

SPOILS OF WAR ACT OF 1994

[Public Law 103–236; Approved on April 30, 1994]

[This law has not been amended]

[Currency: This publication is a compilation of the text of Public Law 103–236. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

PART B—SPOILS OF WAR ACT

SEC. 551. [50 U.S.C. 2201 note] SHORT TITLE.

This part may be cited as the “Spoils of War Act of 1994”.

SEC. 552. [50 U.S.C. 2201] TRANSFERS OF SPOILS OF WAR.

(a) ELIGIBILITY FOR TRANSFER.—Spoils of war in the possession, custody, or control of the United States may be transferred to any other party, including any government, group, or person, by sale, grant, loan or in any other manner, only to the extent and in the same manner that property of the same type, if otherwise owned by the United States, may be so transferred.

(b) TERMS AND CONDITIONS.—Any transfer pursuant to subsection (a) shall be subject to all of the terms, conditions, and requirements applicable to the transfer of property of the same type otherwise owned by the United States.

SEC. 553. [50 U.S.C. 2202] PROHIBITION ON TRANSFERS TO COUNTRIES WHICH SUPPORT TERRORISM.

Spoils of war in the possession, custody, or control of the United States may not be transferred to any country determined by the Secretary of State, for purposes of section 40 of the Arms Export Control Act [22 U.S.C. 2780], to be a nation whose government has repeatedly provided support for acts of international terrorism.

SEC. 554. [50 U.S.C. 2203] REPORT ON PREVIOUS TRANSFERS.

Not later than 90 days after the date of enactment of this Act [April 30, 1994], the President shall submit to the appropriate congressional committees a report describing any spoils of war obtained subsequent to August 2, 1990 that were transferred to any party, including any government, group, or person, before the date of enactment of this Act [April 30, 1994]. Such report shall be submitted in unclassified form to the extent possible.

SEC. 555. [50 U.S.C. 2204] DEFINITIONS.

As used in this part—

(1) the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives;

(2) the term “enemy” means any country, government, group, or person that has been engaged in hostilities, whether or not lawfully authorized, with the United States;

(3) the term “person” means—

(A) any natural person;

(B) any corporation, partnership, or other legal entity;

and

(C) any organization, association, or group; and

(4) the term “spoils of war” means enemy movable property lawfully captured, seized, confiscated, or found which has become United States property in accordance with the laws of war.

SEC. 556. [50 U.S.C. 2205] CONSTRUCTION.

Nothing in this part shall apply to—

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to the conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take immediate possession of certain property solely for use during an ongoing conflict;

(2) the abandonment or return of any property obtained, borrowed, or requisitioned for temporary use during military operations without intent to retain possession of such property;

(3) the destruction of spoils of war by troops in the field;

(4) the return of spoils of war to previous owners from whom such property had been seized by enemy forces; or

(5)¹ minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

¹ See section 2579 of title 10, United States Code, regarding procedures for handling and retaining battlefield objects by members of the Armed Forces.