

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.)

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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), 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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Dec. 22, 1987, see section 186(b) of Pub. L. 100-204, set out as a note under section 4741 of this title.

§ 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Dec. 22, 1987, see section 186(b) of Pub. L. 100-204, set out as a note under section 4741 of this title.

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

| | |
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| Sec. | |
| 4351. | General authority and contents of publication. |
| 4352. | Responsibility for preparation of FRUS series. |
| 4353. | Procedures for identifying records for FRUS series; declassification, revisions, and summaries. |
| 4354. | Declassification of State Department records. |
| 4355. | Relationship to Privacy Act and Freedom of Information Act. |
| 4356. | Advisory Committee. |
| 4357. | Definitions. |

§ 4351. General authority and contents of publication

(a) Charter of publication

The Department of State shall continue to publish the “Foreign Relations of the United States historical series” (hereafter in this chapter referred to as the “FRUS series”), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

(b) Editing principles

The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

(c) Deadline for publication of records

The Secretary of State shall ensure that the FRUS series shall be published not more than 30 years after the events recorded.

(Aug. 1, 1956, ch. 841, title IV, § 401, as added Pub. L. 102-138, title I, § 198(a), Oct. 28, 1991, 105 Stat. 685.)

Statutory Notes and Related Subsidiaries

**COMPLIANCE WITH DEADLINE FOR PUBLICATION OF
FRUS SERIES; NOTIFICATION TO CONGRESSIONAL COM-
MITTEES ON FAILURE TO COMPLY; FINAL DEADLINE**

Pub. L. 102-138, title I, § 198(c)(2), Oct. 28, 1991, 105 Stat. 691, provided that:

“(A) In order to come into compliance with section 401(c) of the State Department Basic Authorities Act of 1956 [22 U.S.C. 4351(c)] (as amended by this section) the Secretary of State shall ensure that, by the end of the 3-year period beginning on the date of the enactment of this Act [Oct. 28, 1991], all volumes of the Foreign Relations of the United States historical series (FRUS) for the years that are more than 30 years before the end of that 3-year period have been published.

“(B) If the Secretary cannot reasonably meet the requirements of subparagraph (A), the Secretary shall no-

tify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and describe how the Department of State plans to meet the requirements of subparagraph (A). In no event shall volumes subject to subparagraph (A) be published later than 5 years after the date of the enactment of this Act.”

§ 4352. Responsibility for preparation of FRUS series

(a) In general

(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this chapter.

(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 4353 of this title, the review and selection of records for inclusion in volumes of the series.

(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 4353 of this title, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than 26 years before the date of a request for such access or copy made by the Office of the Historian.

(b) National Archives and Records Administration

Notwithstanding any other provision of this chapter, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

(Aug. 1, 1956, ch. 841, title IV, § 402, as added Pub. L. 102-138, title I, § 198(a), Oct. 28, 1991, 105 Stat. 685.)

Statutory Notes and Related Subsidiaries

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary 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.

**§ 4353. Procedures for identifying records for
FRUS series; declassification, revisions, and
summaries**

(a) Development of procedures

Not later than 180 days after October 28, 1991, each department, agency, or other entity of the