

The original documents are located in Box C51, folder “Presidential Handwriting, 11/16/1976” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

THE WHITE HOUSE
WASHINGTON

November 16, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: JIM CONNOR *JEC*
SUBJECT: United States Membership in the
African Development Fund

Confirming verbal advices to your office, the President reviewed your memorandum of November 10 on the above subject and took the following action:

- A. Signed the acceptance of the United States membership in the African Development Fund.
- B. Signed the declaration concerning (1) the inapplicability of immunity within the territory of the United States for civil action arising from motor vehicle accidents and traffic offenses; and (2) the United States right to tax salaries and emoluments paid by the African Development Fund to United States citizens and nationals.
- C. Approved the appointment of William E. Simon as the United States Governor and William D. Rogers as Alternate Governor of the African Development Fund.
- D. No action taken on letter to Secretary Simon
- E. Signed letter to President Paul Volcker of the Federal Reserve Bank of New York designating that bank as United States depository for the African Development Fund.

Brent Scowcroft

-2-

November 16, 1976

The original package is being given to Robert Linder with a copy of this memorandum for appropriate handling of the signed documents.

A copy of this memorandum is also being sent to Douglas P. Bennett in order to initiate the necessary personnel action.

Please follow-up with appropriate action.

For your further information, these documents were signed in Palm Springs on November 12, 1976.

cc: Dick Cheney
Doug Bennett
Bob Linder

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: November 11, 1976

Time:

FOR ACTION:

cc (for information):

- Jack Marsh
- Doug Bennett

FROM THE STAFF SECRETARY

DUE: Date: Soon as Possible Please

Time:

SUBJECT:

Brent Scowcroft memo 11/10/76 re
 United States Membership in the African
 Development Fund

ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

The original of the attached memorandum was sent in the courier pouch this morning with a note that it was being staffed and we would call any comments out to Palm Springs when re received, therefore, would appreciate prompt response. Thank you.

Bennett - OK.
Marsh - Approve all 5 actions
11/12 Terry O'Donnell called President
approved - as advised NSC &
AB &

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Jim Connor
 For the President

November 10, 1976

MR PRESIDENT:

**United States Membership in the
African Development Fund**

Staffing has not been completed on this package but we are sending it forward to you in the courier and will call Terry O'Donnell if the staffing reveals any problems.

Jim Connor

ACTION

November 10, 1976

MEMORANDUM FOR: THE PRESIDENT
FROM: Brent Scowcroft *wet for*
SUBJECT: United States Membership in the African
Development Fund

You are requested to take five actions designed to permit ratification of United States membership in the African Development Fund. The first two of these actions will make it possible for our Ambassador in Abidjan, Ivory Coast, where the Fund headquarters are located, to sign the United States ratification of the Fund Agreement. The other three will permit the orderly process of membership to proceed.

Treasury and State are sending a delegation to West Africa and hope to have the ratification signing ceremony in Abidjan on or shortly after November 17, 1976.

The five actions are:

A. Title II of Public Law 94-302, the African Development Fund Act, which you signed on May 31, 1976, permits the United States to accept membership in the African Development Fund. The United States subscription of 13,500,000 units of account (equivalent to \$14,999,985) was provided for by Public Law 94-303 90 Stat. 603, signed by you on June 1, 1976 and Public Law 94-441 90 Stat. 1471 signed by you on October 1, 1976. The first provided \$5,000,000 of our subscription and the second \$10,000,000. Attached at Tab A is the acceptance on the part of the United States of membership in the African Development Fund, as called for in the Agreement Establishing the African Development Fund, dated at Abidjan, Ivory Coast, November 29, 1972 and deposited with the African Development Bank. This requires your signature before our Ambassador in the Ivory Coast can sign the United States ratification.

B. It is also required, again in accordance with Title II of Public Law 94-302, as well as Article 58 of the Agreement Establishing the

African Development Fund, that you sign a declaration stating (1) that the immunity of the Fund from legal process shall not apply with respect to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offense committed by the driver of such a vehicle, and (2) that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the African Development Fund to any citizen or national of the United States. This is attached at Tab B.

C. At the time the United States becomes a member of the African Development Fund, it will be necessary for you to appoint a United States Governor and Alternate Governor of the Fund. It is a pattern with the International Development Banks of which we are a member that the Secretary of the Treasury has been appointed Governor and the Under Secretary of State for Economic Affairs the Alternate Governor for the United States. This action is necessary at this time since only the United States Governor can cast our votes for a Director to represent our interests in the legal operations of the Fund, and since there are numerous other functions that the Governor must perform in the interim between annual meetings of the Fund. These include sending instructions to the Director representing the United States, signing official communications from the United States Government to the Fund, voting on certain amendments to the Fund's Agreement and participating in emergency meetings if the need for one arises.

At Tab C is a memorandum to you of November 2, 1976 from the Secretary of the Treasury recommending that you follow this pattern. A recess appointment would be required at this time since the Senate is not in session and cannot therefore give its advice and consent. If you agree, the necessary personnel action will follow.

D. It will also be necessary for the United States to be represented on the Board of Directors of the Fund until the next election of Executive Directors which will take place at the next annual meeting of the Fund in May 1977. Section 203(b) of the African Development Fund Act provides that the United States Governor, on the instruction of the President, shall designate the Director to represent the United States in the Fund. For this purpose, the Secretary of the Treasury has recommended that you instruct him as the United States Governor to authorize the British Executive Director to represent the United States until the next election of Executive Directors which will take place at the Fund's annual meeting in May 1977. A proposed

memorandum to Secretary Simon for your signature is attached at Tab D. This will then be held until you have acted on the appointment of the United States Governor.

E. Finally, Section 207 of the African Development Fund Act requires you to designate a depository for the Fund in the United States. Secretary Simon recommends that you designate the Federal Reserve Bank of New York. A proposed letter for your signature to the New York Fed's President, Paul Volcker, is attached at Tab E.

This memorandum has been approved by William Seidman, Assistant for Economic Affairs. Treasury and OMB concur.

RECOMMENDATION:

That you:

A. Sign the acceptance of the United States membership in the African Development Fund (Tab A).

B. Sign the declaration concerning (1) the inapplicability of immunity within the territory of the United States for civil action arising from motor vehicle accidents and traffic offenses; and (2) the United States right to tax salaries and emoluments paid by the African Development Fund to United States citizens and nationals (Tab B).

C. Approve the appointment of the United States Secretary of the Treasury, William E. Simon, as the United States Governor and United States Under Secretary of State for Economic Affairs, William D. Rogers, as Alternate Governor of the African Development Fund. If you approve, the necessary personnel action will follow.

APPROVE _____ DISAPPROVE _____

D. Sign the memorandum to Secretary Simon as United States Governor instructing him to cast the votes of the United States to designate the Director representing the United Kingdom also to represent the United States on the Board of Directors of the Fund until the next election of the Fund (Tab D).

E. Sign the letter to President Paul Volcker of the Federal Reserve Bank of New York designating that bank as United States depository for the African Development Fund (Tab E).

ACCEPTANCE ON THE PART OF THE UNITED STATES OF AMERICA

By virtue of and pursuant to the authority vested in me by Title II of Public Law 94-302, the African Development Fund Act, approved May 31, 1976 (90 Stat. 593), I, Gerald R. Ford, President of the United States of America, do hereby accept membership for the United States of America in the African Development Fund as provided for in the Agreement Establishing the African Development Fund, dated at Abidjan November 29, 1972, and deposited with the African Development Bank.

Pursuant to paragraph 2 of the "Resolution of the Board of Governors concerning the participation of the United States", adopted May 3, 1976, in accordance with Article 3(3) of the Agreement Establishing the African Development Fund, the United States of America undertakes to subscribe an amount equivalent to thirteen million five hundred thousand units of account as its initial subscription.

DONE at the city of Washington, this

DECLARATION ON THE PART OF THE UNITED STATES OF AMERICA
PURSUANT TO ARTICLE 58 OF THE
AGREEMENT ESTABLISHING THE AFRICAN DEVELOPMENT FUND

In accordance with section 209 of Public Law 94-302, approved May 31, 1976 (90 Stat. 594), and pursuant to Article 58 of the Agreement Establishing the African Development Fund, dated at Abidjan November 29, 1972, I, Gerald R. Ford, President of the United States of America, hereby declare:

(i) that in the territory of the United States of America the immunity conferred by Article 43 (1) and by Article 48 (i) of the Agreement Establishing the African Development Fund shall not apply in relation to a civil action arising out of an accident caused by a motor vehicle belonging to the Fund or operated on its behalf, or to a traffic offense committed by the driver of such a vehicle; and

(ii) that the United States of America retains for itself and for all political subdivisions of the United States of America the right to tax salaries and emoluments paid by the African Development Fund to any citizen or national of the United States of America.

DONE at the city of Washington, this



THE SECRETARY OF THE TREASURY
WASHINGTON 20220

NOV 2 1976

MEMORANDUM FOR THE PRESIDENT

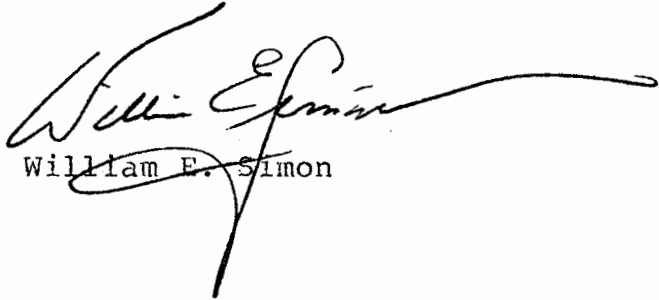
Subject: Appointment of a United States Governor and Alternate Governor and designation of a United States representative to the Executive Board of the African Development Fund.

As you know, the Congress has passed legislation authorizing you to accept participation of the United States in the African Development Fund with an initial subscription of \$15 million. It is expected that your representative will sign the Agreement Establishing the African Development Fund and deposit the instrument of acceptance in early November.

At the time the United States becomes a member, it will be necessary for you to appoint a United States Governor and Alternate Governor of the Fund. In the past, the Secretary of Treasury has been appointed Governor and the Under Secretary of State for Economic Affairs Alternate Governor of the international development banks of which the United States is a member. I recommend that you follow this pattern and appoint me as the U.S. Governor and Under Secretary of State Rogers as the Alternate U.S. Governor to the Fund. A recess appointment would be appropriate at this time since the Senate is not in session and cannot, therefore, give its advice and consent.

It will also be necessary for the United States to be represented on the Board of Directors of the Fund until the next election of Executive Directors which will take place at the next annual meeting of the Fund. Section 203(b) of the African Development Fund Act provides that the United States Governor, on the instruction of the President, shall designate the Director to represent the United States in the Fund. For this purpose, I recommend that you instruct me, as the United States Governor, to authorize the British Executive Director to represent the United States until the next election of Executive Directors. I understand that this arrangement is satisfactory to both the Governments of

the United Kingdom and Yugoslavia, whose constituency the United States will be joining. Finally, Section 207 of the African Development Fund Act requires you to designate a depository for the Fund. For this purpose, I recommend that you designate the Federal Reserve Bank of New York.

A handwritten signature in cursive script, appearing to read "William E. Simon". The signature is written in black ink and is positioned above the typed name.

William E. Simon

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR

UNITED STATES GOVERNOR
OF THE AFRICAN DEVELOPMENT FUND

Under Section 203(b) of the African Development Fund Act (Title II of Public Law 94-302), I am authorized to accept participation for the United States in the African Development Fund and to instruct you as Governor to cast the votes of the United States for the Director to represent the United States in the Fund. Pursuant to that authority, I hereby instruct you, as the Governor of the United States to the Fund, to designate the Director representing the United Kingdom to represent the United States on the Board of Directors of the Fund until the next election of Executive Directors.

THE WHITE HOUSE
WASHINGTON

Dear Mr. Volcker:

Under Section 207 of the African Development Fund Act (Title II of Public Law 94-302), I am authorized to designate a depository for the African Development Fund. This designation is made in connection with the participation of the United States in the Fund and with the concurrence of the Fund in accordance with Article 33 of the Agreement Establishing the African Development Fund. Therefore, I am requesting that the Federal Reserve Bank of New York act as depository for the Fund, subject to the conclusion of mutually satisfactory arrangements with the Fund.

Sincerely,

Mr. Paul Volcker
President
Federal Reserve Bank of New York
Federal Reserve Post Office Station
New York, New York 10045

THE WHITE HOUSE
WASHINGTON

TO: BOB LINDER

FROM: TRUDY FRY

**The attached is sent to you for
review before it is forwarded to the
President.**

NSC most anxious to have decision
even if it is my phone. I feel that
Jack Marsh should see but he is
out of town until 2 P.M. tomorrow.
I could hold out a copy and show it
to him after the courier leaves.

THE WHITE HOUSE
WASHINGTON

November 10, 1976

Trudy:

This needs a Presidential
signature ASAP.

Thanks -

Jane
Jane Pisano

X2255

November 24, 1976

MR PRESIDENT:

**United States Membership in the
African Development Fund**

On November 12th you approved the appointment of William E. Simon as the United States Governor of the African Development Fund.

In order to implement this decision you are now requested to sign the attached memorandum to Secretary Simon as United States Governor instructing him to cast the votes of the United States to designate the Director representing the United Kingdom also to represent the United States on the Board of Directors of the Fund until the next election of the Fund.

Jim Connor