

7 FAM 1880

AT THE FOCAL POINT OF A DISASTER

(CT:CON-142; 07-26-2006)
(Office of Origin: CA/OCS/PRI)

7 FAM 1881 THE PRIMARY RULES

(CT:CON-142; 07-26-2006)

When a crisis or disaster occurs in your consular district that affects or might affect U.S. citizens, you should react immediately and keep four primary rules firmly in mind. This subchapter will discuss ways of accomplishing these goals effectively. (See 12 FAH-1 H-300 and 12 FAH-1 Annex I.)

Note:

- Get to where you can best assist the affected U.S. Citizens/U.S. non-citizen nationals ASAP.
- Arrive well equipped
- Do your best to assure that all U.S. citizen/ U.S. non-citizen national victims and families at the scene get appropriate, timely assistance and care.
- Keep your mission and the Department updated - report early and often.

7 FAM 1881.1 Immediate Consular Presence - Don't Fall Behind The Curve

(CT:CON-142; 07-26-2006)

One of the keys to getting control of, and managing, a crisis is to get enough resources to where you can best assist the affected U.S. citizens/U.S. non-citizen nationals as early in the life span of the crisis as possible.

Remember:

- (1) If your U.S. citizen/U.S. non-citizen national victims develop a perception, valid or not, that you are understaffed and lack adequate resources, they will lose confidence, and begin questioning everything you do or say;
- (2) It is better to risk overstaffing at first and cut back than to play catch-up later;

- (3) Dispatching at least one officer to the scene is essential. Sending more than one is prudent;
- (4) If there is only one officer available, consider sending a senior consular FSN with him or her; and
- (5) Ensure that whoever goes has an updated Disaster Kit. (See 7 FAM 1813.4-1).

7 FAM 1881.2 Assess and Report

(CT:CON-142; 07-26-2006)

Immediately upon arrival at the site of a disaster and/or response command center, review the site, and make as many observations as possible. Report back immediately to the Embassy and the Department, providing:

- (1) General nature and extent of the damage;
- (2) Estimate of number of U.S. citizens/nationals dead, injured, survivors, and missing;
- (3) Response of local government, both current and expected;
- (4) Status of local infrastructure, including communications and transportation (especially airports); and
- (5) Estimate of additional embassy support needed at the scene:
 - (a) More consular officers;
 - (b) Press officer; and
 - (c) Other specialties.

7 FAM 1881.3 Identify and Contact Other Participants at the Site of the Disaster and/or the Response Command Center

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You will not be the only person arriving on the scene. Other agencies and individuals will be there. Contact them, explain your role, and understand theirs. Individuals and organizations with which you should work closely on site might include:

- (1) **Local Government Officials:** Often the first officials on the scene will be town or village police, Fire Department, and Rescue Services, etc;

<p>Note: As you work with these individuals and organizations, you should encourage them to request help at the national level if it appears to you that</p>

they do not have sufficient resources.

- (2) **International or Local Red Cross:** These professionals are often one of your best and most experienced resources. Establish a close working relationship and a free flow of information in both directions;
- (3) **Other International Or Local Relief Organizations:** Evaluate their effectiveness and develop relationships accordingly;
- (4) **Transportation Representatives:** They are invariably present in commercial airline disasters. For more detailed information, see 7 FAM 1860 Transportation Disasters; and
- (5) Others.

7 FAM 1881.4 Understand Your Own Financial Resources and Limitations

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As a general rule, there are no special Department of State funds earmarked or available for private U.S. citizen or nationals in disaster situations. With this in mind as soon as you reasonably can, consistent with the circumstances, you should:

- (1) Carefully explain these limitations to local officials, transportation or other company reps, relief organizations et al.;
- (2) If you do receive any extraordinary requests for financial assistance from the host government or others, relay the request to senior management at your mission for further discussion with the Department, and so advise the requestor;
- (3) Evaluate and make initial determinations on the following, and advise your mission and the Department;
- (4) The mechanisms available to survivors at or near the scene for obtaining private funds (Banks, exchange houses, credit card advances ATM'S, Western Union, etc.);
- (5) The viability and efficiency of OCS Trusts under the existent circumstances (see 7 FAM 300); and
- (6) The need to request blanket repatriation authority from the Department, and the approximate amount per person.

NOTE: There are official funds available from the Department of Justice for private U.S. citizens and nationals who are victims of terrorism or other criminal acts abroad. (See 7 FAM 1900 for additional information.)

7 FAM 1882 THE IMPLICATIONS OF THE PRIVACY ACT AT THE DISASTER SITE

(CT:CON-142; 07-26-2006)

As a consular officer, you should already have a working familiarity with the Privacy Act and its very significant impact on the consular function. During a crisis, certain aspects of the Privacy Act attain additional importance. The following is intended to provide some limited guidance applicable specifically to crisis situations. See 7 FAM 060 for general guidance about the Privacy Act.

- (1) **Deceased Individuals:** The Privacy Act does not protect records pertaining to deceased individuals. However, next-of-kin may have a "common law" privacy interest in not having information about the deceased released, e.g., if it could embarrass, endanger or cause emotional distress to them.
- (2) **Routine Uses:** The Privacy Act permits the Department to release information without a PAW for a "routine use," which must be:
 - (a) Published in the Federal Register;
 - (b) Compatible with the Department's objectives in collecting the information; and
 - (c) Consistent with the reasonable expectations of the individual who provided the information to the Department.

Note: See 5 U.S.C. 552a(b)(3). See State-05 (Overseas Citizen Services Records) and State-26 (Passport Records), available at "Privacy Act Issuances" at the U.S. Department of State Internet FOIA page; see also "prefatory statement of routine uses," which applies to all Department of State systems of records.

- (3) **Health and Safety Exception:** The Privacy Act's "health or safety" exception allows disclosure of information without a PAW "to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual." 5 U.S.C. 552a(b)(8). This section of the Act may be invoked to save the life of the U.S. citizen/non-citizen national or remove him/her from harm's way, notwithstanding his/her written affirmation of his/her right to privacy.
- (4) **Congressional Inquiries:** The "congressional committee" exception permits the disclosure of information in a covered record without a PAW to a congressional committee or subcommittee to the extent that the matter falls within the committee or

subcommittee's jurisdiction. (See 5 U.S.C. 552a(b)(9)). Such requests must come from a committee or subcommittee chair. Refer such requests to the Department (CA/OCS/PRI) for appropriate action. You can also release information without a PAW as a "routine use" in response to an inquiry from a congressional office made at the request of that individual. See the "Members of Congress" in the Department's Prefatory Statement of Routine Uses (Prefatory Statement). However, this exception does not permit the disclosure of protected information to individual members of Congress unless the individual to whom the record pertains has requested congressional assistance.

- (5) **Media Inquiries:** See 12 FAH-1 H-400.

7 FAM 1883 ASSISTANCE TO UNINJURED VICTIMS

(CT:CON-142; 07-26-2006)

While the **injured** obviously have priority in the aftermath of a disaster, often medical and other rescue personnel on the scene will meet their immediate needs. **Uninjured** U.S. citizen or national survivors may therefore benefit most from immediate consular assistance.

7 FAM 1883.1 The Basics - Food, Shelter & Clothing

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Immediate needs will vary greatly. Survivors fleeing a natural disaster may have had time to collect everything they need for the immediate future, while survivors of a transportation accident could be cold, wet, and without a change of clothing. Your role is to do what you can to see that immediate needs are met.

- (1) The host government and its representatives have the primary responsibility for caring for survivors, at least in the early hours of a crisis. Work with your contacts to see that immediate needs are met for all survivors including U.S. citizen or nationals.
- (2) Relief agencies such as the international Red Cross are often the most reliable source of clothing, blankets, food water and other immediate needs. Stay in close contact with their representatives.
- (3) If organized assistance is unavailable or inadequate, consider drawing upon local entities such as churches or fraternal organizations.

7 FAM 1883.2 Interviewing Survivors

It is imperative that you speak with each U.S. citizen or national survivor as soon as possible. Even though these survivors are uninjured, they have been through a traumatic experience, and may have other family members or friends among the injured or missing. Tact and preparation are in order.

7 FAM 1883.2-1 Before the Interviews

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- a. Ensure that minimal needs (food, water, blanket, dry clothing etc.) have been met. Requiring biographic information, asking for PA Waiver signatures etc. may well be perceived as insensitive and bureaucratic if the survivors are still wet, cold, or hungry.
- b. Make certain that survivors have been, or soon will be, examined by a competent medical authority. Sometimes victims will reject assistance from relief and welfare workers, or even public authorities. However, despite outward appearances, they may be suffering from shock, internal injuries or other undetected medical problems.
- c. Have some basic information ready. Survivors can be assertive to the point of aggressiveness, and are going to want to know what has happened, what happens to them next, how to find other family members or friends caught up in the disaster, etc. Be prepared to give them a quick, organized briefing of whatever information you have developed thus far.

7 FAM 1883.2-2 During the Interview

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- a. Collect the information necessary to establish identity and citizenship, connections to other victims, contact points for family and friends in the States, etc.
 - (1) Enter information into a standalone database/spreadsheet on the flyaway kit laptop, or directly into the CCD Crisis System, using a remote access connection.
 - (2) If a computer is not available, use a preformatted card or form to collect data in a format that will expedite later data entry.
- b. Get a signed Privacy Act Waiver. (See 7 FAM 060.)
 - (1) Explain to the U.S. citizen or national that you cannot pass on word regarding their welfare even to close relatives and friends without a waiver.
 - (2) Explain that the law does not provide for any form of oral waiver.

Note: 7 FAM 060 provides a detailed explanation about the Privacy Act. In a crisis, you may follow the oral request of a citizen who tells you, for example, “Tell Mom I’m okay.” Once the person is in a safe haven country, a Privacy Act waiver should be obtained if at all possible since the health and safety provision generally would no longer apply. Questions? ASKPRI@state.gov or seek guidance from the CA Task Force.

- (3) Point out that they can limit the dispensing of information. They can allow you to contact and discuss case with family and friends, but not with media or attorneys.
 - (4) Remind them that family members often go to congressional members for assistance, and it is useful to include members of congress in the waiver.
 - (5) Explain that they can change the waiver (expand or restrict it) at a later time if they wish.
- c. **Assist with contacting family members:**
- (1) If possible, explain how and where they can contact family members to let them know they are OK.
 - (2) If this is not feasible, offer to assist in contacting the family.
 - (a) Depending on the number of victims, your own resources, relative isolation etc., you may not want to commit to contacting families directly;
 - (b) Report back to the Embassy Task Force and have them make the contact; and
 - (c) Provide the necessary information to the Department’s Task force using the CCD-based Crisis System, e-mail, fax etc. and have the Department make the contacts.
- d. **Outline Next Steps:** To the extent possible, explain the process and let them know what will happen next. Be prepared to cover such points as:
- (1) Where they will go next (hotel, host government shelter, hospital, etc.);
 - (2) How to reunite with other family members of friends who are also victims;
 - (3) When they can expect transportation back to the US; and
 - (4) How to secure emergency funds. (See 7 FAM 300).
 - (a) ATM or credit card advances.
 - (b) Wire transfers from home.
 - (c) OCS funds transfer.

7 FAM 1883.3 Repatriation

(CT:CON-142; 07-26-2006)

Assist the victim in returning home. While the transportation company or other representatives may take over most of the logistics, you should step in when necessary to ensure that the survivors are returned to the United States, (or alternate destination) as quickly and smoothly as possible.

7 FAM 1883.3-1 Provide Documentation

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Assist in replacing passports. (See 7 FAM Appendix 1300 N.)

7 FAM 1883.3-2 Assist in Securing Funds

(CT:CON-142; 07-26-2006)

You should assist the survivors in obtaining the funds they need to return home, or in some cases to remain in the area because of injured or missing family members. Following are a few suggestions on ways to assist. Complete details on funds transfers can also be found in 7 FAM 300.

- (1) Work with on-site representative of company accepting responsibility (common in transportation incidents, particularly aviation accidents) for onward transportation.
- (2) Help victims trade in unused tickets for onward transportation.
- (3) If family in the U.S. is purchasing return tickets, help expedite the process as much as possible.
- (4) Be prepared to utilize the OCS TRUST procedure if appropriate to the circumstances.

Note: In a disaster situation, The embassy task force should have already ensured that the embassy cashier has adequate funds to pay out OCS trusts as they arrive from the United States.

7 FAM 1883.3-3 Crisis Evacuation Loans and Repatriation Loans From Safe Havens to the United States

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CA/OCS and Consular Operations in Department crisis task forces or working groups will provide incident specific guidance regarding the issuance of crisis evacuation loans and repatriation loans from safe havens to the United States. (See 7 FAM 300.) Some points to consider in disaster cases:

- (1) Make certain every U.S. citizen adult signs a promissory note.

- (2) Foreign nationals included in evacuation flights should sign promissory notes.
- (2) Secure advance authorization from the Department if at all possible. (See 7 FAM 300).
- (3) Remember that consular repatriation authority only extends to the closest U.S. port of entry. Health and Human Services (HHS) must pick up any domestic transportation needs. (See 7 FAM 390).

7 FAM 1883.3-4 Special Assistance Available for Certain Victims

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If the disaster or crisis involves a **crime** such as terrorism, hostage-taking, kidnapping, etc. the victims may also be eligible for additional assistance from Federal and state sources. (See 7 FAM 1820 and 7 FAM 1900 for further information.)

7 FAM 1883.3-5 Reporting the Status of Uninjured Survivors

If the individual is returning to the states:

- (1) Make certain the Department is aware of the flight information for each case, so they can in turn make arrangements with HHS for reception and any necessary onward travel. See 7 FAM 300.
- (2) Make arrangements with local authorities, including any in transit countries, if necessary

7 FAM 1883.3-6 EVACUATION

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If a disaster, such as a hurricane, has closed the local airports to commercial traffic and resulted in serious damage to the local infrastructure, post may want to begin planning for a possible evacuation in a semi- or non-permissive environment. (See 7 FAM 1840 and 7 FAM 1850 for further guidance on this subject.)

7 FAM 1884 ASSISTANCE TO INJURED SURVIVORS

(CT:CON-142; 07-26-2006)

You should make every effort to see that the best possible medical care and

hospital attention is available for injured U.S. citizen/non-citizen survivors while being careful not to promise U.S. Government funding for such care beyond that permitted by EMDA (see 7 FAM 300). For terrorism incidents, crime victim assistance funds may be available, but this determination is made by the Department of Justice (DOJ) and FBI on a case by case basis.

7 FAM 1884.1 Consular Assistance On Scene or in Immediate Aftermath

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- a. Collect Data: To the extent possible, identify the injured U.S. citizen or national victims and develop the following data for immediate entry into Consular Consolidated Database (CCD)-based Crisis system and transmission to the Department (CA/OCS/ACS).
 - (1) Vital Statistics (name, date and place of birth (DPOB) etc).
 - (2) Initial diagnosis and prognosis: If possible, this information should come from on-site medical or rescue personnel.
 - (3) If local circumstances prohibit developing professional data in a timely fashion, you should provide an initial, basic nonprofessional's description of the scope of injuries (e.g.: conscious or not, ambulatory or not, broken limbs, extensive burns etc.).
- b. Family contacts: Brief list of persons the injured U.S. citizen or national wants notified of his or her condition. Obtain Privacy Act waivers if possible or site reason why this was not possible. For example, injured survivor physically cannot execute Privacy Act Waiver or magnitude of situation makes asking for Privacy Act Waivers unrealistic. (See 7 FAM 060.)
- c. Related cases: Determine if there are other family members among the survivors or the deceased, and cross-reference these cases.
- d. Interim Destination: Determine where rescue or medical personnel intend to transport the injured.
 - (1) If there is a choice of hospitals, try to have U.S. citizen or non-citizen nationals sent to one that comes closest to U.S. standards for medical care, have English-speaking personnel, etc.
 - (2) Try to have all injured U.S. citizen or nationals sent to the same facility. Consider, however, that based on the capabilities and specialties of the hospitals or clinics, it may be medically beneficial to use more than one location (e.g.: burn victims to one location, trauma victims to another).

7 FAM 1884.2 At The Hospital

(CT:CON-142; 07-26-2006)

- a. In most cases injured persons will need to be moved from the site by professional medical or rescue personnel to a suitable medical environment, normally a hospital or clinic. In some cases, the nature and scope of the disaster will cause the host government to set up field hospitals or temporary shelters.
- b. You should arrive at the hospital either before or immediately after U.S. citizen or national victims arrive. Be prepared to take the following actions as circumstances dictate:
 - (1) Update personal information initially gathered at the scene and relay to Department and families;

Note: Make a reasonable effort to verify citizenship status if possible. There are reported cases of persons claiming U.S. citizenship in the belief it will get them enhanced medical attention.

- (2) Get an updated medical diagnosis;
- (3) Get an initial medical prognosis;
- (4) Assist those U.S. citizens/nationals who can do so to communicate with their families and friends;
- (5) Within the confines of the Privacy Act, convey updated information, either directly or through the Task Force, on critical or unconscious patients to appropriate family members;
- (6) Assist the injured and/or their families in arranging payment of costs associated with their hospitalization and treatment;
- (7) Assist with safeguarding and recovery of baggage and personal effects (See 7 FAM 1890) of deceased victims (unless this has been taken into custody by local authorities in connection with law enforcement investigation);
- (8) As required, serve as a liaison between the injured and the transportation company, or related corporate entities taking responsibility (full or partial) for the aftermath of the incident;
- (9) On a limited basis, provide informal translation services between medical personnel and victims or family members in urgent cases; and
- (10) If there are injured who are not critical, but are facing an extended hospital stay:
 - (a) Set up a regular schedule of consular visits;

- (b) Make certain they know how to contact you in an emergency;
and
- (c) Draw on local organizations such as churches, American clubs, etc to visit the injured and to provide some creature comforts such as books, magazines etc.

7 FAM 1885 MEDICAL EVACUATIONS

(CT:CON-142; 07-26-2006)

See 7 FAM 300 for additional guidance.

7 FAM 1886 THROUGH 1889 UNASSIGNED