

RELEASE IN
PART B5

From: Koh, Harold Hongju <KohHH@state.gov>
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To: H
Subject: Prostitution Pledge case

SBU

Some hopeful news, for now, given what we discussed this am.

The Solicitor General's office hosted a productive interagency meeting today on whether to seek certiorari in *Alliance for Open Society International v. USAID*, a case concerning what's known as the "prostitution pledge" – the prohibition in the Leadership Act (22 USC s 7631 et seq) on the provision of U.S. government for HIV/AIDS work to "any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking." The Second Circuit enjoined implementation of the requirement as unconstitutional under the First Amendment. The D.C. Circuit, however, has upheld the requirement in an earlier decision. The SG Don Verrilli chaired, and attendees at the meeting included reps from the General Counsel's offices of HHS and USAID, as well as State/L, NSS/Legal, and a number of DOJ attorneys.

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