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MEMORANDUM

THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

5061
ACTION

~~SECRET~~ - GDS

MEMORANDUM FOR: THE PRESIDENT

FROM: HENRY A. KISSINGER 

SUBJECT: Presidential Determination for Sale of
Wheat to Syria

Acting Secretary Ingersoll has recommended that you make a Determination and finding required by PL 480 to permit a U.S. Government sale of wheat to Syria (Tab B).

This agreement will provide for the sale of 75,000 metric tons of wheat and 25,000 metric tons of rice and will be an important signal to the Syrian leadership that we want to develop bilateral ties in the context of our Mideast settlement efforts.

For this sale to proceed, the law requires you to find that it is in the national interest of the United States to make such sales to Syria, and also to waive legislative prohibitions against:

-- Agreement with a country which trades with Cuba.

Section 103(d) (3) of PL 480 prohibits sales agreements with countries which sell or furnish or permit their ships or aircraft to transport to or from Communist Cuba or North Vietnam any equipment, materials or commodities. The same action authorizes the President to waive this prohibition if he finds it is in the national interest of the United States to do so. This waiver authority is applicable only with respect to a country whose trade activities described above are limited to the furnishing, selling or transporting to Cuba of medical supplies, non-strategic raw materials for agriculture or food commodities. Our Embassy in

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Damascus reports that there is no Syrian trade with North Vietnam and that Syrian trade with Cuba is limited to non-strategic items which would make your waiver possible under Section 103(d)(3). Information independently available to us from other sources does not contradict that assurance.

- Sale to a country that has expropriated property owned by Americans.

Section 410 of PL 480 applies to assistance under Title I, the Foreign Assistance Act prohibition against assistance to a country which has expropriated or nationalized property owned by Americans, unless appropriate steps are taken by that country to discharge its obligations under international law. This prohibition may be waived by the President if he determines and certifies that such waiver is important to the national interests of the United States. This section may be applicable to Syria as there are several potential claims. This subject is being discussed with the Syrians in separate negotiations. In the event the foregoing prohibitions may be applicable, it is recommended that you exercise your waiver authority under Section 410.

There has been no adverse reaction in Congress to the earlier Determinations to sell food and tobacco to Egypt. In view of our Mideast peace efforts, I believe -- and Mr. Timmons agrees -- that Congress will accept sales to Syria too.

I recommend you make the necessary Determination and finding required to authorize sale of 75,000 tons of wheat and 25,000 tons of rice to Syria. The memo at Tab A will give effect to this recommendation.

Subject to your approval, the Department of State will convey your actions to Congress along with the statement of reasons at Tab A. These documents will also be published in the Federal Register.

Mr. Ash concurs in this recommendation (Tab C). The Department of Agriculture also concurs.

RECOMMENDATION

That you sign the Determination and finding at Tab A and approve the attached statement of reasons to be sent to Congress.

Approve

MPJ

Disapprove
