

Aid groups present case to Supreme Court as decision looms. By [Elissa Miolene](#), Devex, 28 Feb 2025

A ruling is expected soon — and both lives and programs hang in the balance. “An emergency of its own making.”

That’s how partners at the [U.S. Agency for International Development](#) described the situation created by the Trump administration — one month after the president issued a funding freeze on foreign assistance, and two weeks after the government was mandated to reverse it.

“On February 13, the district court agreed that the foreign assistance freeze was likely unlawful and found that respondents would suffer irreparable harm if the freeze were not immediately suspended,” wrote the organizations in a Supreme Court filing, which was submitted on Friday afternoon. “The government took no steps toward compliance.” Over the last few days, appeals have spun across the court system. On Tuesday, U.S. District Judge Amir Ali ordered the Trump administration to adhere to his two-week-old temporary restraining order, mandating that nearly \$2 billion in foreign assistance [be paid by midnight the following day](#). The government immediately sought reprieve — first from the U.S. Court of Appeals, which denied its request, and then from the Supreme Court of the United States, which [complied with it](#).

Chief Justice John Roberts halted Ali’s mandate, requiring the organizations suing the Trump administration — including nonprofits and for-profit contractors — to provide more information by Friday at noon. At some point over the next few days, a ruling from Roberts is expected to land, one that will look specifically at whether the Trump administration needs to pay partners for work they’d completed before Feb. 13, the day Ali issued the block on Trump’s foreign aid freeze.

“That ruling will not mitigate or cancel out any of the deliberations in the federal court about the whole case,” said Mitchell Warren, the head of the [AIDS Vaccine Advocacy Coalition](#), or AVAC, one of the organizations involved in the case. “He’s looking at the narrow question of, where does the [latest] order stand?”

In the emergency filing to the Supreme Court on Wednesday — one that came hours before Ali’s original deadline — the Trump administration argued that the judge’s latest order had “moved all the goalposts,” and that the government was “doing what it reasonably can to comply in good faith.”

“It has thrown what should be an orderly review by the government into chaos,” Sarah Harris, the acting solicitor general representing the administration, stated in a Supreme Court filing Wednesday night.

Despite that, Harris said that Secretary of State Marco Rubio had personally reviewed each and every award, ultimately terminating 5,800 contracts and grants from USAID and

another 4,100 from the State Department. Just 3,200 programs remain across both federal agencies, 500 of which are at USAID — less than 10% of the latter agency’s work. It was a move that sent shockwaves across the aid sector, with some organizations losing nearly all their programs in a single night.

[Nearly 10,000 awards cut from USAID, State Department](#)

The cuts came hours before the Trump administration was ordered to pay organizations for past work, which was mandated by a federal judge — once again — on Tuesday.

“The government’s continued noncompliance with the district court’s [temporary restraining order] forced one respondent to lay off 110 employees yesterday,” the organizations wrote in Friday’s filing to the Supreme Court. “Another will default on severance obligations, triggering civil liability and potential regulatory enforcement, if it does not receive payment for past work by today. Meanwhile, many of those who depend on respondents’ programming face starvation, disease, and death.”

By Friday morning, dozens of organizations had put out statements to that effect. The [Danish Refugee Council](#), for example, [warned](#) of “catastrophic consequences” as a result of 20 termination notices affecting programs in Burkina Faso, Cameroon, Yemen, and beyond. Meanwhile, the [International Rescue Committee](#) had received 39 terminations, which they [said](#) will affect 1.8 million people in some of the world’s most difficult crises.

“We now face the starkest of stark choices about which services can be protected,” wrote David Miliband, the president and CEO of IRC, in a Thursday statement.

In the Supreme Court filing on Friday, the organizations suing the Trump administration argue the government’s characterization of Ali’s Wednesday mandate — which it described as “abrupt” — “disregards essential context.”

“In the days following entry of the TRO, the government took no steps toward restoring ‘the obligation or disbursement of appropriated foreign-assistance funds’ that the TRO required,” the plaintiffs stated, referring to the temporary restraining order. “Meanwhile, the government stripped line-level officers most familiar with the relevant awards of authority to make disbursements and channeled purported ‘review’ of payments through a handful of political appointees.”

Regardless of what the Supreme Court decides, the case in the district court — which is presided over by Judge Ali — will continue, Warren explained. He expects the judge to schedule a hearing for early next week, one that will continue proceedings around the blanket funding freeze and en masse terminations that have hit organizations across the world.