

SCOTUS RULING ON FOREIGN AID

In March 2025, The Supreme Court Voted 5-4 To Reject The Trump Administration's Emergency Appeal To Judge Ali's Ruling. "A sharply divided Supreme Court on Wednesday rejected the Trump administration's bid to freeze nearly \$2 billion in foreign aid, but it was not clear how quickly money might start flowing.

Background

- On February 13, 2025, U.S. District Judge Amir Ali ordered the Trump Administration to temporarily lift the funding freeze on U.S. foreign aid in a lawsuit brought by two organizations, the AIDS Vaccine Advocacy Coalition and the Global Health Council, representing health organizations receiving U.S. funds for work abroad.
- The judge ruled that the administration had not "offered any explanation for why a blanket suspension of all congressional appropriated foreign aid, which set off a shockwave ... was a national precursor to reviewing programs."
- The Trump Administration had argued that the situation had changed because it had replaced the blanket spending freeze with individualized determinations, which led to the cancellation of contracts totaling nearly \$60 billion.



The 5-4 majority had Chief Justice John Roberts and Justice Amy Coney Barrett join the three liberal justices to form a majority. Justice Alito wrote the dissent and was joined by Justices Thomas, Gorsuch, and Kavanaugh.

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Executive Summary

On February 13, 2025, U.S. District Judge Amir Ali ordered the Trump administration to temporarily lift the funding freeze on U.S. foreign aid and set a five-day deadline for the administration to show compliance. The judge ruled that the administration had not “offered any explanation for why a blanket suspension of all congressional appropriated foreign aid, which set off a shockwave ... was a rational precursor to reviewing programs.”

On February 26, 2025, Chief Justice Roberts issued an “administrative stay” on requiring payment for work already completed, and indicated that The Supreme Court would take up the matter in the near future.

On March 5, 2025, The Supreme Court rejected the Trump’s administration’s challenge and left the district judge’s temporary restraining order that paused the spending freeze. The Supreme Court did order the district judge to clarify his order that required the rapid release of nearly \$2 billion in aid for work that has already been done.

The court rejected an emergency appeal from the Republican administration, with the majority noting that the challenge was only against U.S. District Judge Amir Ali deadline, not the initial order. The court ordered Judge Ali to “clarify what obligations the government must fulfill to ensure compliance with the temporary restraining order, with due regard for the feasibility of any compliance timelines.”

The Trump Administration had argued that the situation had changed because it had replaced the blanket spending freeze with individualized determinations that led to the cancellation of contracts that totaled nearly \$60 billion.

The 5-4 majority had Chief Justice John Roberts and Justice Amy Coney Barrett join the three liberal justices to form a majority. Justice Alito wrote the dissent and was joined by Justices Thomas, Gorsuch, and Kavanaugh.

District Court Ruling

On February 13, 2025, U.S. District Judge Amir Ali Ordered The Trump Administration To Temporarily Lift The Funding Freeze On U.S. Foreign Aid

In February 2025, U.S. District Judge Amir Ali Ordered A Temporary Suspension Of The Funding Freeze On Foreign Aid And Set A Five-Day Deadline For The Administration To Show Compliance. “A federal judge has ordered President Donald Trump’s administration to temporarily lift a funding freeze that has shut down U.S. humanitarian aid and development work around the world, and he has set a five-day deadline for the administration to prove it’s complying. The judge’s ruling late Thursday cited the financial devastation that the near-overnight cutoff of payments has caused suppliers and nonprofits that carry out much of U.S. aid overseas.” (Ellen Knickmeyer and Lindsay Whitehurst, “Judge Sets A 5-Day Deadline For The Trump Administration To Start Lifting USAID Funding Freeze,” [The Associated Press](#), 2/14/25)

- **The Lawsuit Was Brought By The Global Health Council And The AIDS Vaccine Advocacy Coalition.** “The judge issued the temporary order in the U.S. in a lawsuit brought by two

organizations, the AIDS Vaccine Advocacy Coalition and the Global Health Council, representing health organizations receiving U.S. funds for work abroad.” (Ellen Knickmeyer and Lindsay Whitehurst, “Judge Sets A 5-Day Deadline For The Trump Administration To Start Lifting USAID Funding Freeze,” [The Associated Press](#), 2/14/25)

Judge Ali’s Ruling Stated That There Was No “Explanation For Why A Blanket Suspension Of All Congressionally Appropriated Foreign Aid, Which Set Off A Shockwave ... Was A Rational Precursor To Reviewing Programs. “Administration officials ‘have not offered any explanation for why a blanket suspension of all congressionally appropriated foreign aid, which set off a shockwave and upended’ contracts with thousands of nonprofit groups, businesses and others, ‘was a rational precursor to reviewing programs,’ Judge Amir H. Ali said in his ruling. (Ellen Knickmeyer and Lindsay Whitehurst, “Judge Sets A 5-Day Deadline For The Trump Administration To Start Lifting USAID Funding Freeze,” [The Associated Press](#), 2/14/25)

- **The Judge Rejected The Trump Administrations Argument That It Was Offering Waivers To Allow For Funding To Continue To Some Aid Partners. The Judge Cited Testimony That No Such Waiver System Existed.** “The Lawsuit Was Brought By The Global Health Council And The AIDS Vaccine Advocacy Coalition. “The judge issued the temporary order in the U.S. in a lawsuit brought by two organizations, the AIDS Vaccine Advocacy Coalition and the Global Health Council, representing health organizations receiving U.S. funds for work abroad.” (Ellen Knickmeyer and Lindsay Whitehurst, “Judge Sets A 5-Day Deadline For The Trump Administration To Start Lifting USAID Funding Freeze,” [The Associated Press](#), 2/14/25)

DISTRICT JUDGE DELCINED TO FIND TRUMP ADMINISTRATION IN CONTEMPT

On February 20, 2025, Judge Ali Failed To Comply With His Order But Declined To Find Trump Administration Officials In Contempt

The Judge Said The Trump Administration Had Failed To Comply With His Order, And Instead Had “Come Up With A New, Post-Hoc Rationalization For The En Mass Suspension” Of Funding. “The Trump administration has kept withholding foreign aid despite a court order and must at least temporarily restore the funding to programs worldwide, a federal judge said Thursday. Judge Amir H. Ali declined a request by nonprofit groups doing business with the U.S. Agency for International Development to find Trump administration officials in contempt of his order, however. The Washington, D.C., district court judge said administration officials had used his Feb. 13 order to temporarily lift the freeze on foreign aid to instead “come up with a new, post-hoc rationalization for the en masse suspension” of funding.” (Ellen Knickmeyer, “Trump Administration Is Flouting Order To Temporarily Lift A Freeze On Foreign Aid, Judge Says,” [The Associated Press](#), 2/20/25)

USAID Deputy Secretary Pete Marocco (Trump Appointee) Argued That It Could Lawfully Stop The Payments Without Violating The Judge’s Order And It Was Conducting A Program-By Program Review Of All Foreign Assistance Programs. “Despite the judge’s order to the contrary, USAID Deputy Secretary Pete Marocco, a Trump appointee, and other top officials had ‘continued their blanket suspension of funds,’ Ali said. ... Marocco and other administration officials defended the nonpayment in written arguments to the judge this week. They contended that they could lawfully stop or terminate payments under thousands of contracts without violating the judge’s order. The Trump administration says it is now doing a program-by-program review of all State Department and USAID foreign assistance programs to see which ones meet the Trump administration’s agenda.”

CHIEF JUSTICE ROBERTS ISSUED AN “ADMINISTRATIVE STAY”

On February 26, 2025, Chief Justice Roberts Issued An "Administrative Stay" Saying USAID And The State Department Did Not Need To Immediately Pay For Aid Work That Had Already Been Completed

On February 26, 2025, Chief Justice Roberts Issued An "Administrative Stay" On Requiring Payment For Work Already Completed, But Ordered The Challengers To File A Response To The Application By The End Of The Week. "Chief Justice John G. Roberts Jr. on Wednesday night handed the Trump administration a victory for now in saying that the U.S. Agency for International Development and the State Department did not need to immediately pay for more than \$1.5 billion in already completed aid work. A federal judge had set a midnight deadline for the agencies to release funds for the foreign aid work, which was withheld in the wake of the president's Day 1 directive to gut U.S. spending overseas. ... Chief Justice Roberts issued an "administrative stay," an interim measure meant to preserve the status quo while the justices consider the matter in a more deliberate fashion. The chief justice ordered the challengers to file a response to the application on Friday, and the court is likely to act not long after." (Zach Montague, Michael Crowley, and Adam Liptak, "Chief Justice Allows U.S. To Continue Freeze On Foreign Aid Payments," [The New York Times](#), 2/26/25)

TRUMP ADMINISTRATION'S APPEAL TO THE SUPREME COURT FAILED

On March 5, 2025, The Supreme Court, In A 5-4 Vote, Rejected The Trump Administration's Emergency Appeal To U.S. District Judge Amir Ali's Ruling

In March 2025, The Supreme Court Voted 5-4 To Reject The Trump Administration's Emergency Appeal To Judge Ali's Ruling. "A sharply divided Supreme Court on Wednesday rejected the Trump administration's bid to freeze nearly \$2 billion in foreign aid, but it was not clear how quickly money might start flowing. By a 5-4 vote, the court rejected an emergency appeal from the Republican administration, while also telling U.S. District Judge Amir Ali to clarify his earlier order that required the quick release of nearly \$2 billion in aid for work that had already been done." (Mark Sherman, "Divided Supreme Court Rejects Trump Bid To Freeze Nearly \$2 Billion In Foreign Aid," [The Associated Press](#), 3/5/25)

- **Chief Justice John Roberts And Justice Amy Coney Barrett Joined The Three Liberal Justices In The Majority. Justice Alito Wrote The Dissent And Was Joined By Justices Thomas, Gorsuch, And Kavanaugh.** "Chief Justice John Roberts and Justice Amy Coney Barrett, two conservatives, joined the three liberal justices to form a majority. Justices Clarence Thomas, Neil Gorsuch and Brett Kavanaugh joined Alito's dissent." (Mark Sherman, "Divided Supreme Court Rejects Trump Bid To Freeze Nearly \$2 Billion In Foreign Aid," [The Associated Press](#), 3/5/25)

The Supreme Court's Order Left In Place The Temporary Restraining Order That Paused The Spending Freeze, But Did Tell Judge Ali To Clarify His Order That Required The Quick Release Of Nearly \$2 Billion For That That Had Already Been Done. "By a 5-4 vote, the court rejected an emergency appeal from the Republican administration, while also telling U.S. District Judge Amir Ali to clarify his earlier order that required the quick release of nearly \$2 billion in aid for work that had already been done. ... The court's action leaves in place Ali's temporary restraining order that had paused the spending freeze. Ali is holding a hearing Thursday to consider a more lasting pause." (Mark Sherman, "Divided Supreme Court Rejects Trump Bid To Freeze Nearly \$2 Billion In Foreign Aid," [The Associated Press](#), 3/5/25)

The Trump Administration Argued That They Had Replaced The Blanket Spending Freeze With Over 9,800 Individual Determinations That Led To The Cancellation Of Nearly \$60 Billion In Aid

"The Trump administration has argued that the situation has changed because it has replaced a blanket spending freeze with individualized determinations that led to the cancellation of 5,800 U.S. Agency for International Development contracts and another 4,100 State Department grants totaling nearly \$60 billion in aid. The federal government froze foreign aid after an executive order from Trump targeting what he called wasteful programs that do not correspond to his foreign policy goals." (Mark Sherman, "Divided Supreme Court Rejects Trump Bid To Freeze Nearly \$2 Billion In Foreign Aid," [The Associated Press](#), 3/5/25)

The Supreme Court Noted That The Trump Administration Had Only Challenged The Deadline Imposed By Judge Ali, Not His Overall Order. "The majority noted that the administration had not challenged Ali's initial order, only the deadline, which in any event passed last week." (Mark Sherman, "Divided Supreme Court Rejects Trump Bid To Freeze Nearly \$2 Billion In Foreign Aid," [The Associated Press](#), 3/5/25)