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**THE CHALLENGES OF THE EXECUTIVE ORDER 14169:
NEGOTIATING THE FUTURE OF INTERNATIONAL
COLLABORATION ON FOOD SECURITY**

Abstract. On January 20th, 2025, the world imploded when President Donald J. Trump signed the Executive Order 14169: “Reevaluating and Realigning United States Foreign Aid” imposing a 90-day pause on U.S. foreign development assistance. E.O. 14169 exposed structural flaws in the governance of U.S. foreign assistance with far reaching legal, ethical, and geopolitical consequences. Federally mandated foreign assistance has been the foundation of the United States soft power, and a catalyzer for dialogue on the world stage. While limited in its scope the following note touches upon the reach of executive power and international collaboration in the context of food security. What follows is an analysis of the legal implications of the E.O based on the Impoundment Control Act, the Anti Deficiency Act as well as the Take Care Clause of the U.S. Constitution. This note will briefly introduce two cases: *AIDS Vaccine Advocacy Coalition v. United States* and *Global Health Council v. Trump (D.D.C.)* as examples of the litigation landscape under the E.O. The note is merely an overview to a complex myriad of problems and what is a dynamically developing situation related to how the U.S. will reimagine foreign aid and prioritize domestic food production. Considering a rapidly changing food aid landscape, new international partnerships will be forged as the international community bears witness to the unfolding of a new world order. It is an opportune moment for legal scholarship to examine the lack of U.S. federal assistance with respect to food aid.

Keywords: executive power, negotiation, international collaboration, food security.

I. Introduction¹

Executive Order 14169 (“E.O.”),² signed by President Donald Trump on January 20, 2025, initiated a 90-day pause on all U.S. foreign development assistance to assess program efficiency and alignment with U.S. foreign policy objectives. The E.O. was set up to be as a policy tool, designed to realign

the foreign aid industry and bureaucracy.³ The realignment attempt triggered lawsuits from humanitarian organizations, contractors, and foreign aid recipients, who persuasively argued that the pause unlawfully withholds appropriated funds potentially violating the Constitution, the Impoundment Control Act (“ICA”),⁴ and the Anti-Deficiency Act (“ADA”).⁵

The U.S. Constitution (“The Constitution”) assigns certain powers and duties to the United States President. Although the Constitution does not explicitly grant the President the power to issue executive orders, this authority is inferred from the structure of Article II, primarily the Take Care Clause and the President’s supervisory authority over the executive branch. Executive orders are therefore permissible only insofar as they implement existing statutory or constitutional authority, they may not create new law or contradict congressional directives.⁶ However, only Congress is allowed to make laws.⁷ The non-delegation doctrine is essential to maintaining the separation of powers between different branches of the government.⁸ With respect to foreign affairs and the scope of executive power, the Constitution in Article I, Section 8 asserts that: “Congress has power to regulate commerce with foreign nations, declare war, raise and support armies”, while the President’s authority to conduct foreign affairs is vested in Article II.⁹ Given the President’s duties and responsibilities, the case at hand presents unique challenges to U.S. jurisprudence and offers a primer on how national security negotiations related to food security may transform the management of international disputes.

Historically, the U.S. played a leading role in international negotiations, brokering peace deals, and maintaining open channels of communication worldwide. S. Eizenstat contends that the U.S. diplomatic negotiations fall into four categories: (1) The United States addressing national security concerns; (2) the United States as a mediator in international disputes; (3) the United States at war; (4) The United States engaging in multilateral negotiations.¹⁰ According to Eizenstat, some of the most critical challenges to U.S. diplomacy included, but were not limited to: developing relationships and resolving disputes with partners that the U.S. had never had official contact with, such as China, negotiating trade barriers, or eliminating and navigating political partisan opposition related to climate change.¹¹ While on its surface it seems that E.O. 14169 is a formative experience for the second Trump administration in forging a new negotiation and diplomatic rhetoric related to preserving and securing national security interests, the opposite is true. Upon closer examination, the bottom-line bargaining suggests the emergence of an isolationist negotiation paradigm in which national interests reign supreme and future relationships are not accounted for.¹²

This note demonstrates that foreign aid is a tool of negotiation. The tool has a dual purpose of supporting developing countries in areas in need of the most financial support as well as safeguarding American interests.¹³ To understand how foreign aid can be used as a negotiation tool, federal aid should be recognized for its dual purpose. A tool like no other, the federal aid freeze effect was immediate, and it applied to all: “obligations and disbursements of development assistance funds.”¹⁴ The Foreign Assistance Act of 1961 defines foreign assistance as:

any tangible or intangible item provided by the United States Government (“U.S.G”) [including “by means of gift, loan, sale, credit, or guaranty”] to a foreign country or international organization under this or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government.¹⁵

Therefore, the aftermath of E.O. 14169 illustrates how unchecked executive power exposed structural flaws in the governance of U.S. foreign assistance, resulting in the breakdown of interagency and international collaboration and legal, ethical, and geopolitical consequences.¹⁶ This note demonstrates how the combined effects of procedural and diplomatic sidestepping of established precedent eroded confidence in the U.S. as a reliable negotiation partner and signalled a retreat from cooperative frameworks that have historically anchored American leadership.

II. The Reach and Legality of Executive Power in Foreign Aid

The following section provides an overview of the Take Care Clause of the U.S. Constitution, the Impoundment Control Act, and the Anti-Deficiency Act in the interdependent context of the balance of power between the U.S. Congress and the Executive Branch.

1. U.S. Constitution: The Take Care Clause

The Take Care Clause, Article II, Section 3, of the Constitution asserts: “[The President] shall take Care that the Laws be faithfully executed and shall Commission all the Officers of the United States.” This clause establishes the President’s duty to ensure that federal laws, as passed by Congress, are implemented and enforced properly. It prevents the President from ignoring, suspending, or selectively enforcing laws based on personal or po-

litical preferences.¹⁷ However, while the Take Care Clause obligates the President to faithfully execute the laws, modern administrations have exercised broad enforcement discretion. For instance, past presidents, including the Obama administration, have employed selective enforcement, as evidenced by deferred-action immigration policies, demonstrating that selective enforcement, though controversial, plays a significant role in executive practice.¹⁸ Thus, E.O. 14169 must be understood against this background of contested but expansive executive discretion.

2. The Impoundment Control Act

The Impoundment Control Act (“ICA”) of 1974 was enacted to restrict the U.S. President’s ability to withhold funds that Congress has appropriated.¹⁹ It was passed in response to President Richard Nixon’s practice of impounding congressionally allocated funds for programs he opposed.²⁰ The rescission process embodied in ICA related to the withholding of foreign aid gives the President authority to propose rescinding funds. However, Congress must approve the rescission within 45 days.²¹ If Congress does not act, the funds must be spent as originally appropriated. Next, the President may temporarily delay spending for specific reasons related to efficiency or economic conditions, but not to effectively terminate a program by indefinitely delaying funding. Deferrals can be used for program efficiency but cannot be indefinite or used to circumvent congressional intent.²²

The ICA helps Congress to ensure executive accountability over budgetary matters. However, since its enactment, Presidents have occasionally tested ICA’s limits. Historically, presidents proposed numerous rescissions, but many were rejected by Congress.²³ For instance, President Reagan requested 602 rescissions, with 36% of the President’s proposals being accepted by Congress; President G.H.W. Bush requested 169 rescissions, with 20% of rescissions being accepted by Congress; President Clinton requested 166 rescissions, with 67% being accepted by Congress, and President G.W. Bush requested 0 rescissions.²⁴ Importantly, actions undertaken under ICA are subject to Congressional Oversight. The Government Accountability Office (“GAO”) and the Congressional Budget Office (“CBO”) monitor compliance.²⁵ While the first Trump administration was unsuccessful in testing the waters of the reach of executive power on the basis of the ICA²⁶, this time around it is a “retreat of the U.S. as a global leader.”²⁷

What distinguishes E.O. 14169 from prior uses of the ICA is not the volume of rescission requests, but the use of a blanket funding freeze to halt an entire sector of foreign assistance programs without submitting

a formal rescission proposal to Congress. While past presidents operated within the ICA's procedural framework, here, the administration attempted to achieve the practical effect of rescission without triggering the statute's mechanisms. This is why Trump's use of pause authority is qualitatively different and constitutionally suspect.²⁸

3. The Anti Deficiency Act

The Anti-Deficiency Act ("ADA") is a U.S. federal law that prohibits government agencies from spending more money than Congress has allocated or before funds are made available to the agency in question who has spending authority.²⁹ It is one of the key laws ensuring fiscal responsibility and preventing unauthorized government expenditures.

First, there can be no spending without appropriation, which means that Federal agencies cannot spend more than what Congress has approved or commit the government to future payments without legal authorization.³⁰ Secondly, agencies are prohibited from obligating funds from Congress as such may result in violation and abuse of the budget cycle. Furthermore, federal employees are subject to additional restrictions on working without funding, except in emergencies involving human life or property.³¹ Finally, any violation of the ADA must be reported to the President, Congress, and the Government Accountability Office ("GAO").³² Penalties may include administrative discipline, such as suspension or termination, or criminal prosecution, including fines of up to \$5,000 and imprisonment for no more than 2 years, or both.³³

Many foreign aid programs involve multi-year contracts and grants with U.S. organizations, meaning funds have already been obligated but not yet spent. At the time of the issuance of the E.O., Congress already approved billions of dollars for U.S. Agency for International Development ("USAID")³⁴ and other foreign aid programs.³⁵ Reports indicate that USAID personnel were placed on administrative leave and prohibited from processing payments.³⁶ If employees were instructed to halt legally required work, the administration might be unlawfully obstructing appropriated activities, which may constitute an ADA violation. GAO is likely to investigate whether the pause constitutes an ADA breach, preventing agencies from fulfilling their legal obligations.³⁷

4. Case studies

A coalition of organizations *AIDS Vaccine Advocacy Coalition v. United States* ("AVAC")³⁸ and *Global Health Council v. Trump* ("Global Health")³⁹ sued the Trump administration for defunding the United States Agency

for International Development (“USAID”), terminating employees, and attempting to dismantle the agency, arguing that these actions violated the Constitution and exceeded executive authority. Both lawsuits name several defendants,⁴⁰ and allege the abuse of executive power in defiance of the constitutional order of the United States.

The AVAC plaintiffs, an organization having global reach which successfully established global HIV prevention programs, assert the funding pause severely impacted American businesses and nonprofits engaged in foreign assistance work.⁴¹ The plaintiffs argue that: “President Trump exceeded his authority and violated his duty under the Take Care Clause of the Constitution, as well as subsequent orders by federal agencies to implement the Foreign Aid Executive Order’s directives”.⁴² The plaintiffs argued that the grants did not allow arbitrary, unliteral orders to pause or suspend work or funding.⁴³ The plaintiffs in Global Health demonstrate that by way of the structure of how the USAID programs are implemented – they created a collaboration structure with thousands of partners; the dismantling of which had a ripple effect on multiple stakeholders.⁴⁴ Further, another plaintiff – Democracy International’s Justice, Rights and Security, Rapid Response activity provided lifesaving humanitarian assistance, including food assistance, which was disrupted as a result of the aid cut.

For instance, human rights defenders in Burkina Faso who tracked violence against Christian communities being at risk of being killed because Democracy International’s program can no longer help them relocate and provide them with food, shelter and subsistence.⁴⁵ The arguments presented by plaintiffs demonstrate that their actions facilitated delivering and disbursing international aid and had a significant impact on food security and delivery.

On February 13, 2025, the U.S. District Court for the District of Columbia issued a partial temporary restraining order in response to both lawsuits.⁴⁶ The court’s decision temporarily blocked the enforcement of the funding pause, allowing certain foreign aid programs to continue pending further legal proceedings.⁴⁷ The AVAC decision was appealed on April 1, 2025.⁴⁸ The Supreme Court ruled on March 5, 2025, that the administration must continue paying previously appropriated foreign assistance funds.⁴⁹ The crux of the problem, and what the administration argues is that the separation of powers claims additionally fail because the President’s powers in the realm of foreign affairs are vast and generally unreviewable.⁵⁰

III. Food Waste as a Legal, Economic, and Ethical Issue

In 2025, USAID-purchased food aid sourced from American farmers was reported to be stranded in both U.S. ports and overseas warehouses, putting at risk hundreds of millions of dollars of food intended for global distribution.^{51 52} The spoilage of U.S food aid may not only threaten international recipients but also demonstrate three distinct layers of harm. The harms laid bare by the food aid crisis are economic, environmental and moral.⁵³ First, the spoilage of this food aid not only threatens international recipients but also affects American farmers and manufacturers that supply these goods, disrupting international commerce and trade.⁵⁴ Second, the international law's *pacta sunt servanda* captures the essence of the moral dimension of violating food aid and other commitments.⁵⁵ Therefore, food waste is not a side effect of the E.O. itself, but rather a material outcome of bad governance. Taking a closer look at the scale of food waste, as of February 16, 2025, \$489 million in humanitarian food aid was at risk of spoilage due to storage delays and distribution challenges following the issuance of the E.O. The 90-day freeze had a substantial impact on food aid distribution and assistance, as the food was not just at the risk of spoilage increasing storage needs and diversion.⁵⁶ The U.S. Agency for International Development ("USAID") has reported substantial quantities of food aid stranded in various locations, including: 29,000 metric tons in Houston, valued at nearly \$39 million, over 40,000 metric tons in Djibouti, valued at \$40 million, more than 10,000 metric tons in South Africa, valued at \$10 million and approximately 500,000 metric tons currently at sea or awaiting shipment.⁵⁷

Despite these interventions, the exact amount of food aid already spoiled remains undetermined, as it is a developing situation worldwide. Furthermore, these delays have been exacerbated by administrative actions, including placing most USAID personnel on paid administrative leave, which has effectively stalled operations and hindered the agency's capacity to manage \$8.2 billion in humanitarian assistance funds. The implications of the E.O. and subsequent legal actions for contractors and grant recipients involved in foreign aid programs created uncertainty for federal contractors and grant recipients. Many have received stop-work or suspension orders, leading to operational disruptions.⁵⁸

The result is that the development community and U.S. partners around the world are in a state of unease. Given the emphasis on cost-cutting and government efficiency, could this be a smoke-and-mirrors effort to shape public perception and play on the American ideals of the last presidential election to conceal an agenda of asserting greater global dominance and control through threats and disinvestment? The elephant in the room and

the big question that remains is if the USAID programs remain cut, what is the end-game result. One, dismantling of international aid will drive instability, starvation, and weakening of those vulnerable, which is a great playground for an administration that wants to assert more control and global dominance ultimately.

At an increasing rate, the relationship between food aid and the right to food has been scrutinized by the international community, considering the rising violence in the Middle East. Most recently, the Special Rapporteur on the right to food, focused on the war in Gaza and Israel's use of starvation as a tactical and strategic approach to gain control, security and dominance.⁵⁹ The report highlights that: "(...) the concentration of power and absence of accountability in food systems increases the risk of famine."⁶⁰ A good example of an increasingly volatile state of affairs is Colombia, which is experiencing the fallout of a lack of aid. The aid which supported farmers' return to their lands, and the peace deal that the Colombian government forged with the Revolutionary Armed Forces ("FARC") is now at stake.⁶¹

While the scrutiny is ongoing, the general public's perception as well as the misassociation and confusion regarding the lack of support in aid opens doors for other actors to push their own agenda. The U.S. was the largest donor on the African continent, with almost 80% of USAID's funding allocated to health programs.⁶² Meanwhile, leaders of African countries have announced plans to increase healthcare spending as a measure to revive the continent's healthcare infrastructure.⁶³ For instance, Brazil's growing geostrategic importance resulting in the country's exerting significant control in the Global South⁶⁴; and China leading infrastructure and development initiatives in Africa⁶⁵ is being overlooked by the U.S., unraveling a host of potential national security concerns.

Finally, in the foreseeable future the reduction of amount of social giving may result in a lesser reliance on corporate social responsibility ("CSR") initiatives further weakening the social trust and social capital of many brands which actively supported critical health and food initiatives in the Global South. Yet, it is critical to acknowledge that while still some programs may stay afloat leveraging on good will, CSR initiatives are not effective instrument to secure long-term giving in the future.⁶⁶

IV. Conclusion

The rotting food in various locations in the world serves as a powerful metaphor of what seem to be a stack of missed opportunities for U.S to take ownership of its leadership on the world stage. This note illustrates how the

unchecked reach of executive power resulted in the breakdown of international collaboration with respect to humanitarian aid. While the immediate effects with respect to law and policy were made apparent, the destabilizing geopolitical consequences are still underway. This note demonstrated how E.O. 14169 is a lesson in how poor legal process and failed negotiation can have devastating human and diplomatic consequences. It seems that the question is no longer how or what kind of power should a super-power exercise with respect to delivering aid, but which superpower will take over the world stage. The breakdown in legal compliance, negotiation, and planning is not only as a policy failure but also as a challenge to U.S. credibility in global leadership.

N O T E S

¹ As of July 1, 2025, USAID's operations as a stand-alone agency have ceased, and U.S. foreign assistance is now administered directly by the State Department, U.S. Agency for International Development, U.S. Department of State. (2025, July 1). Rubio, M. (2025, Jul, 1) *Making Foreign aid great again*. Substack. <https://statedept.substack.com/p/making-foreign-aid-great-again> (statedept.substack.com).

² Exec. Order No. 14,169, 90 Fed. Reg. 8619 (Jan. 30, 2025). <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02091.pdf>

³ "The United States foreign aid industry and bureaucracy are not aligned with American interests and in many cases antithetical to American values. They serve to destabilize world peace by promoting ideas in foreign countries that are directly inverse to harmonious and stable relations internal to and among countries", Sec. 1., Purpose., *Id*.

⁴ U.S. Congress. (2024, September 30). *Congressional Budget and Impoundment Control Act of 1974* (Public Law No. 93-344, as amended through P.L. 118-89). U.S. Government Publishing Office. <https://uscode.house.gov/view.xhtml?path=/prelim@title2/chapter17B&edition=prelim>

⁵ *Anti-Deficiency Act*, 31 U.S.C. §§ 1341 (2023). <https://uscode.house.gov/view.xhtml?path=/prelim@title31/subtitle2/chapter13/subchapter3&edition=prelim>

⁶ U.S. Const. art. II, § 1.

⁷ Bridgeman, T. (2025, February 1). *Can the President Dissolve USAID by Executive Order?* Just Security. <https://www.justsecurity.org/107267/can-president-dissolve-usaid-by-executive-order/>

⁸ A case which is routinely cited in favor of executive authority in the realm of foreign policy is helpful to understand the essence of the non-delegation doctrine. In the landmark case *United States v. Curtis-Wright Export Corp.* (1980), the Supreme Court had to decide whether Congress delegated its legislative power to the President, who exercised his authority over a ban on sale of arms between Bolivia and Paraguay, *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

⁹ For instance, the President has an implicit authority to conduct diplomacy, Masters, J. Council on Foreign Relations, *U.S. foreign policy powers: Congress and the President* (2017). <https://www.cfr.org/backgrounder/us-foreign-policy-powers-congress-and-president>.

¹⁰ Eizenstat, S. E. (2024). *The art of diplomacy: How American negotiators reached historic agreements that changed the world* (p. 3). Rowman & Littlefield Publishers.

¹¹ *Id.*

¹² Stockman, F. (2025, March 19). *It's Time to Reimagine Foreign Aid*, *The New York Times*. <https://www.nytimes.com/2025/03/19/opinion/us-foreign-aid.html>

¹³ Cazier, C. (2021, May 24). *Policy 101: Foreign Aid*. George W. Bush Presidential Center. <https://www.bushcenter.org/publications/policy-101-foreign-aid>

¹⁴ Exec. Order No. 14,169, 90 Fed. Reg. 8619 (Jan. 30, 2025). <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02091.pdf>

¹⁵ Foreign Assistance Act of 1961, Pub. L. No. 87–195, 75 Stat. 424 (1961) (codified as amended at 22 U.S.C. § § 2151–2431).

¹⁶ Anderson, S. R. (2025, March 6). *Foreign assistance is not an Article II power*. Lawfare. <https://www.lawfaremedia.org/article/foreign-assistance-is-not-an-article-ii-power>.

¹⁷ Historically courts have ruled that the President cannot refuse to enforce laws just because they disagree with them. For instance, in *Kendall v. United States ex rel. Stokes* (1838), the Supreme Court ruled that the President cannot withhold funds Congress has ordered to be paid, which is a strong precedent against E.O. 14169.

¹⁸ Friess, S. (2012, June 16). *Obama's policy strategy: Ignore laws*. *Politico*. <https://www.politico.com/story/2012/06/obamas-policy-strategy-ignore-laws-077486>

¹⁹ Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344, 88 Stat. 297, as amended through Pub. L. No. 118–89, 138 Stat. 1557). <https://uscode.house.gov/view.xhtml?path=/prelim@title2/chapter17B&edition=prelim>.

²⁰ Committee for Economic Development. (2025, March 27). *The administration's view on impoundment*. The Conference Board. <https://www.conference-board.org/research/ced-policy-backgrounders/adiministration-view-on-impoundment>.

²¹ 2 U.S.C. § 683(b). If both Houses of Congress do not complete action on the rescission bill within the 45-day period of continuous session of Congress, the President must make the budget authority available for obligation, which means that the President cannot unilaterally withhold funds indefinitely.

²² Levy, R. A. (2025, February 25). *On the expansion of executive power: An overview*. Cato Institute. <https://www.cato.org/blog/expansion-executive-power-overview>.

²³ McMurtry, V. A. (2010, May 26). *Rescission actions since 1974: Review and assessment of the record* (CRS Report No. RL33869). Congressional Research Service. https://www.everycrsreport.com/files/20100526_RL33869_f1233c24f4c0fdc02353ca40682217f6134a2e2d.pdf

²⁴ *Id.*

²⁵ U.S. Government Accountability Office. (2025, March 5). *What is the Impoundment Control Act and what is GAO's role?* <https://www.gao.gov/blog/what-impoundment-control-act-and-what-gaos-role>.

²⁶ GAO ruled that the Trump administration violated the ICA by withholding security aid to Ukraine without congressional approval, Office of Management and Budget – Withholding of Ukraine Security Assistance, B-331564, 2020 WL 241373 (Comp. Gen. Jan. 16, 2020). <https://www.gao.gov/assets/b-331564.pdf>, see also: Sanger, D. E., & Edmondson, C. (2019, December 29). *Trump's freeze of Ukraine aid blindsided officials, documents show*. *The New York Times*. <https://www.nytimes.com/2019/12/29/us/politics/trump-ukraine-military-aid.html>.

The Challenges of the Executive Order 14169: Negotiating the Future...

²⁷ House Committee on Appropriations. (2025, February 1). *Background on the unlawful impoundment of funds by President Trump's executive orders*. <https://democrats-appropriations.house.gov/news/fact-sheets/background-unlawful-impoundment-president-trumps-executive-orders>.

²⁸ *Id.*

²⁹ Anti-Deficiency Act, 31 U.S.C. §§ 1341–1354.

³⁰ 31 U.S.C. § 1341(a)(1)(B). Retrieved May 9, 2025, from <https://www.law.cornell.edu/uscode/text/31/1341>.

³¹ 31 U.S.C. § 1341.

³² 31 U.S.C. §§ 1351, 1517(b).

³³ 31 U.S.C. §§ 1349, 1350.

³⁴ U.S. Agency for International Development. (May 1, 2025) *ADS Chapter 634: Administrative Control of Funds*. <https://2017-2020.usaid.gov/sites/default/files/documents/1868/634.pdf>.

³⁵ While the desirability and effectiveness of foreign assistance is a contentious issue for Americans, the primary foreign policy goal relates to domestic security, see more: DeSilver, D. (2025, February 6). *What the data says about U.S. foreign aid*. Pew Research Center. <https://www.pewresearch.org/short-reads/2025/02/06/what-the-data-says-about-us-foreign-aid/>

³⁶ U.S. Agency for International Development (2025, January 24). *Notice on implementation of Executive Order on reevaluating and realigning United States foreign aid*. <https://research.jhu.edu/wp-content/uploads/2025/02/2025.01.24-USAID-Stop-Work-Order.pdf>. The administration's simultaneous restructuring efforts, including proposed integration of USAID functions into the Department of Global Engagement ("DOGE") underscore that the pause was not merely a temporary efficiency measure but part of a broader institutional reorganization (Bridgeman, 2025).

³⁷ 31 U.S.C. § 712.

³⁸ *AIDS Vaccine Advocacy Coalition v. United States Department of State*, No. 1:25-cv-00400 (D.D.C. filed Feb. 10, 2025).

³⁹ Complaint at 22, *Global Health Council v. Trump*, No. 1:25-cv-00402 (D.D.C. Feb. 11, 2025). Retrieved from <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277336/gov.uscourts.dcd.277336.1.0.pdf>

⁴⁰ Other Defendants include: The United States Department of State, The United States Agency for International Development, the Office of Management and Budget, Marco Rubio, the Secretary of State and Acting Administrator of USAID, Peter Marocco, the Acting Deputy Administrator for Policy and Planning and Acting Deputy Administrator for Management and Resources for USAID and Director of Foreign Assistance at the Department of State and Russell Vought the Director of Office of Management and Budget, see: *Global Health Council v. Trump*.

⁴¹ Complaint, *AIDS Vaccine Advocacy Coalition v. Trump*, No. 1:25-cv-00400 (D.D.C. Feb. 10, 2025). Retrieved from <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277333/gov.uscourts.dcd.277333.1.0.pdf>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Complaint at 22, *Global Health Council v. Trump*, No. 1:25-cv-00402 (D.D.C. Feb. 11, 2025). Retrieved from <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277336/gov.uscourts.dcd.277336.1.0.pdf>

⁴⁵ *Id.* at 61.

⁴⁶ AIDS Vaccine Advocacy Coalition v. United States Department of State, No. 1:25-cv-00400 (D.D.C. Feb. 13, 2025). <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277333/gov.uscourts.dcd.277333.17.0.pdf>

⁴⁷ “At the Court’s hearing, Defendants acknowledged that the types of harms above affecting Plaintiffs’ businesses, as well as the availability of food and medicine, are types of harm that are appropriately considered in the irreparable harm inquiry”, Temporary Restraining Order, Ali v. Trump, No. 1:25-cv-00400 (D.D.C. Feb. 13, 2025). Retrieved from <https://s3.documentcloud.org/documents/25535268/aliorder.pdf>.

⁴⁸ Defendants’ Notice of Appeal, AIDS Vaccine Advocacy Coalition v. United States Department of State, No. 1:25-cv-00400 (D.D.C. Apr. 1, 2025). Retrieved from <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277333/gov.uscourts.dcd.277333.72.0.pdf>.

⁴⁹ Department of State v. AIDS Vaccine Advocacy Coalition, 145 S. Ct. 753 (2025). <https://www.scotusblog.com/wp-content/uploads/2025/03/24A831-Order-2.pdf>, see also: Amy Howe, *Supreme Court denies Trump request to block \$2 billion foreign-aid payment*, SCOTUSblog (Mar. 5, 2025, 12:00 AM), <https://www.scotusblog.com/2025/03/supreme-court-denies-trump-request-to-block-2-billion-foreign-aid-payment/>

⁵⁰ Defendants’ Opposition to Plaintiffs’ Motions for Preliminary Relief, AIDS Vaccine Advocacy Coalition v. United States Department of State, No. 1:25-cv-00400 (D.D.C. Feb. 21, 2025). <https://storage.courtlistener.com/recap/gov.uscourts.dcd.277333/gov.uscourts.dcd.277333.33.0.pdf>

⁵¹ Food Tank. (2025). *Over US\$489 Million Worth of Food Assistance Stalled Due to US-AID Freeze*. FoodTank, <https://foodtank.com/news/2025/02/over-us489-million-worth-of-food-assistance-stalled-due-to-usaid-freeze>, Donati, J. et al. (2025, May 16). *U.S. aid cuts leave food for millions mouldering in storage*. Reuters. <https://www.reuters.com/world/us-aid-cuts-leave-food-millions-mouldering-storage-2025-05-16/>

⁵² Casey, A. R., & McCabe, E. M. (2021, February 23). *U.S. international food assistance: An overview* (CRS Report No. R45422). Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R45422/4>.

⁵³ Notwithstanding the global impact of food loss globally, the national environmental impacts of U.S. food loss contribute to increased greenhouse gas emissions, water depletion, an increased usage of fertilizer used and covers the area of agricultural land equal to California and New York, U.S. Environmental Protection Agency. (2021, November 30). *From farm to kitchen: The environmental impacts of U.S. food waste* (EPA/600/R-21/171). <https://www.epa.gov/land-research/farm-kitchen-environmental-impacts-us-food-wasteEPA>.

⁵⁴ Wu, D. (2025, February 6). *Gutting USAID threatens billions of dollars for U.S. farms, businesses*. *The Washington Post*. <https://www.washingtonpost.com/politics/2025/02/06/trump-usaid-money-american-farms/>.

⁵⁵ Article 26 of the Vienna Convention codifies *pacta sunt servanda* – that treaties must be observed in good faith. This principle not only reflects a legal obligation but also a moral norm underpinning international cooperation, especially in contexts like humanitarian aid and food security, Vienna Convention on the Law of Treaties art. 26, May 23, 1969, 1155 U.N.T.S. 331.

⁵⁶ U.S. Agency for International Development, Office of Inspector General. (2025, February 10). *Oversight of USAID-funded humanitarian assistance programming impacted by staffing reductions and pause on foreign assistance*: <https://oig.usaid.gov/sites/default/files/2025-02/USAID%20OIG%20-%20Oversight%20of%20USAID-Funded%20Humanitarian%20Assistance%20Programming%20021025.pdf>

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ “Starvation and the right to food, with an emphasis on the Palestinian people’s food sovereignty”, United Nations. (2024, July 17). *Starvation and the right to food, with an emphasis on the Palestinian people’s food sovereignty: Report of the Special Rapporteur on the right to food*. <https://www.un.org/unispal/document/right-to-food-report-17jul24/>.

⁶⁰ *Id.*

⁶¹ Valencia, J. (2025, May 5). *Colombia’s peace deal at risk as USAID suspends funding*. The New York Times. <https://www.nytimes.com/2025/05/05/world/americas/colombia-usaid-peace.html>.

⁶² Kaiser Family Foundation. (2019, February 5). *The U.S. government engagement in global health: A primer*. <https://www.kff.org/global-health-policy/report/the-u-s-government-engagement-in-global-health-a-primer/view/print/>.

⁶³ Nolen, S. (2025, Feb.25). *As the U.S. Exits Foreign Aid, Who Will Fill the Gap?* <https://www.nytimes.com/2025/02/22/health/usaid-who-trump-china.html>

⁶⁴ For instance, a recommendation which serves the U.S national interests best is embracing Brazil’s regional leadership, including the National Security Council’s institutionalized interagency coordination mechanism to facilitate issues related to the environment, health and agriculture to provide a more centralized U.S. policy towards Brazil., Bodman, S. W., Wolfensohn, J. D., & Sweig, J. E. (2011). *Global Brazil and U.S.–Brazil relations* (Independent Task Force Report No. 66). Council on Foreign Relations. https://cdn.cfr.org/sites/default/files/report_pdf/Brazil_TFR_66.pdf, p. 3.; further in the context of food aid and relationships with China; the Brazilian government has: “no prejudice in their relationship with the Chinese”, Stockman, F. (2023, May 2). Brazil’s Lula walks a fine line between the U.S. and China. The New York Times. <https://www.nytimes.com/2023/05/02/opinion/brazil-lula-china-russia.html>

⁶⁵ China has already embraced the opportunity of open markets, taking advantage by the space left by the United States: Hvivensdahl M., Dong, J. (2024, September 4). *China woos Africa, casting itself as global South’s defender*. The New York Times. <https://www.nytimes.com/2024/09/04/world/asia/china-africa-summit.html>.

⁶⁶ Bader, C. (2014, April 21). *Why corporations fail to do the right thing*. The Atlantic. <https://www.theatlantic.com/business/archive/2014/04/why-making-corporations-socially-responsible-is-so-darn-hard/360984/>.

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