

(A) subsection 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

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

GEORGE W. BUSH.

DELEGATION OF CERTAIN FUNCTIONS UNDER SECTION 104(g) OF THE UNITED STATES-INDIA PEACEFUL ATOMIC ENERGY COOPERATION ACT OF 2006, AS AMENDED BY PUBLIC LAW 110-369

Memorandum of President of the United States, Apr. 27, 2010, 75 F.R. 23563, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 104(g) of the [Henry J. Hyde] United States-India Peaceful Atomic Energy Cooperation Act of 2006 (Public Law 109-401), as amended by section 105 of Public Law 110-369, to make the specified report to the Congress.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

**§ 8004. United States compliance with its nuclear nonproliferation treaty obligations**

Nothing in this chapter constitutes authority for any action in violation of an obligation of the United States under the NPT.

(Pub. L. 109-401, title I, § 105, Dec. 18, 2006, 120 Stat. 2738.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 109-401, Dec. 18, 2006, 120 Stat. 2726, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 8001 of this title and Tables.

**§ 8005. Inoperability of determination and waivers**

A determination and any waiver under section 8003 of this title shall cease to be effective if the President determines that India has detonated a nuclear explosive device after December 18, 2006.

(Pub. L. 109-401, title I, § 106, Dec. 18, 2006, 120 Stat. 2738.)

**§ 8006. MTCR adherent status**

Congress finds that India is not an MTCR adherent for the purposes of section 2797b of this title.

(Pub. L. 109-401, title I, § 107, Dec. 18, 2006, 120 Stat. 2738.)

**§ 8007. United States-India scientific cooperative nuclear nonproliferation program**

**(a) Establishment**

The Secretary of Energy, acting through the Administrator of the National Nuclear Security Administration, is authorized to establish a cooperative nuclear nonproliferation program to pursue jointly with scientists from the United

States and India a program to further common nuclear nonproliferation goals, including scientific research and development efforts, with an emphasis on nuclear safeguards (in this section referred to as “the program”).

**(b) Consultation**

The program shall be carried out in consultation with the Secretary of State and the Secretary of Defense.

**(c) National Academies recommendations**

**(1) In general**

The Secretary of Energy shall enter into an agreement with the National Academies to develop recommendations for the implementation of the program.

**(2) Recommendations**

The agreement entered into under paragraph (1) shall provide for the preparation by qualified individuals with relevant expertise and knowledge and the communication to the Secretary of Energy each fiscal year of—

(A) recommendations for research and related programs designed to overcome existing technological barriers to nuclear nonproliferation; and

(B) an assessment of whether activities and programs funded under this section are achieving the goals of the activities and programs.

**(3) Public availability**

The recommendations and assessments prepared under this subsection shall be made publicly available.

**(d) Consistency with Nuclear Non-Proliferation Treaty**

All United States activities related to the program shall be consistent with United States obligations under the Nuclear Non-Proliferation Treaty.

**(e) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.

(Pub. L. 109-401, title I, § 109, Dec. 18, 2006, 120 Stat. 2739.)

**§ 8008. Definitions**

In this chapter:

(1) The term “Additional Protocol” means a protocol additional to a safeguards agreement with the IAEA, as negotiated between a country and the IAEA based on a Model Additional Protocol as set forth in IAEA information circular (INFCIRC) 540.

(2) The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The term “dual-use material, equipment, or technology” means material, equipment, or technology that may be used in nuclear or nonnuclear applications.

(4) The term “IAEA safeguards” has the meaning given the term in section 6305(3) of this title.