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WASHINGTON

November 25, 1985

MEMORANDUM FOR DAVID L. CHEW

STAFF SECRETARY

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

Signing Statement for S.J. Res. 228

Jordan Arms Sales

Counsel's Office has reviewed the proposed signing statement for S.J. Res. 228. In line 8, "Letter of Agreement" should be "Letter of Offer," the term used in S.J. Res. 228 and the Arms Export Control Act.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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Document No.	
Document No.	

WHITE HOUSE STAFFING MEMORANDUM

DATE:	11-23-85	ACTION/CONCURRENCE/COMMENT DUE BY:	10:00	a.m.	on	11-25-85
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SUBJECT: SIGNING STATEMENT FOR S.J.RES. 228 -- JORDAN ARMS SALES

	ACTION	FYI		ACTION	FYI
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REMARKS: Please submit any comments/recommendations on the attached signing statement to my office by 10:00 a.m. on Monday, November 25. The President must sign the bill Monday.

RESPONSE:

STATEMENT BY THE PRESIDENT

On October 21, I submitted to the Congress a formal notification of the proposed sale of fighter aircraft, air defense missiles, armored vehicles, and other equipment to the Hashemite Kingdom of Jordan. The number and type of arms included in our proposal were selected only after careful study of Jordan's legitimate defensive needs.

I have today signed into law Senate Joint Resolution 228, which provides that no Letter of Agreement for any of the advanced weapons systems, including advanced aircraft and advanced air defense systems, included in our proposed sale to Jordan will be valid before March 1, 1986, unless Jordan enters direct negotiations with Israel before that date. This legislation expresses Congress' belief that the peace process should be our primary concern.

Peace remains my main concern as it is that of
King Hussein, Prime Minister Peres, and other responsible
leaders throughout the Middle East. King Hussein has taken
dramatic steps towards peace, steps which have exposed him and
the people of Jordan to strong pressure and bloody violence
from those adamantly opposed to any peaceful settlement. Our
arms proposals are designed to strengthen Jordan's ability to
pursue its demonstrated commitment to peace.

In the months between now and March 1, we will continue to work towards achieving the goal we all share, the goal King Hussein outlined in his recent speech to the United Nations General Assembly, prompt, direct negotiations between Jordan and Israel. I remain equally committed to providing Jordan the defensive arms it requires. These weapons are neither a reward nor penalty for Jordan's actions, but tangible proof that we remain committed to providing a good friend of many years with the tools needed to protect itself during the search for peace in a troubled region.

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Office of the Press Secretary

For Immediate Release

November 25, 1985

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WASHINGTON

December 16, 1985

MEMORANDUM FOR DAVID L. CHEW

STAFF SECRETARY

FROM:

H. LAWRENCE GARRETT,

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

S.J. Res. 238 -- Nuclear Cooperation

Agreement Between U.S. and China

Per our telephone conversation, Counsel's Office has reviewed the above-referenced resolution, and finds no objection to it from a legal perspective.

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WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/14/85 ACTION/CONCURRENCE/COMMENT DUE BY: 8:	:00 A.M.	12/16/85
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SUBJECT: S.J.RES. 238 -- NUCLEAR COOPERATION AGREEMENT BETWEEN US AND CHINA

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VICE PRESIDENT		McFARLANE	
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REMARKS:

Please provide any comments/recommendations on the attached enrolled bill memo and signing statement NO LATER THAN 8:00 A.M. MONDAY, December 16th. Thank you.

RESPONSE:



OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

150 15 717 5

DEC 14 1985

MEMORANDUM FOR THE PRESIDENT

SUBJECT:

Enrolled Resolution S.J.Res. 238 - Nuclear Cooperation Agreement Between the United States and the People's

Republic of China

Sponsor - Senator Lugar (R) Indiana

Last Day for Action

December 24, 1985 - Tuesday

Purpose

Approves the implementation of the Nuclear Cooperation Agreement between the United States and the People's Republic of China (PRC) and requires a Presidential certification and report in advance of the issuance of any nuclear export licenses or retransfer approvals for the PRC.

Agency Recommendations

Office of Management and Budget Approval

Department of State

National Security Council

Department of Energy

Department of Commerce

Nuclear Regulatory Commission

Approval (Informally)

No objection (Informally)

No objection (Informally)

Department of Defense No response

Discussion

On July 24, 1985, you formally submitted the proposed Nuclear Cooperation Agreement (Agreement) between the United States and the PRC to Congress.

S.J.Res. 238 approves the implementation of the Agreement and requires a one-time Presidential certification and report in advance of the issuance of any nuclear export licenses or retransfer approvals for the PRC. Specifically, S.J.Res. 238 requires that:

- no license be issued or transfer or retransfer approved for export of any nuclear material, facilities, or components to the PRC until the expiration of a 30-day period of continuous session of Congress after a Presidential certification that: (a) the arrangements for visits and exchanges of information made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that exports shall be utilized solely for peaceful purposes; (b) based on additional information from the PRC and all other information available to the U.S. Government, the PRC is not in violation of paragraph (2) of Section 129 of the Atomic Energy Act concerning conduct that would require the U.S. to terminate nuclear exports; and (c) the obligation for the U.S. Government to favorably consider a PRC request under Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove the request;
- o the President submit to Congress a report detailing the history and current developments in the PRC's nonproliferation policies and practices; and
- o each proposed export under the Agreement be subject to United States laws and regulations in effect at the time of each export.

Congressional supporters of the Agreement felt it necessary to enact this resolution in order to preempt opponents who proposed legislation unacceptable to the Administration -- now contained in the Glenn Amendment described below. The opponents' legislation was based on concerns about Chinese nonproliferation policy which we believe are exagerated.

The substance of S.J.Res. 238 was negotiated by the Department of State working with the House Foreign Affairs and Senate Foreign Relations Committees. S.J.Res. 238 passed the Senate by voice vote and the House by a recorded vote of 307-112.

We have reviewed the State Department's proposed signing statement, which is attached, and recommend that you issue it when you sign the resolution. State recommends issuance of the signing statement because it would clarify the legal effect of the joint resolution on the Agreement, would indicate how the Executive branch interprets the certification requirement pertaining to section 129(2) of the Atomic Energy Act, and would clarify other technical, legal concerns. In addition, the statement would indicate your view that the Glenn Amendment,

contained in the Senate version of the Continuing Resolution, is strongly objectionable. This amendment would, in effect, require us to renegotiate the provisions in the Agreement pertaining to ensuring the peaceful use of nuclear material and technology we export to China. Because the Chinese would not accept this, the Glenn Amendment would cripple the Agreement, do serious damage to U.S.-China relations, and severely set back all the progress we have made with the Chinese in the nonproliferation area.



Enclosures

STATEMENT BY THE PRESIDENT

I am pleased to sign into law today S.J. Res. 238, in which the Congress states that it favors the agreement for peaceful nuclear cooperation between the United States and China which I transmitted to Congress on July 24, 1985. The agreement will have a significant, positive effect on the relations between the United States and the People's Republic of China and will lead to a continuing dialogue with China on important nuclear energy and non-proliferation matters. It will further U.S. non-proliferation and other foreign policy interests. I therefore welcome Congress' support for the agreement.

Since I submitted the agreement without exempting it from any requirement in section 123(a) of the Atomic Energy Act, no affirmative legislation was required to permit the agreement to be brought into force after the legally stipulated time periods for Congressional review had been completed. The agreement may therefore be brought into force at that time in accordance with the procedure set forth in article 10 of the agreement.

The joint resolution does require a one-time certification and a one-time report before exports to China under the agreement may commence. It assigns exclusively to the President the responsibility to review the matters to be certified to and to decide whether the certification may be

made. Three matters must be certified: (1) that the arrangements for visits and exchanges of information made pursuant to article 8 of the agreement are, as called for by this article itself, designed to be effective in ensuring that nuclear exports under the agreement are used solely for intended peaceful purposes; (2) that, after examining all information available to the United States Government, including any additional information which China has provided, nuclear exports to China are not precluded under section 129(2) of the Atomic Energy Act; and (3) that the obligation to consider favorably a request to carry out activities described in article 5(2) of the agreement does not prejudice the decision of the United States to approve or disapprove such a request. In addition, the joint resolution requires a report on Chinese non-proliferation policies and practices before exports commence.

The joint resolution also states that U.S. exports are subject to U.S. laws and regulations in effect at the time of export. This is a restatement of existing U.S. law and does not conflict with any obligations undertaken by the United States under the agreement. Finally, the joint resolution contains a section intended to ensure that the provisions in the China agreement that are textually different from

provisions of the type contained in other U.S. peaceful nuclear cooperation agreements will not be the starting point for future nuclear cooperation agreement negotiations with other countries.

This joint resolution serves our interests in promoting peaceful nuclear cooperation and a non-proliferation dialogue with China. For this reason, I have decided to sign the joint resolution.

I appreciate the efforts of Senators Lugar and Cranston and Congressmen Fascell, Broomfield, Bonker, Solarz, as well as others, in developing a joint resolution text which both the Administration and the Congress could accept.

I understand that an amendment relating to the U.S.-China peaceful nuclear cooperation agreement is currently under consideration in the conference on the continuing resolution. I strongly object to that amendment.

WASHINGTON

December 19, 1985

MEMORANDUM FOR DAVID L. CHEW

STAFF SECRETARY

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

S.J. Res. 32 -- Ethnic American Day

Counsel's Office has reviewed the above-referenced enrolled resolution, and finds no objection to it from a legal perspective.

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WHITE HOUSE STAFFING MEMORANDUM

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EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 1 9 1985

MEMORANDUM FOR THE PRESIDENT -

Enrolled Resolution S.J. Res. 32 - Ethnic American Day SUBJECT:

Sponsors - Sen. Pressler (R) South Dakota and 27 others

Last Day for Action

December 28, 1985 - Saturday

Purpose

To designate September 21, 1986, as "Ethnic American Day."

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

No objection(Informally)

Discussion

The United States has been, and remains, a refuge for persons from overseas seeking freedom and opportunity. Many of these ethnic Americans have defended our Nation with their lives. Others have made major contributions to the arts and sciences.

The enrolled resolution, which passed both Houses by voice vote, requests that you designate September 21, 1986, as "Ethnic American Day" and that you call upon the people of the United States to promote mutual understanding among all Americans, regardless of their ethnic origins.

A draft proclamation for this purpose will be forwarded for your consideration at a later plate.

James C. Miller III

Director

707

Enclosures

WASHINGTON

December 26, 1985

MEMORANDUM FOR DAVID L. CHEW

STAFF SECRETARY

FROM:

JOHN G. ROBERTS

ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

S.J. Res. 235 -- Truck and Bus

Safety Week

Counsel's Office has reviewed the above-referenced enrolled resolution, and finds no objection to it from a legal perspective.

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WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/26/85 ACTION/CONCURRENCE/COMMENT DUE BY: 5:00 P.M. TODAY

SUBJECT: S.J.RES. 235 -- TRUCK AND BUS SAFETY WEEK

	ACTION FYI		ACTION FYI
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LACY			

REMARKS: Please provide any comments/recommendations by 5:00 p.m. today. Thank you.

RESPONSE:



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 24 1985

MEMORANDUM FOR THE PRESIDENT

Enrolled Resolution S.J. Res. 235 - Truck and Bus SUBJECT:

Safety Week

Sponsors - Sen. Danforth (R) Missouri and 29 others

Last Day for Action

January 1, 1986 - Wednesday

Purpose

To designate the week of January 26, 1986, to February 1, 1986 as "Truck and Bus Safety Week."

Agency Recommendations

Office of Management and Budget Approval

Department of Transportation

Approval

Discussion

S.J. Res. 235 authorizes and requests the President to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week," and requests the President to call upon Federal, State and local government agencies and the people of the United States to observe the week with appropriate activities.

January is an especially good time to highlight the importance of truck and bus safety because it serves as a reminder of the special care needed to drive safely on roads covered with ice and snow. Moreover, this special week in January should help establish an increased safety consciousness throughout the entire year. A draft proclamation will be forwarded separately for your consideration.

S.J. Res. 235 passed both Houses by voice vote.

James C. Miller III

Director

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Enclosures