RELEASE IN PART B5,B6

From: Sent: To: Subject:	H <hrod17@clintonemail.com: Saturday, August 29, 2009 7:48 'millscd@state.gov' Re: Honduras Military Coup De</hrod17@clintonemail.com: 	3 AM	
Oki should be free aft	er 2. Pls email when you want to talk.		÷
Original Message From: Mills, Cheryl D <i To: H Cc: Sullivan, Jacob J <su Sent: Sat Aug 29 06:20: Subject: Fw: Honduras</su </i 	MillsCD@state.gov> llivanJJ@state.gov> 26 2009		
See b/l - will call you lat	er today to discuss my convs on this mat	ter	
-	Mills, Cheryl D; Burns, William J; Verma, Harris, Robert K; Spector, Phillip M; Town		· .
INTERNAL DELIBERATIV	E		
Dear All,			
After this morning's me	eeting, L undertook more research	·	
Millennium Challenge f	Report		

The Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal Register of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate countries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to the restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be

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the legal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, are on the prohibited list and section 7008 is explicitly mentioned).
The list must be approved by the Board of the MCC, of which the Secretary is the chair, and is due on 9/10. It is our understanding that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can approve submission of the report. The action memo will require the Secretary to decide whether Honduras is a country without a "specified legal prohibition" or whether such a prohibition has in fact attached.
Department Legal Practice
I am travelling in New England this weekend but am available at or through the ops center if you wish to discuss. I will be back by the 8:45am meeting on Monday morning and can elaborate further then.
Section 7008 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8) provides:
"None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determined and certifies to the Committees on Appropriations that subsequent to the termination of

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assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided

further, That funds made available pursuant to the previous provisos shall be subject to the regular not	tification
procedures of the Committees on Appropriations."	

Harold Hongju Koh

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