

**Chief Justice Allows U.S. to Continue Freeze on Foreign Aid Payments.** By [Zach Montague](#)[Michael Crowley](#) and [Adam Liptak](#), *New York Times*, 26 Feb 2025

Lawyers for the government had said it would miss a deadline to release more than \$1.5 billion in payments for past aid work and sought a late intervention from the Supreme Court.

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.

The Trump administration, in an emergency appeal to the Supreme Court just hours before the deadline, said the judge had overstepped his authority and interfered with the president's obligations to "make appropriate judgments about foreign aid."

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.

However tentative, the stay was nonetheless the first victory for the administration in a deluge of cases that the justices could hear over President Trump's blitz of executive actions.

In another aggressive move on Wednesday to carry out the president's directive, lawyers for the Trump administration said that it was ending nearly 10,000 U.S. Agency for International Development and State Department contracts and grants.

The pair of administration actions stunned diplomats and aid workers already reeling from mass firings at U.S.A.I.D., which funds food, health, development and democracy programs abroad, and which [the Trump administration has systematically dismantled](#). A former senior U.S.A.I.D. official said the cuts account for about 90 percent of the agency's work and tens of billions of dollars in spending.

The cuts deal "a catastrophic blow to USAID's implementing partners and the populations they serve, likely bankrupting many, and shuttering lifesaving and important programs forever," a group of agency workers and partners said in a fact sheet distributed Wednesday night.

Several aid workers and U.S.A.I.D. officials said that at least some money for the President's Emergency Plan for AIDS Relief, or PEPFAR, had been eliminated, including for elements of the program that were previously deemed essential lifesaving work and exempted from the aid freeze.

Other terminated contracts included ones with [urban search and rescue teams](#) in Virginia and California that deploy to afflicted areas in the wake of natural disasters such as the devastating earthquake that struck Turkey and Syria two years ago, according to the former U.S.A.I.D. official. That program had also previously been granted a humanitarian exception from the foreign aid freeze by Secretary of State Marco Rubio.

Trump administration lawyers outlined the steep foreign aid cuts in a status report on the administration's progress in complying with a Feb. 13 order by Judge Amir H. Ali of the Federal District Court for the District of Columbia. In the order, he said the government must disburse funding already promised to foreign aid contractors and grant recipients [who work around the world](#) and who say the U.S.-backed programs save countless lives and enhance America's influence abroad.

Mr. Trump and other top U.S. officials insist that foreign aid, which makes up roughly 1 percent of the federal budget, has grown wasteful and detached from America's vital interests.

But critics warn that Mr. Trump is making a calamitous mistake, saying his assault on foreign aid "dangerously undermines America's ability to win," as Liz Schroyer, president of the U.S. Global Leadership Coalition, said in a statement.

The moves on Wednesday were the latest twists in the [tug of war](#) between the Trump administration and the legal system, in which administration officials have stated that they are working to comply with directives while simultaneously looking for ways around them.

After Mr. Trump in January [ordered agencies](#) to pause nearly all foreign aid spending for 90 days while officials reviewed individual projects, aid groups sued. They argued that the pause jeopardized their missions and the lives of millions of people who depend on the programs the U.S. government has funded for decades.

On Feb. 13, Judge Ali issued an order requiring agencies to release funds for any "contracts, grants, cooperative agreements, loans or other federal foreign assistance award that was in existence as of Jan. 19," the day before Mr. Trump took office.

But group after group, including the ones that brought the lawsuit, has reported that funding was never restored. At the hearing on Tuesday, lawyers told Judge Ali that the only reasonable explanation was that the government had never taken [steps to lift the blanket pause](#) on foreign aid.

The administration argued in the filing that because the agencies had raced ahead to review the grants and contracts and determined that all but a fraction of them would be canceled, it had met the court's demands by finishing "a good-faith, individualized assessment" of its programs.

"U.S.A.I.D. is in the process of processing termination letters with the goal to reach substantial completion within the next 24 to 48 hours," it said. "As a result, no U.S.A.I.D. or State obligations remain in a suspended or paused state."

According to the filing, the government identified around 3,200 contracts and grants that it decided to retain and was "committed to fully moving forward with the remaining awards."

Judge Ali repeatedly pressed a lawyer representing the government to clarify whether any funds had been released since his directive earlier this month. The lawyer was unable to point to any sign that the aid money was flowing, and Judge Ali issued a new midnight deadline for the government to pay any outstanding invoices or drawdown requests that had come due before his Feb. 13 order.

According to [Pete Marocco](#), the top Trump appointee in charge of foreign aid, the continued holdup was at least in part because of logistical issues. U.S.A.I.D. is facing roughly \$1.5 billion in payment requests and the State Department has around \$400 million more outstanding, Mr. Marocco said, which could not be handled immediately.

"These payments cannot be accomplished in the time allotted by the court and would instead take multiple weeks," he wrote in a document supporting the government's argument for more time [filed on Wednesday](#).

In their own submissions on Wednesday, groups that had brought the legal challenge against the Trump administration listed a ream of complaints about how the Trump administration has proceeded.

Among them, lawyers argued that Trump officials "have added new layers of review to all disbursements of foreign assistance funds, including requiring line-by-line policy justifications for payments for past work that has already been approved through normal approval processes."

Lawyers pointed to sworn statements by aid workers who said that because they had been unable to access funds as recently as Tuesday, they had been unable to go about their work overseas, including disbursing H.I.V. medications purchased with U.S. aid.

The State Department [issued a waiver](#) for PEPFAR weeks ago, allowing funding to flow to those programs. But [several statements](#) filed on Wednesday said that invoices related to PEPFAR still had not been paid.

Statements filed in support of the groups suing on Wednesday detailed other harms.

“Within my portfolio this means that starving children will not receive ready-to-use therapeutic foods, pregnant and breastfeeding women will not be screened for malnutrition, and refugee households will not be provided vouchers to purchase food for their families,” one worker [wrote](#) in a declaration.

Lawyers for the government said Judge Ali’s deadline to keep aid flowing was unrealistic.

“Additional time is required because restarting funding related to terminated or suspended agreements is not as simple as turning on a switch or faucet,” they wrote.

Lawyers for the aid groups also asked the court on Wednesday to allow them to call Mr. Marocco and Mr. Rubio to testify. In the filing they said that administration lawyers had “indicated that they would resist” Mr. Rubio being deposed under the apex doctrine, a legal theory that protects high-level executive branch officials from burdensome demands and potential harassment.

But the plaintiff’s lawyers noted that administration lawyers have said that Mr. Rubio had “personal involvement” in decisions about the foreign aid funding, making his testimony essential.