

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

**AMERICAN FOREIGN SERVICE
ASSOCIATION, *et al.*,**

Plaintiffs,

v.

PRESIDENT DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-00352 (CJN)

**BRIEF OF AMICI CURIAE FORMER SENIOR NATIONAL SECURITY OFFICIALS
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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IDENTITIES AND INTERESTS OF AMICI CURIAE¹

Amici are a bipartisan coalition of former senior national security officials with decades of experience serving in roles across the executive branch (including the military) and the legislative branch. From their work, Amici have a deep understanding of the myriad national security threats that the United States faces, and all have dedicated their careers to protecting Americans from those threats. Amici are therefore well equipped, and indeed compelled, to detail for the Court USAID's critical role in securing the United States's national security goals. They understand that foreign aid, administered through USAID, is a central component of this country's foreign relations and national security strategies, and that it has effectively confronted the disease, war, famine, and civil unrest that so often precedes and underlies threats to our safety. Amici are identified below, along with notable positions² that they held and the dates on which they held them:

- **Charles Hagel**, Secretary of Defense (2013-2015), United States Senator for Nebraska (1997-2009)
- **William Perry**, Secretary of Defense (1994-1997), Deputy Secretary of Defense (1993-1994)
- **Michael Hayden**, Director of the Central Intelligence Agency (2006-2009), Director of the National Security Agency (1999-2005), General, United States Air Force
- **Howard Berman**, U.S. Representative for California's 26th and 28th Districts (1983-2013), Chair of the House Foreign Affairs Committee (2008-2011)
- **Eric Edelman**, Principal Deputy National Security Advisor to the Vice President (2001-2003), Under Secretary of Defense for Policy (2005-2009)
- **Brian McKeon**, Deputy Secretary of State for Management and Resources (2021-2022), Acting Under Secretary of Defense for Policy (2016)

¹ Pursuant to Local Rule 7(o)(5) and Federal Rule of Appellate Procedure 29(a)(4)(e), Amici certify that no party's counsel authored this brief in whole or in part, and no person or entity other than Amici or its counsel contributed money that was intended to fund preparing or submitting of this brief. Websites cited in this brief were last visited March 13, 2025.

² All positions listed are former. Amici have had significant and lengthy careers; for the sake of brevity, this brief lists only a subset of the positions they have held.

- **Wendy Sherman**, Deputy Secretary of State (2021-2023), Under Secretary of State for Political Affairs (2011-2015).
- **Alexander Vershbow**, Deputy Secretary General of NATO (2012-2016), Ambassador to Russia (2001-2005)
- **Gayle Smith**, USAID Administrator (2015-2017), Special Assistant to the President (2009-2015; 1998-2001)
- **Richard Boucher**, Assistant Secretary of State for South and Central Asia (2006-2009), Assistant Secretary of State for Public Affairs (2000-2005)
- **A. Peter Burleigh**, Ambassador and Deputy Representative to the United Nations (1997-1999), Ambassador and Coordinator of Counter-Terrorism (1991-1992)
- **Ruth Davis**, Director General of the Foreign Service (2001-2003), Ambassador to Benin (1992-1995)
- **Robert Goldberg**, Director of U.S. Foreign Assistance, Department of State (2010-2014), Deputy Associate Director for International Affairs, Office of Management and Budget (2004-2010)
- **Gordon Gray**, Ambassador to Tunisia (2009-2012), Deputy Assistant Secretary of State for Near Eastern Affairs (2005-2008)
- **Richard Greene**, Director of U.S. Foreign Assistance, Department of State (2007-2009), Chief Financial Officer, Department of State (1993-1998)
- **Robert Hutchings**, Chairman of the National Intelligence Council (2003-2005), Special Advisor to the Secretary of State (1992-93)
- **Chris Kojm**, Chairman of the National Intelligence Council (2009-2014), Deputy Executive Director, 9/11 Commission (2003-2004)
- **Nancy McEldowney**, National Security Advisor to the Vice President (2021-2022), Director of the Foreign Service Institute (2013-2017)
- **Daniel Shapiro**, Ambassador to Israel (2011-2017), Deputy Assistant Secretary of Defense for Middle East Policy (2024-2025)
- **Todd Stern**, Special Envoy for Climate Change, Department of State (2009-2016), Assistant to the President and Staff Secretary (1995-1999)
- **Harry Thomas Jr.**, Ambassador to Zimbabwe (2016-18), Ambassador to the Philippines (2010-2013)
- **Pamela White**, Ambassador to Haiti (2012-2015), USAID Mission Director in Mali and Tanzania and Liberia (2005-2010)

Amici have served across multiple branches and agencies of government, from Capitol Hill to the White House, to consulates, embassies, and battlefields abroad. Amici know firsthand that USAID's work is critical to achieving the goal of ensuring America's national security. Amici's

interest, therefore, is that USAID's work continues, so that their efforts are continued, and that future generations of Americans remain safe from foreign threats.

INTRODUCTION

In a Special Message delivered to Congress just six months before the passage of the Foreign Assistance Act of 1961 (the "FAA" or "the 1961 Act"), President John F. Kennedy set out the important role that foreign assistance plays in strengthening and securing the United States of America: "The economic collapse of those free but less-developed nations which now stand poised between sustained growth and economic chaos would be disastrous to our national security, harmful to our comparative prosperity and offensive to our conscience."³ The legislative and executive branches worked collaboratively to pass the FAA and create the United States Agency for International Development ("USAID") not as an act of pure altruism, but in order to promote America's "soft power" and security through the administration of foreign aid.

The purpose of this aid is, in large part, to protect Americans. Congress enacted the FAA, authorized the creation of USAID, and regularly passes foreign operations appropriations because they better position the United States *vis-à-vis* its adversaries and help build coalitions and alliances when they are needed. Foreign aid provides economic and social development to regions where terrorism would otherwise fester. It provides funding for major global health challenges, keeping diseases from becoming epidemics and pandemics which know no borders. It helps to prevent the root causes of migration around the globe, including across our southwestern border. Our country's greatest adversaries have long decried U.S. foreign assistance. They now celebrate

³ *The American Presidency Project*, UC Santa Barbara, <https://www.presidency.ucsb.edu/documents/special-message-the-congress-foreign-aid-1> (last visited Mar. 13, 2025).

its apparent demise, because they know it works: USAID builds American strength abroad, and maintains American security at home.

Defendants' rapid and unlawful dismantling of USAID has already wreaked irreparable violence to this essential work, weakening the United States and exposing it to grave national security vulnerabilities. Halting, whether temporarily or permanently, desperately needed aid that this country committed to provide destabilizes organizations, countries, and regions, undermining partnerships and alliances that strengthen the United States and help make Americans safer and more secure. Cancelling contracts en masse destroys American credibility. Firing personnel en masse eliminates the ability to effectively and securely deliver whatever assistance President Trump and Secretary Rubio have indicated will continue. Finally, Defendants' sweeping actions have created vacuums of need all around the world, ceding influence and permitting China and Russia to seize those opportunities left behind.

Amici are former senior national security officials who have worked across government in national security and foreign affairs roles, including two former Secretaries of Defense and a four-star general who previously served as Director of the Central Intelligence Agency and National Security Agency. Amici submit this brief to detail for the Court the dire national security implications of Defendants' conduct,⁴ and respectfully urge it to consider those implications and grant Plaintiffs' Motion for Summary Judgment.

⁴ Amici agree with the concerns expressed by numerous former public officials, including some Amici here, in a letter to leaders in the United States Senate and United States House of Representatives dated February 12, 2025, available at [politico.com/f/?id=00000195-00fe-d573-a3bf-51fe0dac0000](https://www.politico.com/f/?id=00000195-00fe-d573-a3bf-51fe0dac0000).

ARGUMENT

A. The Legislative And Executive Branches Collaborated To Create USAID In Recognition Of Foreign Aid's Crucial National Security Role

Congress and President Kennedy recognized the important role that foreign aid plays in bolstering the United States's national and economic security when they passed the 1961 Act to reorganize this country's foreign assistance programs and create USAID as the agency responsible for achieving its ends.⁵ The 1961 Act addressed the shortcomings of its predecessor statute, passed 20 years earlier to address the catastrophic effects of World War II. President Kennedy urged in his March 22, 1961 Special Message to the Congress that foreign aid was "necessary" based on not just "moral obligations" but also this country's "political obligations as the single largest counter to the adversaries of freedom" around the world:

To fail to meet those obligations now would be disastrous; and, in the long run, more expensive. For widespread poverty and chaos lead to a collapse of existing political and social structures which would inevitably invite the advance of totalitarianism into every weak and unstable area. Thus our own security would be endangered and our prosperity imperiled. A program of assistance to the underdeveloped nations must continue because the nation's interest and the cause of political freedom require it.⁶

Congress placed the United States's own security interests front and center in its legislation. It described the FAA as "AN ACT To promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes." Pub. Law 87-195, 75 Stat. 424-65 (1961) (codified at 22 U.S.C. § 2151 et seq.). The FAA's General Policy provision further demonstrates that Congress intended foreign assistance to make the United States stronger and

⁵ Exec. Order No. 10973, *Administration of Foreign Assistance and Related Functions* (Nov. 3, 1961), available at <https://www.thecre.com/fedlaw/legal20/eo10973.htm>.

⁶ *Supra*, note 3.

safer, explaining that “fundamental political, economic, and technological changes have resulted in the interdependence of nations[,]” and as such, “the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms and which work together to use wisely the world’s limited resources in an open and equitable international economic system.” 22 U.S.C. § 2151(a).

On November 3, 1961, President Kennedy created USAID by Executive Order 10973 to administer and accomplish the Act’s goals, pursuant to the authority vested by Congress in Section 301 of the 1961 Act. Kennedy’s order made USAID a subsidiary entity of the State Department, though, in the decades that followed, subsequent presidential administrations worked in tandem with the legislative branch to determine the best way to deploy USAID as a means for advancing this country’s economic and security interests.⁷

In 1998, for example, Congress passed the Foreign Affairs Reform and Restructuring Act (22 U.S.C. § 6563 et seq.), which established USAID as an independent agency outside the State Department, while keeping it under the direct authority of the Secretary of State to help ensure that USAID programs align with U.S. foreign policy and national security interests. Pub. L. No. 105-277, § 1413, 112 Stat. 2681-791; *see* 5 U.S.C. § 104. Congress carefully circumscribed the President’s authority to alter the agency’s structure or operations, giving the President only 60 days after USAID’s establishment as an independent agency to eliminate it or reassign its functions. 22 U.S.C. § 6601(a). President Clinton declined to do so, instead ordering that “USAID will remain a distinct agency with a separate appropriation.” Reorganization Plan and Report Submitted by

⁷ Mara Rudman, *Against the Executive Sledgehammer*, The Dispatch (Feb. 21, 2025), <https://thedispatch.com/article/usaaid-doge-rreforms-trump-musk-soft-power/?signup=success>.

President Clinton to Congress on December 30, 1998, Pursuant to Section 1601 of the Foreign Affairs Reform and Restructuring Act of 1998.⁸

Since then, Congress has repeatedly appropriated funds for foreign assistance through USAID, most recently in its March 23, 2024 Appropriations Bill, which mandates the provision of funds and generally prohibits all but small deviations without congressional consultation and justification. *See* Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47, div. F, tits. II-III, 138 Stat. 460, 739-43; 722 (2024). Indeed, foreign assistance and USAID programs have been a bipartisan venture for the last 20 years, especially in the area of global health. Both parties have long supported the President's Emergency Plan For Aids Relief (PEPFAR), originally launched by President George W. Bush in 2003 to address the global HIV/AIDS crisis, and successive Democratic administrations have increased funding for the initiative originally launched by their Republican predecessor.⁹ Legislation like the Global Food Security Act¹⁰ and the Electrify Africa Act¹¹ have also enjoyed strong bipartisan support. The legislative and executive branches' collaborative work on USAID and aid programs contrasts with the current administration's wholesale and unilateral obliteration of the agency.

⁸ *Reorganization Plan and Report*, U.S. Department of State (1998), https://1997-2001.state.gov/global/general_foreign_policy/rpt_981230_reorg8.html.

⁹ *See The U.S. President's Emergency Plan for AIDS Relief (PEPFAR)*, Global Health Policy (Aug. 15, 2024), <https://www.kff.org/global-health-policy/fact-sheet/the-u-s-presidents-emergency-plan-for-aids-relief-pepfar/>.

¹⁰ *See Statement by the President on the Passage of The Global Food Security Act of 2016*, The White House President Barack Obama (July 6, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/07/06/statement-president-passage-global-food-security-act-2016>.

¹¹ *See H.R. 2847, Electrify Africa Act of 2015*, House Foreign Affairs Committee GOP, <https://foreignaffairs.house.gov/legislation/h-r-2847-electrify-africa-act-of-2015/#:~:text=To%20encourage%20African%20countries%20provide,not%20have%20access%20to%20electricity> (last visited Mar. 13, 2025).

B. USAID’s Work Has Achieved Congress’s Goal Of Enhancing This Country’s Security Through Foreign Assistance—A Goal Threatened By Defendants’ Actions

Since its creation in 1961, USAID has been the primary aid agency of the United States.¹² Congress has repeatedly appropriated foreign aid through USAID in recognition of its crucial role in supporting development as the third “pillar” undergirding the United States’s foreign policy and national security strategy.¹³ This aid supports economic development, humanitarian assistance, health efforts, peace and security, democracy, human rights, governance, education and social services, and environmental work abroad,¹⁴ and is indisputably valuable because it gains the United States “vast stores of political capital in the more than 100 countries where it works,”¹⁵ “builds goodwill with critical partners in foreign governments, the private sector and civil society; it improves global health, stopping the next pandemic before it starts; it helps mitigate security concerns abroad before they become security concerns at home.”¹⁶ As former Republican Representative Charlie Dent explained, USAID “strengthens U.S. national security by promoting stability. Weak and failing states are breeding grounds for terrorism, drug trafficking and mass

¹² Drew DeSilver, *What the data says about U.S. foreign aid*, Pew Research Center (Feb. 6, 2025), <https://www.pewresearch.org/short-reads/2025/02/06/what-the-data-says-about-us-foreign-aid/>.

¹³ See Charlie Dent, *Shuttering USAID is a win for China and a loss for America*, The Hill (Feb. 10, 2025), <https://thehill.com/opinion/5134684-us-agency-foreign-aid-threatened/>. The other two pillars are “diplomacy” and “defense”—of the three, foreign aid is by far the least expensive, making up between 0.7% and 1.4% of the federal government’s total spending since 2001. See *supra*, note 12.

¹⁴ *Supra*, note 12.

¹⁵ Samantha Power, *Killing U.S.A.I.D. Is a Win for Autocrats Everywhere*, The New York Times (Feb. 8, 2025), <https://www.nytimes.com/2025/02/06/opinion/usaids-trump-samantha-power.html>.

¹⁶ *Id.*; see also Michael Sheldrick, *The Truth About U.S. Foreign Aid: A Response To Secretary Marco Rubio*, Forbes (Feb. 5, 2025), <https://www.forbes.com/sites/globalcitizen/2025/02/05/the-truth-about-us-foreign-aid-a-response-to-secretary-marco-rubio/>. **Error! Hyperlink reference not valid.**

migration. By addressing root causes of instability, USAID helps prevent crises before they require costly U.S. military intervention.”¹⁷

Presidents and lawmakers have long recognized the important role that foreign aid plays, especially in combatting terrorism.¹⁸ Following the terrorist attacks on September 11, 2001, President Bush drew a clear connection between foreign assistance and national security, stating, “[w]e will actively work to bring the hope of democracy, development, free markets and free trade to every corner of the world. . . . poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.”¹⁹ The Obama Administration continued this commitment to use foreign aid to bolster national security. Secretary of Defense Robert Gates wrote, “over the long term, the United States cannot kill or capture its way to victory. Where possible, what the military calls kinetic operations should be subordinated to measures aimed at promoting better governance, economic programs that spur development, and efforts to address the grievances among the discontented, from whom the terrorists recruit.”²⁰

Former Representative Steve Israel recently wrote about his 2007 visit to the Kashmir region of Pakistan, where an earthquake had devastated communities and “terror groups intent on

¹⁷ *Supra*, note 13. Secretary Rubio himself has stated, “Foreign Aid is not charity. We must make sure it is well spent, but it is less than 1% of budget & critical to our national security.”

@marcorubio, X, (Feb. 28, 2017, 6:27 AM), <https://x.com/marcorubio/status/836583503768748033?lang=en>.

¹⁸ Indeed, USAID obligations grew by 70% in the two years following the 9/11 terrorist attack in recognition “that addressing poverty, improving health, and supporting economic growth overseas made America safer at home.” Anthony F. Pipa, *Abrupt changes at USAID are undermining US credibility and national security*, The Brookings Institution (Feb. 4, 2024), <https://www.brookings.edu/articles/what-comes-after-a-usaid-shutdown/>.

¹⁹ Introductory Statement by President George W. Bush, *The National Security Strategy of the United States of America*, The White House, President George W. Bush (Sept. 17, 2002), <https://georgewbush-whitehouse.archives.gov/nsc/nss/2002/nssintro.html>.

²⁰ Robert M. Gates, *A Balanced Strategy: Reprogramming the Pentagon for a New Age*, 88 Foreign Aff., 28-40 (Jan./Feb. 2009).

America’s demise [were] organizing, mobilizing and recruiting” with the message that America was “the villain behind all that has gone wrong.”²¹ But in the village Israel visited, USAID had supported the building of a school for the young girls, complete with a plaque at its entrance declaring the building as a gift from the United States.²² Though not necessarily immediate, the effect is undeniable: “when bad actors sought to indoctrinate citizens with anti-American hate, they would find it a tougher sell with an audience that knew the country that had built their school was no villain.”²³

Likewise, amicus Ambassador (Ret.) Gordon Gray (the former ambassador to Tunisia) tells of three ways that USAID made invaluable contributions to Tunisia’s transition from the authoritarian rule of its former president Zine El Abidine Ben Ali to a more open and political economic system during the Arab Spring.²⁴ USAID deployed a Disaster Assistance Response Team to the Tunisia-Libya border and coordinated humanitarian response efforts when Libyans fled their country in fear of a civil war.²⁵ It provided experts on electoral training to counsel the country during its first free and fair election in decades—an election later hailed as “a transparent and democratic process for the first time since independence.”²⁶ And it deployed an expert, and later launched a program, to assist in growing the country’s crippled economy, creating thousands of

²¹ Steve Israel, *USAID makes America safer*, The Hill (Feb. 7, 2025), <https://thehill.com/opinion/international/5130896-usaid-makes-america-safer/>.

²² *Id.*

²³ *Id.*

²⁴ Gordon Gray, *Analysis - USAID Expertise is a Critical Foreign Policy Tool*, Institute for the Study of Diplomacy, published in The Diplomatic Pouch, Medium (Feb. 7, 2025), <https://medium.com/the-diplomatic-pouch/analysis-usaid-expertise-is-a-critical-foreign-policy-tool-bab558a27fb8>.

²⁵ *Id.*

²⁶ *Id.*

private sector jobs for Tunisians.²⁷ This work “highlighted U.S. soft power, led to more commercial opportunities for U.S. businesses, and helped counter the despair that terrorist ideologies feed upon.”²⁸

These experiences show the crucial preemptive impact that foreign aid can have on threats like terrorism. But when the United States suddenly absents itself from places like Pakistan and Tunisia, “extremist ideologies may fill the gap, creating the conditions for future terrorist groups to take root.”²⁹ Defendants’ revocation of this aid means the United States is no longer working “with communities in countries like Syria, Morocco and Kazakhstan to reduce vulnerability to radicalization.”³⁰ Gutting USAID through the cancellation of contracts and the termination of the employees who facilitate the aid threatens the progress that our country has made securing stability abroad, especially in the Middle East, where threats of terrorism continue to simmer.

Those threats loom large now, especially in Gaza. Following the Hamas terrorist attacks of October 7, 2023 and the subsequent Israel-Hamas war, USAID has coordinated with Israel to supply tens of millions of dollars in humanitarian relief to Palestinian civilians to increase safety

²⁷ *Id.*

²⁸ *Id.*

²⁹ Michael Sheldrick, *The Truth About U.S. Foreign Aid: A Response To Secretary Marco Rubio*, Forbes (Feb. 5, 2025), <https://www.forbes.com/sites/globalcitizen/2025/02/05/the-truth-about-us-foreign-aid-a-response-to-secretary-marco-rubio/>; *see also* Vanda Felbab-Brown, *Abolishing USAID hurts multiple US priorities*, The Brookings Institution (Feb. 4, 2024), <https://www.brookings.edu/articles/what-comes-after-a-usaid-shutdown/> (“Programs that lift people out of poverty, foster economic development, encourage access to justice, and promote better governance address the root causes on which terrorism thrives.”).

³⁰ *Supra*, note 15.

and security for Palestinians and Israelis alike.³¹ Revoking that aid now³² hobbles this country's ability to affect stability in the region moving forward, as Israeli hostages are released and Hamas is removed from power. The United States no longer has the personnel, know-how, and networks necessary to keep pathways available to a future, peaceful Palestinian state—something President Trump once saw as necessary³³ for Israel's future security and stability, as well as for the United States's interests in supporting the expansion of normalization between Israel and Arab states.³⁴

The foreign assistance freeze also jeopardizes the United States's interest in Syrian stability and peace following the fall of the Assad regime.³⁵ USAID has long supported programs providing food, medical supplies, and shelter to the Syrian people, and worked to strengthen Syria's economy, governance, and essential services.³⁶ It has also funded critical recovery efforts, including a Syrian civil rescue organization, the White Helmets, which has done lifesaving work to clear landmines and secure for disposal chemical weapons.³⁷ Those operations are now in limbo

³¹ *Supra*, note 7.

³² *Gaza aid ops in peril as millions of promised USAID dollars frozen under Trump's cuts*, The Times Of Israel (Mar. 7, 2025), <https://www.timesofisrael.com/gaza-aid-ops-in-peril-as-millions-of-promised-usaid-dollars-frozen-under-trumps-cuts/>.

³³ *Peace To Prosperity A Vision to Improve the Lives of the Palestinian and Israeli People*, The White House President Donald Trump (Jan. 2020), available at <https://trumpwhitehouse.archives.gov/peacetoprosperity/>.

³⁴ *Supra*, note 7.

³⁵ Diana Rayes, *The foreign aid freeze poses risks to US interest in Syria*, Atlantic Council (Jan. 31, 2025), <https://www.atlanticcouncil.org/blogs/menasource/the-foreign-aid-freeze-poses-risks-to-us-interests-in-syria/>.

³⁶ *USAID: On Developments In Syria*, U.S. Embassy in Syria (Dec. 8, 2024), <https://sy.usembassy.gov/usaaid-on-developments-in-syria/#:~:text=The%20United%20States%20has%20long,services%20in%20non%2DAssad%20regime.>

³⁷ *Id.*; see also Michael Sheldrick, *The Truth About U.S. Foreign Aid: A Response To Secretary Marco Rubio*, Forbes (Feb. 5, 2025), <https://www.forbes.com/sites/globalcitizen/2025/02/05/the-truth-about-us-foreign-aid-a-response-to-secretary-marco-rubio/>.

due to Defendants' actions, and "there are growing fears that these weapons could fall into the wrong hands, endangering not just Syrians but regional and global security."³⁸ It is unclear how the nascent Syrian government will align itself, and what position it will take toward the United States's interests in the region and Israel. In the past, a weakened Syria became a breeding ground for the Islamic State, whose adherents then launched terror attacks around the world.

Withdrawal of U.S. aid from Latin American countries has significant implications at our southern border. Much of this aid targets the underlying conditions that lead to migration: programs providing access to clean water, sanitation, health care, and education,³⁹ as well as work with at-risk youth to prevent gang violence in Latin American communities.⁴⁰ The Biden Administration's budget request for 2025 sought funding to support the integration of displaced migrants and refugees across Latin America so that they can build lives where they are, ultimately preventing secondary migration across the southwestern border.⁴¹ Defendants' termination of these programs and funding only hinders progress on one of this administration's top priorities.

Finally, Defendants' actions cut off this country's best prevention against global public health epidemics, which can reach this country and claim American lives. Defendants have reduced

³⁸ Michael Sheldrick, *The Truth About U.S. Foreign Aid: A Response To Secretary Marco Rubio*, Forbes (Feb. 5, 2025), <https://www.forbes.com/sites/globalcitizen/2025/02/05/the-truth-about-us-foreign-aid-a-response-to-secretary-marco-rubio/>.

³⁹ *U.S. Humanitarian Assistance for the Western Hemisphere*, U.S. Embassy in Chile (May 7, 2024), <https://cl.usembassy.gov/u-s-humanitarian-assistance-for-the-western-hemisphere/>.

⁴⁰ *Supra*, note 15.

⁴¹ Iolanda Fonesca, *U.S. Pledges \$685 Million to Support Migrants in Latin America*, The Rio Times (Sep. 25, 2024), <https://www.riotimesonline.com/u-s-pledges-685-million-to-support-migrants-in-latin-america/>.

USAID's 30-person outbreak response team to single digits,⁴² and have also paused programs monitoring bird flu outbreaks in 49 countries even as the virus is already making headway on American soil.⁴³ A draft memorandum by Nicholas Enrich, the Acting Assistant Administrator for Global Health at USAID, projected catastrophic spread of malaria, tuberculosis, paralytic polio, and diseases like Ebola and Marburg,⁴⁴ all of which are preventable.⁴⁵ This is a clear and present danger to Americans: we all know too well that the consequences "will extend beyond borders."⁴⁶ Just as concerning is Enrich's warning that "[w]eakened disease surveillance [] creates openings for malicious actors": absent "health monitoring systems [to] serve as the 'smoke alarm' for unusual disease patterns," a bioterrorism event in the form of the "deliberate release of a pathogen could spread for weeks under the guise of a normal outbreak."⁴⁷

⁴² Gabrielle Emanuel, *Musk says work to stop Ebola was accidentally cut but restored. Experts raise doubts*, NPR (Feb. 27, 2025), <https://www.npr.org/sections/goats-and-soda/2025/02/27/g-s1-50929/elon-musk-ebola-usaid>.

⁴³ Michael Sheldrick, *The Truth About U.S. Foreign Aid: A Response To Secretary Marco Rubio*, Forbes (Feb. 5, 2025), <https://www.forbes.com/sites/globalcitizen/2025/02/05/the-truth-about-us-foreign-aid-a-response-to-secretary-marco-rubio/>.

⁴⁴ There is no authorized vaccine or treatment for Marburg, which causes fever, muscle pains, diarrhea, vomiting, and in some cases, death from extreme blood loss. It can be fatal in up to 88 percent of people who contract it. An outbreak of Marburg killed eight people in Tanzania in January 2025. *See WHO says suspected outbreak of Marburg disease kills 8 in a remote part of Tanzania*, The Associated Press (Jan. 14, 2025), <https://apnews.com/article/suspected-marburg-outbreak-tanzania-2b76595fe38a5d5173466692a9f6d1b6>.

⁴⁵ W. Kristol, A. Egger, S. Stein, *What a Weekend for Putin!*, The Bulwark (Mar. 3, 2025), <https://www.thebulwark.com/p/what-a-weekend-for-putin>. Defendants placed Enrich on administrative leave.

⁴⁶ *Id.*

⁴⁷ *Id.*

C. Defendants' Conduct Irreparably Damages The United States's Credibility And Ability To Effectively Administer Aid Going Forward

Defendants' actions have thrown this country's foreign aid mechanisms into chaos. Billions of dollars in funding appropriated by Congress for disbursement have been frozen, thousands of experienced USAID staff members have been terminated or placed on administrative leave, and up to 90 percent of USAID's existing contracts around the world have been cancelled without notice or justification. The Supreme Court's March 5, 2025 decision regarding \$2 billion in foreign aid reimbursements provides little more than cold comfort—even if made, those payments do nothing to ensure that the provision of crucial foreign aid continues. *See Dept. of State v. AIDS Vaccine Advocacy Coalition*, 604 U.S. ____ (2025). Practically speaking, administration of already committed U.S. foreign aid has ground to a halt.

Defendants have terminated USAID's contracts without regard to its Federal Acquisition Regulations, destroying the United States's credibility as a reliable partner. Those regulations govern the United States's acquisition of *all* goods and services, not just those relating to foreign aid. Every business working with the United States relies on the government's commitment to follow through on its obligations and act in accordance with its own regulations. But dismantling USAID and abruptly canceling its contracts sends a message that this administration does not feel bound by those regulations—regulations on which every business that works with the United States relies (including domestic businesses like U.S. farmers). Those partners have little reason to trust that the United States will honor its contracts, or even its own laws and regulations. This has a detrimental impact on national security: reliability in the realm of foreign assistance especially contributes to the reservoir of goodwill that the United States must often call upon for reasons unrelated to the assistance or to any specific program.

Even while Defendants move to drastically limit foreign assistance spending and contracting, President Trump and Secretary Rubio have insisted that at least some foreign assistance will continue, including in Africa and the Middle East. But Defendants' mass terminations of USAID employees and contracts will limit the agency's resources to vet its contractors, crippling the United States's ability to ensure that such aid does not fall into the wrong hands or otherwise get misused. Vetting the contractors and subcontractors who do the work to administer that assistance is essential to avoid waste, fraud, and abuse, and to prevent foreign aid funding from ending up in the hands of terrorists or other malicious actors.⁴⁸ This vetting process is highly technical and requires seasoned and experienced employees who can work across government agencies—employees with the appropriate clearances. It is also a process that requires manpower: vetting for 500 contracts around the globe cannot be done by a single person, or even a small group, if it is to be done correctly. USAID employed highly skilled people who know how to execute this mission-critical work. Defendants have terminated over 12,000 USAID employees, thus sharply limiting the number of people available to do it.⁴⁹ In doing so, Defendants have risked the effective, safe, and secure distribution of funds, and undermined the goal of enhancing national security.

⁴⁸ See *Oversight of USAID-Funded Humanitarian Assistance Programming Impacted by Staffing Reductions and Pause on Foreign Assistance*, Office Of Inspector Gen., USAID, at 3-4 (Feb. 10, 2025), available at <https://tinyurl.com/3bj8m5az>.

⁴⁹ *What Is U.S.A.I.D., and Why Do Trump and Musk Want to Close It?*, The New York Times (Feb. 3, 2025), <https://www.nytimes.com/2025/02/03/us/politics/usa-id-foreign-aid-musk.html>.

D. The Suspension Of U.S. Foreign Aid Allows China And Russia To Expand Their Influence Around The World

Foreign adversaries like China and Russia have long resented USAID’s efforts.⁵⁰ Now, they celebrate its threatened demise.⁵¹ That is because the “soft power” accrued through the provision of foreign aid is critical to the United States’s ability to “compete against Russia’s and China’s anti-American posture and activities around the world.”⁵² Pulling American support from countries in need not only weakens our influence and power—it cedes a valuable opportunity for those adversaries to seize that influence and power in our stead.

Defendants’ USAID shutdown puts “on a silver platter to China the perfect opportunity to expand its influence, at a time when China’s economy is not doing very well.”⁵³ China has aggressively expanded its influence through China Aid and its Belt and Road Initiative, spending over \$1 trillion⁵⁴ on countries strategically located across the Pacific, Latin America, and sub-Saharan Africa.⁵⁵ While USAID and China Aid “have similar objectives – spreading their respective government’s soft power and influence”—the means and ends are far different.⁵⁶ China

⁵⁰ *Supra*, note 15.

⁵¹ Ted Yoho, *I Came to Congress to Gut Foreign Aid. I Was Wrong*, Time (Feb. 13, 2025), <https://time.com/7221668/ted-yoho-gutting-usaid-mistake-essay/>.

⁵² Vanda Felbab-Brown, *Abolishing USAID hurts multiple US priorities*, The Brookings Institution (Feb. 4, 2024), <https://www.brookings.edu/articles/what-comes-after-a-usaid-shutdown/>.

⁵³ *US cedes ground to China with ‘self-inflicted wound’ of USAid shutdown, analysts say*, The Guardian (Feb. 7, 2025), <https://www.theguardian.com/world/2025/feb/07/donald-trump-usaid-shutdown-impact-china-relationship-funding>.

⁵⁴ Christoph Nedopil Wang, *China Belt and Road Initiative (BRI) Investment Report 2023 H1*, Green Finance & Development Center (Aug. 1, 2023), <https://greenfdc.org/china-belt-and-road-initiative-bri-investment-report-2023-h1/>.

⁵⁵ *Supra*, note 53.

⁵⁶ *Id.*

“us[es] predatory lending to trap countries in debt and extend its geopolitical reach”⁵⁷ and, “like Russia, is trying to advance an authoritarian world. The total opposite of what our interests are.”⁵⁸ USAID’s “support for systems of oversight, accountability, and sustainable economic and environmental decisions helps prevent China from entrapping countries in debt and diplomatic subservience and from monopolizing critical minerals or strategic access points” that the United States values.⁵⁹

China has already rushed in to fill the gaps left by USAID’s dismantling in southeast Asia and Latin America. USAID funds supported landmine removal operations across more than a dozen provinces in Cambodia, but China has stepped in since many of those programs stopped, releasing \$4.4 million to support continuing de-mining operations in seven of Cambodia’s provinces.⁶⁰ In Myanmar, where the military seized power from the country’s elected government in 2021, USAID funds were crucial to programs that supported health, rights, democracy, governance, and independent media programs.⁶¹ Those funds are now frozen, leaving an opening for China to assume America’s efforts.⁶² And in Colombia, a maritime commercial route between

⁵⁷ *Supra*, note 13.

⁵⁸ *Supra*, note 53.

⁵⁹ *Supra*, note 52.

⁶⁰ Anton L. Delgado and Janis Mackey Frayer, *Cambodian mine-clearing program reels after Trump’s USAID funding suspension*, NBC News (Feb. 14, 2025), <https://www.nbcnews.com/news/world/usaaid-cambodia-demining-trump-cuts-funding-rcna192172/>.

⁶¹ Bertil Lintner, *Trump’s retreat leaves Myanmar wholly to China*, Asia Times (Feb. 12, 2025), <https://asiatimes.com/2025/02/trumps-retreat-leaves-myanmar-wholly-to-china/>.

⁶² *Id.*

its largest port and Shanghai has opened,⁶³ and the country is making significant progress toward joining China's Belt and Road Initiative.⁶⁴ As Colombia's example shows, when countries feel they can no longer depend on the United States, they will look to form ties elsewhere.

Defendants' actions have also left an enormous vacuum across Africa, where the United States developed deep trust and goodwill over decades of being the first and fastest partner to respond to emergencies and disasters. China has long sought a way in: it has already increased its investment from \$75 million to \$5.5 billion over the last 20 years,⁶⁵ and will now seize the opportunity to spread the narrative that it stepped up to support the continent when the U.S. walked away.⁶⁶ Defendants' revocation of aid and funding across Africa will be nothing short of catastrophic—millions will die as a result, only buttressing China's message of American abandonment.⁶⁷ Handing China this opportunity is a baffling own-goal, undermining America's ability to benefit diplomatically and economically from relationships built in one of the most

⁶³ *Gobierno destaca apertura de ruta comercial marítima entre Shanghai y Buenaventura*, GOV.CO (Feb. 6, 2025), <https://www.presidencia.gov.co/prensa/Paginas/Gobierno-destaca-apertura-de-ruta-comercial-maritima-entre-Shanghai-y-Buenaventura-250206.aspx>.

⁶⁴ Victor Cohen, *Colombia Set to Join China's Belt and Road Initiative Imminently*, ColombiaOne (Feb. 8, 2025), <https://colombiaone.com/2025/02/08/colombia-china-belt-and-road-initiative-new-silk-road/>.

⁶⁵ Chido Munyati, *Why strong regional value chains will be vital to the next chapter of China and Africa's economic relationship*, World Economic Forum (June 25, 2024), <https://www.weforum.org/stories/2024/06/why-strong-regional-value-chains-will-be-vital-to-the-next-chapter-of-china-and-africas-economic-relationship/#:~:text=Moreover%2C%20Chinese%20foreign%20direct%20investment,of%20the%20region's%20total%20FDI>.

⁶⁶ Sheriff Bojang Jnr, *As Trump pulls aid plug, can China step into the void in Africa?*, The Africa Report (Feb. 19, 2025), <https://www.theafricareport.com/377096/as-trump-pulls-aid-plug-can-china-step-into-the-void-in-africa/>.

⁶⁷ Katherin Houreld and Rachel Chason, *Fear, pain, hunger for millions as aid dries up*, The Washington Post (Feb. 5, 2025), <https://www.washingtonpost.com/world/2025/02/04/africa-trump-musk-usaid-funding-cuts/>.

resource rich and strategically located regions in the world.⁶⁸ The Brookings Institute is correct to note that “African prosperity is linked to American prosperity”: by 2050, “1 in 4 people and 1 in 3 young people will hail from the continent, where they will be at the forefront of solving global challenges by driving innovations...[t]he shutdown of these initiatives represents both a risk and a missed opportunity.”⁶⁹ As Senator Lindsey Graham said, “[i]f you don’t get involved in the world and you don’t have programs in Africa where China’s trying to buy the whole continent, we’re making a mistake[.]”⁷⁰ When China steps in to provide aid, it will not completely replicate the United States’ efforts: its aid is unlikely to include support for democratization or civil society. Diminishing support for those efforts will only reduce resistance to anti-American ideologies and can increase the attraction of extremist groups.⁷¹

Russian and Belarusian officials have similarly “welcomed” and “celebrated” the United States’s halting of USAID.⁷² Russia’s rejoice is unsurprising, given that USAID “supports governance and media projects in countries where Russia exerts a large influence, such as Georgia and Armenia.”⁷³ “Last year, [the United States] sharply increased support for programs in Armenia

⁶⁸ *Id.*

⁶⁹ Landry Signe, *Potential implications of the USAID shutdown for Africa and US-Africa relations*, The Brookings Institution (Feb. 4, 2025), <https://www.brookings.edu/articles/what-comes-after-a-usaid-shutdown/>.

⁷⁰ Chantal Da Silva, *What cutting USAID Could cost the U.S. – and how China, Russia may benefit*, NBC News (Feb. 4, 2025), <https://www.nbcnews.com/news/world/donald-trump-elon-musk-usaid-soft-power-china-russia-rcna189756>.

⁷¹ *Supra*, note 66.

⁷² Tamsin Paternoster, *Russia and Belarus cheer dismantling of USAID as rights groups voice concerns*, Euronews. (Feb. 2, 2025), <https://www.euronews.com/2025/02/07/russia-and-belarus-cheer-dismantling-of-usaid-as-rights-groups-voice-concerns>.

⁷³ Kimberlee Kruesi, *From fighting disease to protecting the Amazon rainforest, USAID has big impact across the globe*, The Associated Press (Feb. 6, 2025), <https://apnews.com/article/usaid-hiv-humanitarian-assistance-disease-spending-20f9cb969ffb6773e57886e34bf69165>.

as the government of Prime Minister Nikol Pashinyan has sought to reduce links with Russia and strengthen ties with the United States and the European Union.”⁷⁴ These projects had been working: “At the time when Russia is selling its military services and engaging in egregious aggression, USAID programming that prevents and diffuses conflict and counters Moscow’s misinformation and disinformation campaigns is an important tool to mitigate Russia’s pernicious influence.”⁷⁵ Iranian state media has similarly lauded the freeze and potential termination of USAID because doing so has halted funding for pro-democracy activities and other democratic efforts made possible through that assistance, even as its current regime is on the precipice of enriching weapons grade uranium.⁷⁶

As former Congressman Ted Yoho noted, “[s]peculation that the U.S. might eliminate its foreign aid program has been met with cheers from Beijing, to Moscow and Tehran.”⁷⁷ These adversaries celebrate Defendants’ actions because USAID “has become America’s superpower in a world defined by threats that cross borders and amid growing strategic competition.”⁷⁸ Many of the developing countries that were or could be the benefactor of USAID assistance “sit on vast natural resources and critical mineral deposits key to high-tech products,” and they “are being told by our adversaries that America is no longer a trusted global partner.”⁷⁹ Those countries look to the United States and rely upon it with the understanding that it would not wrongfully, and

⁷⁴ *Id.*

⁷⁵ *Supra*, note 52.

⁷⁶ *Iran praises U.S. for cutting foreign aid funding as it looks for a Trump message on nuclear talks*, NBC News (Feb. 5, 2025), <https://www.nbcnews.com/news/world/iran-praises-us-cutting-foreign-aid-funding-looks-trump-message-nuclear-rcna190752>.

⁷⁷ *Supra*, note 51.

⁷⁸ *Supra*, note 15.

⁷⁹ *Id.*

unconstitutionally, revoke those commitments. They will look elsewhere if Defendants are permitted to do so.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' Motion for Summary Judgment.

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