

of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

CHAPTER 53A—DISPOSITION OF PERSONAL PROPERTY ABROAD

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§ 4341. Definitions

For purposes of this chapter, the following terms have the following meanings:

(1) The term “employee” means an individual who is under the jurisdiction of a chief of mission to a foreign country (as provided under section 3927 of this title) and who is—

(A) an employee as defined by section 2105 of title 5;

(B) an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;

(C) a member of a uniformed service who is not under the command of an area military commander; or

(D) an expert or consultant as authorized pursuant to section 3109 of title 5 with the United States or any agency, department, or establishment thereof; but is not a national or permanent resident of the foreign country in which employed.

(2) The term “contractor” means—

(A) an individual employed by personal services contract pursuant to section 2669(c) of this title, section 2396(a)(3) of this title, or pursuant to other similar authority, including, in the case of an organization performing services under such authority, an individual involved in the performance of such services; and

(B) such other individuals or firms providing goods or services by contract as are designated by regulations issued pursuant to section 4343 of this title;

but does not include a contractor with or under the supervision of an area military commander.

(3) The term “charitable contribution” means a contribution or gift as defined in section 170(c) of title 26, or other similar contribution or gift to a bona fide charitable foreign entity as determined pursuant to regulations or policies issued pursuant to section 4343 of this title.

(4) The term “chief of mission” has the meaning given such term by section 3902(3) of this title.

(5) The term “foreign country” means any country or territory, excluding the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, American Samoa, Guam, the Virgin Islands, and other territories or possessions of the United States.

(6) The term “personal property” means any item of personal property, including auto-

mobiles, computers, boats, audio and video equipment, and any other items acquired for personal use, but excluding items of minimal value as determined by regulation or policy issued pursuant to section 4343 of this title.

(7) The term “profit” means any proceeds (including cash and other valuable consideration 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; amended Pub. L. 109-435, title VI, § 604(f), Dec. 20, 2006, 120 Stat. 3242.)

AMENDMENTS

2006—Par. (1)(B). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

EFFECTIVE DATE

Pub. L. 100-204, title I, § 186(b), Dec. 22, 1987, 101 Stat. 1368, 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 prop-