300. Consult CA/OCS/ACS for guidance as appropriate. When authorized:
 - Sign the applicant's name
 - Sign the officer's own name directly below the applicant's name
 - Enter the officer's consular title and the words "Signed without recourse"
 - Include at the bottom of the form (line 19) a brief statement of the reason the applicant did not sign it. This can also be done in an attached statement

7 FAM 443.3-7 Enter Case into ACS System

(CT:CON-097; 12-09-2004)

You must enter the case into **ACS** in order to replicate your case to the Consolidated consular Database (CCD) and alert OCS/ACS to take urgent action.

- (1) Even if the case has been entered into **ACS** as an arrest case, passport case, etc., you must re-enter it as a separate loan case.
- (2) Once you have entered the data, push the **Request Approval** button.

FYI: The system requires you to enter the case as an arrest case before you can re-enter it as a loan case.

- (3) When the amounts allow you to expend funds using your emergency authority as described in 7 FAM 443.5 below, you must enter the case into **ACS** and hit **Request Approval** in order to generate fiscal data.
- (4) It is usually prudent to follow up with an e-mail or telephone call to the designated officer in CA/OCS/ACS.

7 FAM 443.3-8 Send Telegram

(CT:CON-097; 12-09-2004)

Immediately follow up with a telegram to the Department using the format contained in 7 FAM Exhibit 443.3-8.

FYI: You need to send this by cable, even though the case data is already in CCD because non-CA offices in the Department as well as other U.S. government agencies (e.g., RM, geographic bureaus, HHS, ISS, etc.) need this information and do not have access to CCD.

7 FAM 443.4 Department Action

(CT:CON-097; 12-09-2004)

As soon as the designated officer in OCS/ACS is alerted to a new item in the CCD advising of a potential medical assistance case, he or she takes the following actions.

7 FAM 443.4-1 If Initial Post Contacts Were Unsuccessful

(CT:CON-097; 12-09-2004)

- a. The ACS officer will telephone or telegraph the next-of-kin (NOK) or other individuals whose names were provided by the post.
- b. Attempt to arrange private funding of the medical services, including any amount already expended by post under your emergency authority.
- c. If successful, funds will be transmitted to the post, normally using OCS/TRUST procedures (see 7 FAM 300).

7 FAM 443.4-2 If Private Funds Are Not Forthcoming

(CT:CON-097; 12-09-2004)

The OCS/ACS officer will generate the necessary fiscal data, in the **ACS** system. The updated record replicates back to the CCD and post, usually within a matter of minutes.

7 FAM 443.4-3 Maintain Contact With The Post

(CT:CON-097; 12-09-2004)

The officer will provide assistance and guidance as appropriate, and, within the limits of the Privacy Act, relay updated information on the treatment, health, and living conditions of a patient to family and friends.

7 FAM 443.5 Post Emergency Expenditure Authorization

(CT:CON-097; 12-09-2004)

Under certain circumstances a medical emergency may arise which prohibits the delay inherent in telegraphing the Department and receiving authorization to expend EMDA-I funds. You are authorized to expend the amount necessary, **up to \$250**, without prior Departmental approval, under the following circumstances:

- (1) The prisoner's symptoms appear to warrant an immediate medical examination to determine eligibility for emergency medical treatment under the EMDA-I program;
- (2) An immediate medical examination is warranted in order to verify the alleged abuse of a U.S. citizen/national prisoner by arresting or confining authorities; or
- (3) Emergency medical treatment or surgery appears necessary immediately to prevent death or permanent disablement, and there is insufficient time to explore private resources or obtain Departmental approval; and
- (4) A Form DS-3072 Emergency Loan Application and Evacuation Documentation has been completed, including all necessary fiscal data, and signed by the arrestee (or "without recourse").

7 FAM 443.6 Processing An Authorized Loan

(CT:CON-097; 12-09-2004)

Once the Department authorizes the loan through the **ACS** system, or you determine that using your emergency authorization is warranted.

7 FAM 443.6-1 Complete the Loan Application/Promissory Note

(CT:CON-097; 12-09-2004)

- a. See Form DS-3072 Emergency Loan Application and Evacuation Documentation. This is a multi-purpose combined form for all ACS-related loans for citizens/nationals, which combines the application and promissory note. See CA/OCS Intranet Financial Assistance feature for sample forms. The consular officer completes lines 1 through 8 based on information provided by the applicant.
- b. The loan applicant must read and complete Part 1 of the application, lines 9 and 10 and sign at line 11. Note that line 12 is reserved for crisis event evacuations. Request that the applicant complete lines 15 and 16.

- c. The consular officer must sign on line 17 and affix the seal to the document on page 2 of the application.
- d. If the signature of the applicant is unavailable due to incapacity and no family member is available to execute the application, a consular officer may use the "**Signature Without Recourse**" procedure for lines 11 and 18, and sign in line 17 and use line 19 to note the circumstances (see 7 FAM 300). Consult CA/OCS/ACS for guidance as appropriate. When authorized:
 - Sign the applicant's name
 - Sign the officer's own name directly below the applicant's name
 - Enter the officer's consular title and the words "Signed without recourse"
 - Include at the bottom of the form (line 19) a brief statement of the reason the applicant did not sign it. This can also be done in an attached statement

7 FAM 443.6-2 Passport Action

(CT:CON-097; 12-09-2004)

- a. If the EMDA loan applicant has a valid passport in post's possession, post may cancel the passport. When the prisoner is released, a limited validity passport may be issued accordingly.
- b. Name will be entered in the CLASS name check system due to indebtedness.
- c. See 7 FAM 1300 Passport Services. Passports generally should not be provided to prisoners serving sentences overseas until they are released or until passport is provided to law enforcement escort for extradition or prisoner transfer cases (see 7 FAM 480 and 7 FAM 1600).

7 FAM 443.6-3 Distribute the DS-3072 Loan Application/Promissory Note

(CT:CON-097; 12-09-2004)

- a. Send the **original** to the Department of State, Bureau of Resource Management (RM/GFS/DFS/FO/AR),
- b. Give the **second** copy of the form to the post fiscal officer, who will arrange payment for the services.
- c. Retain the **third** copy of the application in the Consular Section until the services provided by the loan are complete.

- d. Give the **fourth** copy of the application to the beneficiary.

7 FAM 443.7 Reporting

7 FAM 443.7-1 Interim Reports

(CT:CON-097; 12-09-2004)

You must notify the Department by telegram, and include the loan fiscal data and the revised total estimate, whenever:

- (1) The funds authorized for this loan will not be used;
- (2) The funds authorized for this loan will not be used totally; or
- (3) Additional funds will be required.

7 FAM 443.7-2 Final Report

(CT:CON-097; 12-09-2004)

Within 72 hours after completion of services required for the medical emergency:

- (1) Send a post final fiscal reporting telegram to the Department (CA/OCS/ACS; RM/GFS/DFS/FO/AR; CA/EX/RES; CA/PPT/IML/RS). Include:
 - (a) The applicant's name and Social Security number;
 - (b) Amount expended, (convert local currency to U.S. dollars);
 - (c) Complete U.S. billing address (or complete foreign address if no U.S. address is available); and
 - (d) Fiscal data charged.
- (2) Send the third copy of the Form DS-3072 and a copy of the final reporting telegram by mail or FAX (843-746-0556) to:

Department of State
Accounts Receivable Division
P.O. BOX 15008
Charleston, SC 29415-5008

7 FAM 444 SHORT TERM FULL DIET PROGRAM

(CT:CON-097; 12-09-2004)

- a. This part of the EMDA-I program establishes a method for funding food for American prisoners being held in facilities where incarcerating officials provide little or no food.
- b. This program is intended to meet all or most of a prisoner's dietary needs.
- c. Prisoners receiving basic foods, but needing some supplemental assistance to maintain an adequate standard of health are normally assisted under the Dietary Supplements element of the EMDA-I program (see 7 FAM 445).

7 FAM 444.1 Eligibility Criteria

(CT:CON-097; 12-09-2004)

- a. A prisoner is considered eligible for the short term full diet program if:
 - (1) The prisoner is to be or has been held in excess of 1 day in a holding jail or other facility;
 - (2) The incarcerating officials do not provide food for the prisoner; and
 - (3) Food is not available from any other source, including private funding from family or friends.
- b. Prisoners must demonstrate genuine attempts to obtain from other sources;
- c. Post must verify these efforts by contacting the individuals;
- d. The names, addresses, and telephone numbers of all contacts provided by the prisoner, and verified by post, must be included in the EMDA request cable; and
- e. The prisoner is willing to sign a promissory note for funds expended, since the assistance is normally on a reimbursable basis.

7 FAM 444.2 Post Procedures

7 FAM 444.2-1 Determine Cost

(CT:CON-097; 12-09-2004)

You must establish the average normal cost of a basic diet in your area and

the best method of effecting payment.

7 FAM 444.2-2 Secure Funds if Possible

(CT:CON-097; 12-09-2004)

Attempt to obtain the money to pay for food purchase and delivery from private sources such as family or friends.

7 FAM 444.2-3 Complete the Loan Application/Promissory Note

(CT:CON-097; 12-09-2004)

- a. See Form DS-3072 Emergency Loan Application and Evacuation Documentation. This is a multi-purpose combined form for all ACS-related loans for U.S. citizens/nationals. It combines the loan application and promissory note. See CA/OCS Intranet Financial Assistance feature for sample forms. The consular officer completes lines 1 through 8 based on information provided by the applicant.
- b. The loan applicant must read and complete Part 1 of the application, lines 9 and 10 and sign line 11. Note that line 12 is reserved for crisis event evacuations. Request that the applicant complete lines 15 and 16.
- c. The consular officer must sign on line 17 and affix the seal to the document on page 2 of the application.
- d. If the signature of the applicant is unavailable due to incapacity, and no family member is available to execute the application, a consular officer may use the **"Signature Without Recourse"** procedure for lines 11 and 18, sign line 17, and use line 19 to note the circumstances (see 7 FAM 300). Consult CA/OCS/ACS for guidance as appropriate. If authorized:
 - Sign the applicant's name
 - Sign the officer's own name directly below the applicant's name
 - Enter the officer's consular title and the words "Signed without recourse"
 - Include at the bottom of the form (line 19) a brief statement of the reason the applicant did not sign it. This can also be done in an attached statement

7 FAM 444.2-4 Estimate Total Loan Cost

(CT:CON-097; 12-09-2004)

Develop your best estimate of the funds required for food purchase and

delivery during the expected period.

7 FAM 444.2-5 Enter Case into ACS System

(CT:CON-097; 12-09-2004)

You must enter the case into the **ACS** system in order to replicate your case to the Consolidated Consular Database (CCD) and alert OCS/ACS to take urgent action.

- (1) Once the case has been entered into the **ACS** system as an arrest case, passport case etc. You can enter the EMDA information into the **ACS** system loan segment.

Note: In EMDA I, the ACS system requires you to enter the case as an arrest before you can enter it as a loan case.

- (2) Once you have entered the data, push the **Request Approval** button.
- (3) Even when the amounts allow you to expend funds using your emergency authority as described in 7 FAM 443.5 below, you must enter the case into the **ACS** system and hit **Request Approval**.
- (4) It is prudent to follow up by e-mail or telephone with the designated officer in CA/OCS/ACS.

7 FAM 444.2-6 Send Telegram

(CT:CON-097; 12-09-2004)

Immediately follow up with a telegram to the Department using the format contained in 7 FAM Exhibit 444.2-6.

FYI: You need to send this cable even though the case data is already in CCD, other offices in the Department, as well as other U.S. Government agencies (FMP, geographic bureaus, HHS, ISS etc.) need this information, they DO NOT have access to CCD.

7 FAM 444.3 Post Emergency Expenditure Authorization

(CT:CON-097; 12-09-2004)

Posts are authorized to spend up to **\$250** without prior Department approval. Essentially the same procedures apply to short term dietary

assistance cases as apply to medical services cases:

- (1) The post must determine that no private sources of funds are available;
- (2) An emergent situation exists;
- (3) Form DS-3072 Application for Emergency Loan and Evacuation Documentation must be executed by prisoner or family member. See CA/OCS Intranet Financial Assistance feature for sample form;
- (4) If authorized by the CA/OCS/ACS, prisoners lacking full capacity with no family members, the consular officer may use the **"Signature Without Recourse"** procedure for lines 11 and 18, sign line 17, and use line 19 to note the circumstances. See 7 FAM 300. Consult CA/OCS/ACS for guidance as appropriate. If authorized to do so: ...
 - Sign the applicant's name
 - Sign the officer's own name directly below the applicant's name
 - Enter the officer's consular title and the words "Signed without recourse"
 - Include at the bottom of the form (line 19) a brief statement of the reason the applicant did not sign it. This can also be done in an attached statement
- (4) The prisoner must sign receipts for funds received; and
- (5) Expenditures **above \$250** require prior Department approval.

7 FAM 444.4 Processing Dietary Assistance Loans

(CT:CON-097; 12-09-2004)

When the Department provides the fiscal data and approval through the **ACS** system, follow the procedures in 7 FAM 444.4-1 through 444.4-3.

7 FAM 444.4-1 Complete The Application/Note

(CT:CON-097; 12-09-2004)

- a. See Form DS-3072 Emergency Loan Application and Evacuation Documentation. This is a multi-purpose combined form for all ACS-related loans for U.S. citizens/nationals. See CA/OCS Intranet Financial Assistance feature for sample forms. The consular officer completes lines 1 through 8 based on information provided by the applicant.
- b. The loan applicant must read and complete Part 1 of the application, lines 9 and 10, and sign line 11. Note that line 12 is reserved for crisis event

evacuations. Request that the applicant complete lines 15 and 16.

- c. The consular officer must sign on line 17 and affix the seal to the document on page 2 of the application.
- d. If the signature of the applicant is unavailable due to incapacity, and no family member is available to execute the application, a consular officer will use the "**Signature Without Recourse**" procedure for lines 11 and 18, sign line 1,7 and use line 19 to note the circumstances (see 7 FAM 300). Consult CA/OCS/ACS for guidance as appropriate. If authorized:
 - Sign the applicant's name
 - Sign the officer's own name directly below the applicant's name
 - Enter the officer's consular title and the words "Signed without recourse"
 - Include at the bottom of the form (line 19) a brief statement of the reason the applicant did not sign it. This can also be done in an attached statement

7 FAM 444.4-2 Passport Action

(CT:CON-097; 12-09-2004)

- a. If the EMDA loan applicant has a valid passport in post's possession, post may cancel the passport. When the prisoner is released, a limited validity passport may be issued accordingly.
- b. Name will be entered in the CLASS name check system due to indebtedness.
- c. See 7 FAM 1300 Passport Services. Passports generally should not be provided to prisoners serving sentences overseas until they are released or until passport is provided to law enforcement escort for extradition or prisoner transfer cases (see 7 FAM 480 and 7 FAM 1600).

7 FAM 444.4-3 Distribute The Completed Loan Application/Promissory Note

(CT:CON-097; 12-09-2004)

- a. Send the original of the to the Department of State, Bureau of Resource Management (RM/GFS/DFS/FO/AR);
- b. Give the second copy of the form to the post fiscal officer, who will arrange payment for the services;
- c. Retain the third copy of the application in the consular section until the services provided by the loan are complete; and

- d. Give the fourth copy of the application to the beneficiary as a memorandum of obligation to repay the U.S. Government.

7 FAM 444.5 Use Of Funds

(CT:CON-097; 12-09-2004)

Funds expended under this program should be used in much the same way as subsistence funds in repatriation cases. Exercise your best judgment as to how these funds are disbursed. The following guidelines are offered primarily as suggestions.

- (1) Whenever possible, do not give funds directly to the prisoner, but pay them to a local restaurant or other establishment, which normally provides paid meals to prisoners at the facility, or has the capability of doing so.
- (2) Pay funds to prison officials only as a last resort, and only if there is assurance that the funds will be used to provide food for the prisoner or prisoners in question.
- (3) To the extent permitted by local conditions, try to arrange for meals (such as Kosher, vegan or vegetarian) that do not offend a prisoner's religious tenets or philosophical beliefs.

7 FAM 444.6 REPORTING

7 FAM 444.6-1 Interim Reports

(CT:CON-097; 12-09-2004)

You must notify the Department by telegram, and include the loan fiscal data and the revised total estimate, whenever:

- (1) The funds authorized for this loan will not be used;
- (2) The funds authorized for this loan will not be used totally; and
- (3) Additional funds will be required.

7 FAM 444.6-2 Final Report

(CT:CON-097; 12-09-2004)

- a. Within 72 hours after completion of services, you are required to:
 - (1) Send a post final fiscal reporting telegram to the Department (CA/OCS/ACS; RM/GFS/DFS/FO/AR; CA/EX/RES; CA/PPT/IML/RS). Include:
 - Applicant's name and Social Security number

- Amount expended, (convert local currency to U.S. dollars)
 - Complete U.S. billing address (or complete foreign address if no U.S. address is available)
 - Fiscal data charged
- b. Send the third copy of the Form DS-3072 Application for Emergency Loan and Evacuation Documentation, and a copy of the final reporting telegram by mail or FAX (843-746-0556) to:

Department of State
Accounts Receivable Division
PO BOX 155008
Charleston, SC 29415-5008

7 FAM 445 DIETARY SUPPLEMENTS

(CT:CON-097; 12-09-2004)

This element of the program provides food supplements on a non-reimbursable basis where normal prison fare is not sufficient to maintain an acceptable standard of health and such supplements are not available through prisoners' private resources.

7 FAM 445.1 Eligibility Criteria

(CT:CON-097; 12-09-2004)

Because this element of the program is non-reimbursable, and because the amount expended per prisoner may be relatively small, the eligibility criteria need not be particularly stringent. A prisoner is considered eligible for the dietary supplement program under the following general criteria:

- (1) A private physician, prison doctor, or other host country medical authority advises you that the prison diet does not meet the minimal requirements to sustain adequate health; or
- (2) If such an evaluation is not available, use an evaluation by either a regional medical officer or Departmental medical officer that the prison diet does not provide the minimum requirement to sustain adequate health.

Note: This program is not prisoner-specific. Once you have established the need for supplements at a certain detention

facility, the program will cover all U.S. citizen/national prisoners who are incarcerated now, or in the predictable future.

7 FAM 445.2 Processing Requirements For Dietary Supplements

(CT:CON-097; 12-09-2004)

Because of the relatively small cost associated with this program, it is administered on a non-reimbursable basis. Take the following actions:

- (1) Determine the eligibility of the prisoners and the type of supplement(s) necessary, as described in 7 FAM 445.3 and 7 FAM 445.4;
- (2) Identify the best source of the supplements and estimate the total cost for a fiscal year;
- (3) Notify the Department (CA/OCS/ACS and CA/EX) by telegram of the amount of supplements needed and the estimated cost, as well as a description of the supplements and justification for the expenditure; and
- (4) Await Department authorization and fiscal data before the purchase of supplements.

Note: Funds are allotted by fiscal year. You need to make all purchases within the same fiscal year.

7 FAM 445.3 Types Of Supplements

(CT:CON-097; 12-09-2004)

Dietary supplements must be basic and easily stored, transported, and administered. Dietary supplements normally include some or all of the following:

- (1) A basic high-calorie, high-protein food supplement (energy bars, etc.);
- (2) Multi-vitamin tablets (one-per-day variety);
- (3) Vitamin C tablets (ascorbic acid), particularly in those areas where the diet does not include minimal amounts of fresh fruit or vegetables, to prevent scurvy or related diseases;

- (4) Iron tablets, particularly for female prisoners; and
- (5) Calcium tablets, primarily in those areas where little or no dairy products are provided.

7 FAM 445.4 Sources Of Supplements

(CT:CON-097; 12-09-2004)

Supplements may be obtained in several ways, (see 7 FAM 445.4-1 through 7 FAM 445.4-3).

7 FAM 445.4-1 On the Local Economy

(CT:CON-097; 12-09-2004)

The post's general services officer may purchase the required dietary supplements locally.

- (1) Purchase in wholesale quantities whenever possible;
- (2) Send CA/OCS/ACS a copy of the post purchase order when it is issued to the vendor; and
- (3) CA/OCS/ACS will forward the purchase order copy to the Financial Services Division for obligating purposes.

7 FAM 445.4-2 Emergency Request to Department (M/MED)

(CT:CON-097; 12-09-2004)

In emergencies, posts may submit requests to the Department, Attention: M/MED and CA/OCS/ACS.

- (1) All requests must include a fund citation to cover material costs and transportation.
- (2) M/MED will acquire the supplies and ship via air pouch.

7 FAM 445.4-3 Requisition from Department (A/LM/AQM)

(CT:CON-097; 12-09-2004)

Some dietary supplements may not be available through the USPHS but must be obtained through commercial sources:

- (1) CA/OCS/ACS can, upon request from post, order these items by a standard requisition form to A/LM/AQM;
- (2) CA/OCS/ACS will fund merchandise and transportation costs, and will include appropriate shipping recommendations; and

- (3) In view of the possible short-term shelf life of such products, a transportation mode other than surface (such as airfreight, air pouch, or APO/FPO) may be advisable.

7 FAM 445.5 Distribution

(CT:CON-097; 12-09-2004)

- a. You must distribute supplements directly to each prisoner, with a supply adequate to last until the next regularly scheduled consular visit.
- b. If local regulations prohibit the distribution of dietary supplements directly to individual prisoners, the consular officer may turn them over to local prison authorities for distribution.
 - (1) Each prisoner must be questioned at the earliest opportunity regarding receipt of the supplements.

7 FAM 445.6 Termination Or Suspension Of Program

(CT:CON-097; 12-09-2004)

Monitor the dietary supplement program carefully. You must suspend or terminate the program and submit a full report to the Department (CA/OCS/ACS) by telegram if:

- (1) Prison authorities begin providing supplements, or an adequate diet;
- (2) Non-receipt of dietary supplements by U.S. citizen/national prisoners appears common;
- (3) Black marketing or other misuse of the supplements appears common; or
- (4) Receipt of the supplements is likely to subject U.S. citizen/national prisoners to harassment or attacks at the prison.

7 FAM 446 FUNDING AND ACCOUNTING

(CT:CON-097; 12-09-2004)

You are responsible for ensuring that the proper forms are completed according to the element of EMDA-I being used.

- (1) Remember that the Emergency Medical Assistance and the Short Term Full Diet parts of the program are provided on a reimbursable basis, Form DS-3072 Emergency Loan Application and Evacuation Documentation, **must** be signed before these services can be

initiated. This is a multi-purpose form, which combines the loan application and promissory note.

- (2) The actual accounting and reporting of the services is the responsibility of the post's disbursing office.

7 FAM 446.1 Proper Fiscal Year Recording

(CT:CON-097; 12-09-2004)

October 1 marks the first day of each new fiscal year. As a consular manager, you must ensure that EMDA-I programs are charged to the proper fiscal year.

7 FAM 446.1-1 EMDA I Medical Loan Cases

(CT:CON-097; 12-09-2004)

The fiscal year for EMDA I medical loans must correspond to the date of post's original request for the loan, as shown on the ACS system request screen.

For Example: You are requesting an EMDA-I medical loan for a prisoner, and enter the request into ACS on September 30, 2005. Funds will not be disbursed until October 1 or later. You must still, select "FY05" when making the loan request in the ACS system.

7 FAM 446.1-2 EMDA I Full Dietary Assistance Loans

(CT:CON-097; 12-09-2004)

Following the initial request for each case, EMDA I dietary loan funds are requested quarterly. You must not enter the request into the **ACS** system until we are in the correct fiscal year, and then enter that year.

For Example: On September 30, 2005, you are preparing to request dietary funds for the next quarter. You must wait until October 1, 2005 before entering the request into ACS, and select "FY06" as the correct fiscal year.

7 FAM 446.1-3 EMDA I Dietary Supplement Funds

(CT:CON-097; 12-09-2004)

EMDA I funds for the vitamin and supplement grant program are requested

annually. You must not enter the request into the **ACS** system until we are in the correct fiscal year, and then enter that year.

For Example: On September 30, 2005, you are preparing to request dietary funds for vitamins and supplements for the next year. You must wait until October 1, 2005 before entering the request into ACS, and select "FY06" as the correct fiscal year.

7 FAM 446.2 Correcting A Wrong Fiscal Year Entry

(CT:CON-097; 12-09-2004)

- a. If the fiscal year on a loan request is entered incorrectly, you can not correct it in the **ACS** system until the loan is approved.
- b. Once a loan with the wrong fiscal year is approved, the CA/OCS/ACS desk officer will return the loan, and post will need to reenter the loan request in the **ACS** System with the correct fiscal year.

7 FAM 447 THROUGH 449 UNASSIGNED

7 FAM EXHIBIT 443.3-8 SAMPLE TELEGRAM REQUESTING/REPORTING EMDA FOR EMERGENCY MEDICAL ASSISTANCE

(CT:CON-097; 12-09-2004)

(Page 1 of 2)

UTE1489
ACTION FMP-00

INFO LOG-00 CA-01 WHA-00 UTED-00 FOE-00 TEDE-00 OCS-01

CAEX-00 PPT-00 SSO-00 SS-00 TEST-00 SAS-00 /002W
-----BA327D 292057Z /38

R 292047Z OCT 03
FM AMEMBASSY EREHWON
TO SECSTATE WASHDC 2004
INFO ALL USCONS EREHWON

UNCLAS EREHWON 007779

STATE FOR

CA/OCS/ACS/WHA/JOHN SMITH
RM/GFS/DFS/FO/AR
CA/PPT/IML/RS
CA/EX/RES
E.O. 12958: N/A
TAGS: CASC, EW (DOE, JANE L)

SUBJECT: FIMED/EMDA-I: REQUEST FOR AUTHORIZATION
AND FISCAL DATA FOR EMERGENCY MEDICAL ASSISTANCE FOR JANE L.
DOE

Ref EREWHON 007610

- 1 NAME/DPOB/SSN:** Jane Louise DOE, 19Jan1982 Nebraska, 123-45-6789
- 2. PPT:** 7100113119 Issued 9/24/02 USA

CONTINUATION 7 FAM EXHIBIT 443.3-8 (PAGE 2)

- 3. SOURCES OF FUNDS:** Small amount of money found on Doe was confiscated during arrest process and “lost”. Mother, Mary L. Doe, 2356 Elm Street, Omaha, NE 42382; 731-412-5555; Sister, 765 N. Court St., Apt 4A, Ft. Sill, OK; Post contacted mother, but she states family is unable to assist.
- 4. PRIOR POST ACTION:** ConAgent visited Ms. Doe in the prison infirmary.

She was subsequently transferred to prison ward of public hospital some 380 km from Embassy.
- 5. PRIVACY ACT WAIVER:** Signed full waiver when first visited by ConAgent.
- 6 DIAGNOSIS:** Acute gastritis, possible appendicitis
- 7. TOTAL ASSISTANCE REQUIRED:** \$480 USD -\$50 subsistence already paid under emergency authority, \$430 expected cost of hospital stay, medical treatment.
- 8. PRESENT LOCATION:** Graziel Public Hospital: Orna Vigil No. 317, Smallville, Erehwon, 68000; Tel. 011-5-951-5163836, 011-52951-5165468. EXPECTED LENGTH OF HOSPITALIZATION: 3 Days
- 9. ATTENDING PHYSICIAN:** Dr. Arturo Molina or Dr. Navarrete
- 10. AMOUNT ALREADY EXPENDED:** \$50 USD for subsistence
- 11. REMARKS:** Post requests authorization and fiscal data for Jane Louise DOE, who was arrested on a drug smuggling charge at Metropolis airport. She was hospitalized a few days after arrest with nausea, vomiting and acute pain. Due to her deteriorating medical condition, she has been moved from the prison to the public hospital where she can receive needed medical care, including probable surgery.

THEMAN

**7 FAM EXHIBIT 444.2-6
SAMPLE TELEGRAM REQUESTING/REPORTING
EMDA-I LOAN FOR SHORT TERM FULL
DIETARY ASSISTANCE**

(CT:CON-097; 12-09-2004)

Ute 489

ACTION: FMP-00

INFO LOG -00 CA-01 WHA-00 UTED-00 FOE-00 TEDE-00 OCS-01 CAEX-
00 PPT-00 SSO-00 SS-00 TEST-00 SAS-00 /002W -----
ba327d 292057z / 38

R 2920047z OCT 03

FM AMEMBASSY EREHWON

TO SECSTATE WASHDC 2004

INFO ALL USCONS EREWHON

STATE FOR

CA/OCS/ACS/WHA/JOHN SMITH

RM/GFS/DFS/FO/AF

CA/PPT/IML/RS

CA/EX/RES

E.O. 12958:N/A

TAGS: CASE, EW (DOE, JANE L.)

SUBJECT: FIMED/EMDA I: REQUEST FOR AUTHORIZATION AND FISCAL
DATA FOR DIETARY ASSISTANCE FOR JANE L. DOE

REF: EREWHON 007610

1. **NAME/DPOB/SSN:** Jane Louise DOE, 19 Jan 1982 Nebraska, 123-45-6789.
2. **PPT:** 7100113110 issued 09/24/02 USA.
3. **SOURCES OF FUNDS:** Small amount of money found on Doe was confiscated during arrest process and "lost." Mother, Mary L. Doe, 2356 Elm Street, Omaha, NE 42382, 731-412-5555; Sister: Alice L. Doe, 765 N. Court Street, Apt 4A, Ft. Sill, OK; Post contacted mother, but she states family is unable to assist.

CONTINUATION 7 FAM EXHIBIT 444.2-6

4. **PRIOR POST ACTION:** Ms. Doe has repeatedly told us she has no relatives or friends in the United States or Anyplace willing or able to assist her. No other local sources of funds are available.
5. **PRIVACY ACT WAIVER:** Signed limited waiver when first visited by consular agent. Information only to relatives, friends.
6. **ASSISTANCE REQUIRED:** \$15 per day until she is either released or sent to long-term detention center. Estimate maximum of 20 days.
7. **PRESENT LOCATION:** Smallville Jail, Smallville, Erewhon, 68000; Tel. 011-5-951-5163432; 011-5-951-5165456.
8. **FOOD SOURCE:** Smokey Joe's Café and Carryout, Smallville.
9. **AMOUNT ALREADY EXPENDED:** \$45 U.S. dollars for subsistence (3 days).
10. **ACTION REQUESTED:** Post requests authorization for continuing assistance and fiscal data for Jane Louise DOE.
11. **REMARKS:** Ms. Doe was arrested on a drug smuggling charge at Metropolis airport. She insists she did not know package given to her by friend contained cocaine. Case is still under investigation, and may or may not go to trial.

THEMAN.