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July 11, 1963  
NUMBER 2100.3

AD-A270 154



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## Department of Defense Directive

**SUBJECT** United States Policy Relative to Commitments to Foreign Governments Under Foreign Assistance Programs

- Refs.:**
- (a) The U. S. Policy on this subject as approved by the President on 8 May 1956
  - (b) DoD Directive S-2100.2, 25 February 1957 (cancelled herein)
  - (c) Secretary of Defense multi-addressee memorandum, "Consultations with Foreign Governments Concerning U. S. Grant Military Assistance," 23 June 1960 (cancelled herein)

### I. AUTHORITY

The President on 8 May 1956 (Ref. (a)) approved the policy that no promises or commitments involving future performance or future expenditures of U. S. funds for foreign assistance should be made or implied except upon specific determination:

- (a) That such promises or commitments are in accordance with approved policy;
- (b) That either funds have been appropriated or authorized by the Congress -- including such authority as may be granted for making long-term commitments -- or that there is Executive determination to seek such funds as may be required;
- (c) As to the extent to which the recipient country may be able to support the program contemplated;
- (d) As to the probable time-span over which such assistance may have to be granted.

### II. PURPOSE

This directive promulgates the policy of the U. S. Government as established in reference (a).

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### III. OBJECTIVE

The objective of the President's directive is to insure that the United States, or an individual representing the U. S., does not make commitments, express or implied, to furnish funds, including long term credit arrangements, goods or services to foreign governments (the terms foreign government and foreign official shall include officials of any international organization or supra-national authority as well as of any foreign national government) without:

- (a) Appropriate governmental clearances;
- (b) Satisfactory assurance that such commitments (1) can and will be met, and (2) do take into account the best interests of the U. S. in the use of its resources;
- (c) A clear understanding with the recipient as to the nature, scope and time-span of the commitment.

### IV. DEFINITION

For the purpose of this directive commitment means any communication between a responsible United States official and a responsible foreign official which could reasonably be interpreted as being a promise that the United States will provide a foreign government with funds, including long term credit arrangements, goods, services, or information.

### V. APPLICATION

- A. The determinations required by the President's directive shall be made prior to all future promises or commitments, express or implied, including extensions or material changes in existing commitments.
- B. The President's directive does not prohibit (1) the formulation of plans for future programs, nor (2) those discussions with foreign governments which are necessary to such forward planning; provided, however, that in such cases the U. S. officials shall make plain to the foreign governments that such discussions do not constitute or imply a commitment on the part of the United States.

Jul 11, 63  
2100.3

**VI. RESPONSIBILITIES**

- A. The responsibility within the Department of Defense for making the determinations required by the President's directive is hereby delegated to the Assistant Secretary of Defense, International Security Affairs.
- B. The Secretaries of the Military Departments, the Director, Defense Research and Engineering, the Assistant Secretaries of Defense, the General Counsel, DoD, ~~the Joint Chiefs of Staff~~, the Commanders of Unified Commands, the Chiefs, U. S. Military Missions accredited to foreign countries, and other responsible officials of the Department of Defense will:
- (1) Insure that discussions with foreign officials do not constitute or imply a commitment until the determinations required by the President's directive have in fact been made;
  - (2) Submit to the Assistant Secretary of Defense, International Security Affairs, any proposed new commitments, including extensions or material changes in existing commitments, accompanied by full and complete information relating to the proposed commitment, including, specifically, information necessary to support determinations required by paragraph I, (c) and (d) above. Normally, such proposals with respect to the Military Assistance will be submitted in conjunction with the proposed Military Assistance Programs developed in accordance with instructions contained in the Military Assistance Programming Guidance issued in the Military Assistance Manual by the Office of the Assistant Secretary of Defense, International Security Affairs.

**VII. CANCELLATION AND EFFECTIVE DATE**

This directive cancels and supersedes References (b) and (c), and is effective immediately.

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*Robert S. McNamara*  
Secretary of Defense

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# DEPARTMENT OF DEFENSE

## DIRECTIVES SYSTEM TRANSMITTAL

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2100.3 - Ch 1	August 8, 1972	2100 series

ATTACHMENTS

None

#### INSTRUCTIONS FOR RECIPIENTS

The following pen change to DoD Directive 2100.3, "United States Policy Relative to Commitments to Foreign Governments Under Foreign Assistance Programs," dated July 11, 1963, has been authorized:

#### PEN CHANGE

Page 3, subsection VI. B. - change line 3 to read:

"of Defense, the General Counsel, DoD, the Director, Defense Security Assistance Agency, the Joint Chiefs of"

Added portion is underscored.

#### EFFECTIVE DATE AND IMPLEMENTATION

The above change is effective immediately. Two copies of revised implementing regulations shall be forwarded to the Assistant Secretary of Defense (International Security Affairs) within 30 days.

*Maurice W. Roche*  
MAURICE W. ROCHE

Director, Correspondence and Directives Division  
OASD(Comptroller)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

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