

case of non-binding commitments, any failure to perform those commitments, that substantially—

- (A) benefits Iran's nuclear program;
- (B) decreases the amount of time required by Iran to achieve a nuclear weapon; or
- (C) deviates from or undermines the purposes of such agreement.

(8) Noncompliance defined

The term “noncompliance” means any departure from the terms of an agreement described in subsection (a) that is not a material breach.

(9) P5+1 countries

The term “P5+1 countries” means the United States, France, the Russian Federation, the People's Republic of China, the United Kingdom, and Germany.

(10) United States person

The term “United States person” has the meaning given that term in section 8511 of title 22.

(Aug. 1, 1946, ch. 724, title I, §135, as added Pub. L. 114-17, §2, May 22, 2015, 129 Stat. 201.)

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER SECTION 135 OF THE ATOMIC ENERGY ACT OF 1954 (42 U.S.C. 2011 ET SEQ.), AS AMENDED BY THE IRAN NUCLEAR AGREEMENT REVIEW ACT OF 2015

Memorandum of President of the United States, July 17, 2015, 80 F.R. 43909, provided:

Memorandum for the Secretary of State [and] the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby order as follows:

I hereby delegate the functions and authorities vested in the President by the following provisions of section 135 of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended by the Iran Nuclear Agreement Review Act of 2015, as follows:

- Section 135(a)(1) to the Secretary of State, in consultation with the Secretary of the Treasury as appropriate;
- Sections 135(d)(1)–(d)(3), (d)(5)(B), and (d)(6) to the Secretary of State, in consultation with other relevant agencies as appropriate;
- Section 135(d)(4) to the Secretary of State, in consultation with the Secretary of the Treasury as appropriate, with respect to the requirement to submit the report described in that provision and to prepare each of the required elements of the report, with the exception of the required assessment related to money laundering or terrorist finance activities in section 135(d)(4)(H);
- Section 135(d)(4)(H) to the Secretary of the Treasury, in consultation with the Secretary of State, with respect to preparation of the assessment described in that provision for inclusion in the report required by section 135(d)(4).

Any reference in this memorandum to provisions of any act related to the subject of this memorandum shall be deemed to include references to any hereafter enacted provisions of law that are the same or substantially the same as such provisions.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

SUBCHAPTER XI—CONTROL OF INFORMATION

§ 2161. Policy of Commission

It shall be the policy of the Commission to control the dissemination and declassification of

Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(a) Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by section 2164 of this title; and

(b) The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

(Aug. 1, 1946, ch. 724, title I, §141, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 940; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1810(a) of this title, prior to the general amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.

§ 2162. Classification and declassification of Restricted Data

(a) Periodic determination

The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.

(b) Continuous review

The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.

(c) Joint determination on atomic weapons; Presidential determination on disagreement

In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

(d) Removal from Restricted Data category

(1) The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Com-