The original documents are located in Box C5, folder "Presidential Handwriting, 10/28/1974" of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.

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F03-2

MEMORANDUM

THE PRESIDENT HAS SEEN A.C.

4679

THE WHITE HOUSE

WASHINGTON

ACTION

- GDS

October 28, 1974

MEMORANDUM FOR:

FROM:

SUBJECT:

HENRY A. KISSINGER & President Kenya, the Malagasy Republic and Mauritius Eligible for Cash Purchases Under the Foreign Military Sales (FMS)

Act

Deputy Secretary of State Ingersoll has recommended that you make the necessary finding under the Foreign Military Sales (FMS) Act to establish the eligibility of three African countries for cash sales of defense articles or services (Tab B). The Department of Defense concurs.

As the reopening of the Suez Canal approaches, and with growing Soviet naval presence in the Indian Ocean, our access to certain ports and other facilities in Kenya, the Malagasy Republic and Mauritius becomes more important. Such access may be facilitated by FMS sales. Mr. Ingersoll notes that the availability of ports in these three countries may change from being a convenience, as at present, to becoming a necessity if our access to the ports in Mozambique is curtailed following the independence of that Portuguese territory.

Kenya and the Malagasy Republic have expressed an interest in FMS purchases, which seventeen other countries in Africa already are eligible to make. Purchases by any of the three countries are likely to be small.

The FMS Act prohibits the sale of defense articles or services by the U.S. Government unless the President finds such sales will strengthen the security of the United States and promote world peace. By Executive Order, this authority is reserved to the President.

KR 4/1/88



A justification for this finding in the circumstances of each country is attached to the Determination at Tab A. It will be forwarded to Congress and subsequently published in the <u>Federal Register</u>. Although notification of Congress and publication in the Register is not required by law in these cases, I believe these steps are appropriate and will promote acceptance.

There will be some Congressional opposition to this addition of other African countries to the FMS sales list. However, I believe -- and Bill Timmons agrees -- that the majority of members of Congress will regard this eligibility as an appropriate way to meet modest, local defense needs while enhancing our ability to support naval operations in the Indian Ocean.

At Tab A is a memorandum for the Department of State forwarding your finding that FMS sales to Kenya, the Malagasy Republic and Mauritius will strengthen the security of the United States and promote world peace. Attached to the Determination is a justification for use with Congress.

Mr. Ash concurs in this finding (Tab C).

RECOMMENDATION

justification.	100		
Approve	A.R.F	Disapprove	

That you sign the memorandum at Tab A and approve the attached