

TRUMP ADMINISTRATION DEFIANCE OF DISTRICT COURT'S TRO; NO MOVES TAKEN TO UNFREEZE FUNDS

- Following issuance of the TRO, Plaintiffs AIDS Vaccine Advocacy Coalition (AVAC) and Journalism Development Network (JDN) reached out to their partners at USAID and the State Department to ask about implementation of the TRO. They were stonewalled.
- A USAID agreement officer responded to AVAC's inquiry: "Thank you for your email. The agency has not provided guidance." Third Decl. of Mitchell Warren, Ex. A, 6.
- Replying to JDN, a State Department grants officer stated, "The suspension remains in effect, and new cost should not be incurred unless you receive notification from your Grants Officer that the suspension has been lifted. We are awaiting further guidance from our leadership and will let you know as soon as we receive additional information." Third Decl. of Andrew Sullivan, Ex. B, 5.
- Similarly, a contracting officer within USAID advised, "All work must remain suspended until a formal authorization is granted in writing by USAID. At this time, USAID has not issued any directive to rescind the Stop-Work Order. Please hold off until you receive formal notification to continue." *Id.*
- As USAID Contracting Officer Jessica Doe explains, it was not until February 17, four days after the Court's order, that Jami Rodgers, USAID Senior Procurement Executive, issued any guidance about the scope of the TRO to USAID contracting officers. At that time, he stated that USAID leadership was "in the process of adopting a comprehensive review process" and that "[f]urther guidance on the new payment integrity and grants and contracts review process is forthcoming." Decl. of Jessica Doe, Ex. C 43. Contracting Officers within the agency sought clarification, but Mr. Rodgers never responded. *Id.* at ¶¶ 44, 45. Jessica Doe has "not personally seen any evidence that a thorough, case-by-case analysis" has taken place with regard to the suspension of funds or stop work orders issued by USAID. *Id.* at 49. She explains that although lifesaving humanitarian assistance has technically been reauthorized, the programs remain unfunded. *Id.* at 38. The ongoing failure to fund these programs has led over 28,000 orphans and vulnerable children to lose access to HIV treatment. *Id.*
- Thomasina Doe, a member of the Acquisition and Assistance workforce at USAID, indicated that she received a February 6, 2025, email instructing USAID

Contracting and Agreement Officers to “immediately terminate 800 awards.” The instruction “did not come from an authorized procurement official” and offered no rationale or authority for the terminations. That email was rescinded, without explanation, “[w]ithin one or two hours,” and was followed by instructions on February 10, 2025, to terminate 200 “new and different” awards. *American Foreign Service Ass’n v. Trump*, D.D.C. No. 25-cv-352, Decl. of Thomasina Doe 4 (1:25-cv-352, ECF No. 24-8).

- Virginia Doe, a contracting officer at USAID, corroborates that account: “We are told to terminate and when we raise legal concerns they are dismissed and we are told to terminate anyway or risk appearing insubordinate. *American Foreign Service Ass’n v. Trump*, Decl. of Virginia Doe 6 (1:25-cv-352, ECF No. 24-10).

- Nothing meaningful changed after the district court’s TRO: Contracting Officer Jessica Doe reports that seeing no “evidence that a thorough, case-by-case analysis” has taken place with respect to terminations issued by the Agency, and that contracting officers have “been left without guidance or direction to implement this Court’s order.” Decl. of Jessica Doe, Ex. C, ¶¶

- In fact, the government put up new barriers to compliance. The State Department issued an additional 15-day disbursement pause on all State Department grants. The administration stripped line-level officers of the ability to make payments and channeled payment requests through political appointees. And even where those appointees approved payment, DOGE staffers reportedly retained independent veto power over those payments. Appellees’ Joint Opposition to Appellants’ Motion for Stay Pending Appeal, D.C. Cir. Case No. 25-5046.

- The government’s own filings show that it has escalated the pace of award terminations since the TRO, resulting in the termination of over 90% of USAID awards and 60% of State awards. ECF 40 at 16.

All documents in the case [available here](#). Most information is excerpted from [this motion](#). The Supreme Court docket is [here](#).