

ation but not including amounts of such proceeds given as charitable contributions) for the sale, disposition, or assignment of personal property in excess of the basis for such property. For purposes of this chapter, basis shall include initial price, inland and overseas transportation costs (if not reimbursed by the United States Government), shipping insurance, taxes, customs fees, duties or other charges, and capital improvements, but shall not include insurance on an item while in use, or maintenance and related costs. For purposes of computing profit, proceeds and costs shall be valued in United States dollars at the time of receipt or payment, at a rate of exchange as determined by regulation or policy issued pursuant to section 4343 of this title.

(Aug. 1, 1956, ch. 841, title III, § 301, as added Pub. L. 100–204, title I, § 186(a), Dec. 22, 1987, 101 Stat. 1366.)

EFFECTIVE DATE

Section 186(b) of Pub. L. 100–204 provided that: “This section [enacting this chapter] shall take effect 180 days after the date of enactment of this Act [Dec. 22, 1987].”

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 4342. Limitations on disposition of personal property

(a) General rule

Except as authorized under subsection (b) of this section, employees or members of their family shall not sell, assign, or otherwise dispose of personal property within a foreign country which was imported into or purchased within that foreign country and which, by virtue of the official status of the employee, was exempt from import limitation, customs duties, or taxes which would otherwise apply.

(b) Approval by chief of mission

The chief of mission to a foreign country, or a designee of such chief of mission, is authorized to approve within that foreign country sales, assignment, or other dispositions of property by employees under the chief of mission’s jurisdiction (as described in section 3927 of this title) to the extent that such sale, assignment, or other disposition is in accordance with regulations and policies, rules, and procedures issued pursuant to section 4343 of this title.

(c) Violation

Violation of this section, or other importation, sale, or other disposition of personal property within a foreign country which violates its laws or regulations or governing international law and is prohibited by regulations and policies, rules, and procedures issued pursuant to section 4343 of this title, shall be grounds for disciplinary action against an employee.

(Aug. 1, 1956, ch. 841, title III, § 302, as added Pub. L. 100–204, title I, § 186(a), Dec. 22, 1987, 101 Stat. 1368.)

§ 4343. Regulations

(a) Issuance; purpose

The Secretary of State may issue regulations to carry out the purposes of this chapter. The primary purpose of such regulations and related policies, rules, and procedures shall be to assure that employees and members of their families do not profit personally from sales or other transactions with persons who are not themselves entitled to exemption from import restrictions, duties, or taxes.

(b) Contractors

Such regulations shall require that, to the extent contractors enjoy importation or tax privileges in a foreign country because of their contractual relationship to the United States Government, after the effective date of this chapter contracting agencies shall include provisions in their contracts to carry out the purpose of this chapter.

(c) Chief of mission

In order to ensure that due account is taken of local conditions, including applicable laws, markets, exchange rate factors, and accommodation exchange facilities, such regulations may authorize the chief of mission to each foreign country to establish more detailed policies, rules, or procedures for the application of this chapter within that country to employees under the chief of mission’s jurisdiction.

(Aug. 1, 1956, ch. 841, title III, § 303, as added Pub. L. 100–204, title I, § 186(a), Dec. 22, 1987, 101 Stat. 1368.)

REFERENCES IN TEXT

For the effective date of this chapter, referred to in subsec. (b), as being 180 days after Dec. 22, 1987, see section 186(b) of Pub. L. 100–204 set out as an Effective Date note under section 4341 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4341, 4342 of this title.

CHAPTER 53B—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES

Sec.	
4351.	General authority and contents of publication. (a) Charter of publication. (b) Editing principles. (c) Deadline for publication of records.
4352.	Responsibility for preparation of FRUS series. (a) In general. (b) National Archives and Records Administration.
4353.	Procedures for identifying records for FRUS series; declassification, revisions, and summaries. (a) Development of procedures. (b) Declassification review.
4354.	Declassification of State Department records. (a) Deadline for declassification. (b) Exempted records. (c) Review. (d) Annual reports by the Advisory Committee. (e) Annual reports by the Secretary.
4355.	Relationship to Privacy Act and Freedom of Information Act.