RELEASE IN PART B5,B6

B6

From: H <hrod17@clintonemail.com> Sent: Saturday, August 29, 2009 1:47 PM 'millscd@state.gov' To: Subject: Re: Honduras Military Coup Decision I am just taking off. When I land I will call you on your cell. Ok? ---- Original Message -----From: Mills, Cheryl D < MillsCD@state.gov> To: H Sent: Sat Aug 29 08:17:11 2009 Subject: Re: Honduras Military Coup Decision Will call you around 3pm ---- Original Message -----From: H < HDR22@clintonemail.com> To: Mills, Cheryl D Sent: Sat Aug 29 07:48:20 2009 Subject: Re: Honduras Military Coup Decision Ok--i should be free after 2. Pls email when you want to talk. ---- Original Message -----From: Mills, Cheryl D < Mills CD@state.gov> To: H Cc: Sullivan, Jacob J <SullivanJJ@state.gov> Sent: Sat Aug 29 06:20:26 2009 Subject: Fw: Honduras Military Coup Decision See b/l - will call you later today to discuss my convs on this matter From: Koh, Harold Hongju To: Steinberg, James B; Mills, Cheryl D; Burns, William J; Verma, Richard R; Sullivan, Jacob J Cc: Donoghue, Joan E; Harris, Robert K; Spector, Phillip M; Townley, Stephen G;

INTERNAL DELIBERATIVE

Sent: Fri Aug 28 21:23:28 2009

Subject: Honduras Military Coup Decision

Dear All,

ennium Challenge Report  Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate stries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Ilist 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 extraction memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.	UNCLASSIFIED U.S. De	epartment of State	e Case No. F-2014	+-20439 DOC N	3. Q00100101 Bo	
Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate stries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Ilist 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 extraording that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.	·					
Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate stries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Ilist 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 extraording that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.	·					
Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate atries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Ilist 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 extanding that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.	er this morning's meeting, L	. undertook more	research			l e
Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate atries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Ilist 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 extanding that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.						
Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate atries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Ilist 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 extanding that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.			•			
Millennium Challenge Act of 2003 requires the submission of a report to Congress and publication in the Federal ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate atries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Sistemust be approved by the Board of the MCC, of which the Secretary is the chair, and is due on 9/10. It is our extraording that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can ove submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.		•				·
ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate atries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Alist 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 extanding that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can love submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.	ennium Challenge Report					
ster of a list of countries that are candidate countries for MCC assistance, and countries that would be candidate atries but for "specified legal prohibitions on assistance." Honduras is a candidate country. If Honduras is subject to restrictions in section 7008, it would be listed in that section of the report that identifies countries that would be lidate countries but for legal prohibitions that prohibit assistance. The report would also provide an explanation of egal prohibition (in fact, other coup restricted countries, such as Cote d'Ivoire, Madagascar, Mauritania, and Sudan, on the prohibited list and section 7008 is explicitly mentioned).  Alist 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 extanding that an action memo will be presented to the Secretary, perhaps as early as next week, so that she can love submission of the report. The action memo will require the Secretary to decide whether Honduras is a country out a "specified legal prohibition" or whether such a prohibition has in fact attached.				,		
artment Legal Practice	ister of a list of countries th ntries but for "specified leg restrictions in section 7008 didate countries but for leg	nat are candidate gal prohibitions or s, it would be liste	countries for MCC assistance." Hone	assistance, and duras is a candi	l countries that w date country. If H	ould be candidate londuras is subject to ries that would be
artment Legal Practice	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
artment Legal Practice	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
artment Legai Fractice	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo out a "specified legal prohi	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo out a "specified legal prohi	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo out a "specified legal prohi	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	ist must be approved by the rstanding that an action move submission of the repond to a "specified legal prohibition."	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo out a "specified legal prohi	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo out a "specified legal prohi	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action move submission of the repo out a "specified legal prohi	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our set, so that she can
	on the prohibited list and so list must be approved by the erstanding that an action manager cove submission of the repo	ther coup restrict ection 7008 is exp he Board of the M nemo will be pres ort. The action m	at prohibit assistar ed countries, such plicitly mentioned) ACC, of which the S sented to the Secre nemo will require the	nce. The report as Cote d'Ivoire ecretary is the tary, perhaps a ne Secretary to	e, Madagascar, Ma chair, and is due o s early as next we decide whether h	de an explanation of auritania, and Sudan, on 9/10. It is our sek, so that she can

discuss. I will be back by the 8:45am meeting on Monday morning and can elaborate further then.

I am travelling in New England this weekend but am available at

B6

or through the ops center if you wish to

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 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 notification procedures of the Committees on Appropriations."

Harold Hongju Koh

The Legal Adviser

**United States Department of State** 

2201 C St. N.W. Suite 6421

Washington, D.C. 20520

202-647-9598 phone

ce

202-647-7096 fax

B6