

Agreement for Cooperation Between the United States and the People's Republic of China, I hereby certify that:

(A) the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement;

(B) the Government of the People's Republic of China has provided additional information concerning its nuclear non-proliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954; and

(C) the obligation to consider favorably a request to carry out activities described in Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request.

Pursuant to section 902(a)(6)(B)(i) of Public Law 101-246, I hereby certify that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the material and components for such devices.

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

William J. Clinton

NOTE: This memorandum was released by the Office of the Press Secretary on January 15.

Letter to Congressional Leaders on the China-United States Nuclear Cooperation Agreement

January 12, 1998

Dear _____:

I am writing to you with respect to sections (b)(1) and (b)(2) of Public Law 99-183, relating to the approval and implementation of the Agreement for Nuclear Cooperation Between the United States and the People's Republic of China, and with respect to section

902(a)(6)(B) of Public Law 101-246. The sections of Public Law 99-183 cited above require certifications to the Congress and a report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate before exports or retransfers to China under the Agreement may begin. Sections 902(a)(6)(B)(i), (ii) and (iii) of Public Law 101-246 require a certification to the Congress and report to the Congress before terminating the suspensions and automatic disapprovals of nuclear cooperation with China.

I have made the certifications pursuant to section (b)(1) of Public Law 99-183 and section 902(a)(6)(B)(i) of Public Law 101-246, a copy of which is enclosed. The certifications pursuant to section (b)(1) of Public Law 99-183 satisfy the condition under section 902(a)(6)(B)(ii). Submitted herewith, in accordance with the requirements of section (b)(2) of Public Law 99-183, is a report in unclassified form detailing the history and current developments in the nonproliferation policies, practices and assurances of the People's Republic of China. Because of the information controls that apply to the classified report, I am transmitting it by separate letter to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

In accordance with Public Law 99-183, I have certified as to three matters:

(A) That the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement.

The arrangements for exchanges of information and visits are provided for in a Memorandum of Understanding initialed on June 23, 1987. Side notes on protection of business confidential information were signed on October 22, 1997. These documents, along with a detailed explanation of my certification, are enclosed. These arrangements will provide the United States with the right to obtain all the information necessary to maintain an inventory of the items

subject to the Agreement. This will include information on the operation of facilities subject to the Agreement, the isotopic composition, physical form and quantity of material subject to the Agreement and the places where items subject to the Agreement are used or kept. The arrangements also provide the United States with the right to confirm through on-site visits the use of all items subject to the Agreement. Finally, the arrangements apply as long as the provisions of Article 8(2) of the Agreement continue in effect, that is, as long as items subject to the Agreement remain in China's territory or under its jurisdiction or control. My determination that these arrangements have been designed to be effective in ensuring that items provided under the Agreement are utilized for intended peaceful purposes is based on consideration of a range of factors, including the limited scope of nuclear cooperation permitted under the Agreement, U.S. export-control procedures that will apply to any transfers to China under the Agreement, the fact that the People's Republic of China is a nuclear-weapon state and that the safeguards of the International Atomic Energy Agency (IAEA) or their equivalent are not required by the Atomic Energy Act for agreements for cooperation with nuclear weapon states. These arrangements will be published in the *Federal Register* using the procedure applicable to subsequent arrangements under section 131(a) of the Atomic Energy Act.

(B) That the Government of the People's Republic of China has provided additional information concerning its nuclear nonproliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954.

The United States Government has received additional information from the People's Republic of China concerning its nonproliferation policies since the enactment of Public Law 99-183 on De-

cember 16, 1985, most recently, China's May 1996 statement, its May 1997 State Council Notice on nuclear export policy and its September 1997 nuclear export control regulations (all of which are discussed in the enclosed unclassified report on China's nonproliferation policies and practices). On the basis of this and all other information available to the United States Government, I conclude that there is no legal bar to cooperation in this area, and, in particular, that paragraph (2) of section 129 of the Atomic Energy Act does not foreclose nuclear cooperation. The Government of the People's Republic of China has made substantial strides in joining the international nonproliferation regime, and in putting in place a comprehensive system of nuclear-related, nationwide export controls, since the nuclear cooperation agreement was concluded in 1985. I believe the initiation of cooperation under the Agreement will bring significant nonproliferation benefits to the United States.

(C) That the obligation to consider favorably a request to carry out activities described in Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request.

The U.S. consent rights provided for in Article 5(2) of the Agreement satisfy this standard because the specific language used ensures that the United States must exercise an approval right before the activity in question is carried out. During Congressional consideration of the Agreement, the executive branch provided both the Senate Foreign Relations Committee and the House Foreign Affairs Committee with a legal memorandum on issues relating to the Agreement which covered this point in detail.

In accordance with Public Law 101-246, I have certified that China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the material and components for

such devices. This certification is based on the statements, policies, and actions by China that were discussed above in connection with the certification under section (b)(1)(A) of Public Law 99-183.

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246), I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions and automatic disapprovals under section 902(a)(6). A document discussing the rationale for this report is enclosed. I believe the Agreement will have a significant, positive impact in promoting U.S. nonproliferation and national security interests with China and in building a stronger bilateral relationship with China based on respect for international norms.

This report under section 902(b)(2) satisfies the condition under section 902(a)(6)(B)(iii).

With the submission of the certifications and reports called for by Public Law 99-183 and Public Law 101-246, I am pleased that the process is underway to begin nuclear cooperation with China.

Sincerely,

William J. Clinton

NOTE: Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives; Albert Gore, Jr., President of the Senate; Jesse Helms, chairman, Senate Committee on Foreign Relations; and Benjamin A. Gilman, chairman, House Committee on International Relations. This letter was released by the Office of the Press Secretary on January 15.

Letter to Congressional Leaders on the China-United States Nuclear Cooperation Agreement

January 12, 1998

Dear Mr. Chairman:

By separate letter, I have transmitted to the Speaker of the House, President of the Senate, Chairman of the Senate Foreign Relations Committee, and the Chairman of the House International Relations Committee the certification and unclassified report detailing the history and current developments

in the nonproliferation policies and practices of the People's Republic of China that are required by Public Law 99-183, relating to the approval and implementation of the agreement for nuclear cooperation between the United States and the People's Republic of China.

Because of the information controls on the classified report that the Administration has also prepared for Congress on China's nonproliferation policies and practices in fulfillment of the remaining requirement of Public Law 99-183, I am transmitting the required classified report directly to your Committee. The Administration regards the report transmitted herewith as containing sensitive intelligence and diplomatic information and requests that it be treated accordingly.

Sincerely,

William J. Clinton

NOTE: Identical letters were sent to Richard C. Shelby, chairman, Senate Select Committee on Intelligence, and Porter J. Goss, chairman, House Permanent Select Committee on Intelligence. This letter was released by the Office of the Press Secretary on January 15.

Remarks on Presenting the Presidential Medal of Freedom

January 15, 1998

The President. Thank you very much. I want to begin with a warm welcome to all of our guests here, our honorees and their family members, members of the administration, Members of Congress, other distinguished officials.

It is fitting that today this ceremony occurs on the birthday of Dr. Martin Luther King, Jr., who 21 years ago was granted this award by President Carter posthumously, to ensure that his legacy would live on. Until every child has the opportunity to live up to his or her God-given potential, free from want in a world at peace, Dr. King's work and our work is not yet done. He once said that "No social advance rolls on the wheels of inevitability." After 5 years in Washington, I know that is true. [*Laughter*] Humanity makes progress through decades of sweat and toil by dedicated individuals who give freely of themselves and who inspire others to do the