

§ 2378a. Depleted uranium ammunition**(a) Prohibition**

Except as provided in subsection (b), none of the funds made available to carry out this chapter or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than—

- (1) a country that is a member of the North Atlantic Treaty Organization;
- (2) a country that has been designated as a major non-NATO ally (as defined in section 2403(q) of this title); or
- (3) Taiwan.

(b) Exception

The prohibition contained in subsection (a) shall not apply with respect to the use of funds to facilitate the sale of antitank shells to a country if the President determines that to do so is in the national security interest of the United States.

(Pub. L. 87-195, pt. III, § 620J, formerly § 620G, as added Pub. L. 104-164, title I, § 149, July 21, 1996, 110 Stat. 1436; renumbered § 620J, Pub. L. 109-446, § 2(b)(1), Dec. 21, 2006, 120 Stat. 3318.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Another section 620J of Pub. L. 87-195 was renumbered section 620m and is classified to section 2378d of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2378b. Limitation on assistance to the Palestinian Authority**(a) Limitation**

Assistance may be provided under this chapter to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

(b) Certification

A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

- (1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—
 - (A) publicly acknowledged the Jewish state of Israel’s right to exist; and
 - (B) committed itself and is adhering to all previous agreements and understandings

with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the “Roadmap”); and

(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

(A) completing the process of purging from its security services individuals with ties to terrorism;

(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services;

(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

(E) ensuring the financial transparency and accountability of all government ministries and operations.

(c) Recertifications

Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

(d) Congressional notification

Assistance made available under this chapter to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394-1(a) of this title.

(e) National security waiver**(1) In general**

Subject to paragraph (2), the President may waive subsection (a) with respect to—

(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of