

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 non-nuclear-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. The memorandum of January 12 on certifications relating to the China-U.S. nuclear cooperation agreement is listed in Appendix D at the end of this volume.

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