

Pres. Trump's False Claim Equating His Illegal Ukraine Aid Freeze With Pres. Obama's Lawful, Legitimate Pauses On Aid

President Trump has argued that the House Managers' case against his Ukraine aid freeze is "loaded with lies and misrepresentations" because it fails to acknowledge that the "Obama administration withheld aid from many countries." This argument, which has been echoed by other Republicans, draws **patently false equivalence** between Trump's misconduct and President Obama's actions.

Unlike Trump's Ukraine aid freeze, which was for personal, political purposes and which the Government Accountability Office found was illegal, all of the Obama administration's pauses of foreign aid cited by Trump were:

- 1. Done consistent with authority provided by Congress, which has the exclusive power of the purse;**
- 2. Made in consultation with Congress and not in secret; and**
- 3. To promote important, bipartisan U.S. national interests, not personal interests.**

Background on the Obama administration examples cited by President Trump and his defenders:

- **Ukraine:** When the Obama administration threatened to withhold a \$1 billion loan guarantee to Ukraine in exchange for legitimate anti-corruption reforms, it was doing so as part of a congressionally supported, coordinated, and international effort along with our partners in the European Union and the International Monetary Fund. Furthermore, this threat to withhold aid did not usurp Congress's appropriations power because Congress had not required the administration to use these funds for this purpose.
- **Pakistan:** When the Obama administration publicly announced it would suspend \$800 million in aid to Pakistan following its murder of a journalist and its failure to take action against militant networks conducting attacks against U.S. forces, it did so pursuant to clear statutory authority granted by Congress. Specifically, in Section 1220(b)(2) of the 2011 National Defense Authorization Act, Congress made aid to Pakistan contingent on promoting human rights, fundamental freedoms, and respect for legitimate civilian authority.
- **Colombia:** Congress, not the Obama administration, imposed conditions on aid to Colombia pursuant to clear statutory authority. Under Section 7045 of the Department of State, Foreign Operations, and Related Programs Appropriations

Act, Congress has conditioned a portion of aid to Colombia on progress on human rights and rule of law issues for nearly two decades.

- Philippines: When the Obama administration did not approve an additional Millennium Challenge Corporation Compact for the Philippines, it did so because President Duterte's extrajudicial killings as part of his so called "drug war" undercut the Philippines' eligibility for this aid under the Millennium Challenge Act of 2003, as amended. Congress was briefed on the decision-making process to withhold this aid from the Philippines.
- Egypt: When the Obama administration withheld a portion of U.S. aid to Egypt, it did so because the Egyptian regime's brutal crackdown on and killings of political opponents raised serious questions about compliance with multiple, longstanding, bipartisan human rights conditions imposed on foreign aid generally and specifically on aid to Egypt by Congress (including Section 7041 of the Department of State, Foreign Operations, and Related Programs Appropriations Act).
- Honduras: The Obama administration at times withheld aid from Honduras based on various statutory conditions – for example, Section 7045 of the Department of State, Foreign Operations, and Related Programs Appropriations Act – related to human rights, rule of law, resolution of commercial disputes involving U.S. companies, and similar policy goals.
- Mexico: When the Obama administration withheld aid to Mexico, it did so because of human rights conditions imposed by Congress on a portion of aid to Mexico pursuant to Section 7045 of the Department of State, Foreign Operations, and Related Programs Appropriations Act.

Unlike the Obama administration's decisions:

1. **President Trump's Ukraine aid freeze was motivated entirely by his desire to promote his personal, political interests.** President Trump's decision to withhold the aid had nothing to do with targeting corruption generally, through legal means such as the Mutual Legal Assistance Treaty process. In fact, the Trump administration has never informed Congress of any policy or plan to withhold military aid to any country on account of corruption. Instead, the President illegally froze military aid to an ally at war in an attempt to pressure that ally to announce two specific investigations for the purpose of helping the President's reelection effort.

2. **President Trump’s Ukraine aid freeze was *illegal*, done in violation of Congress’s explicit appropriations decision.** The military aid to Ukraine was appropriated in Section 9013 of the Defense Department’s 2019 appropriation law, and the required anticorruption certification, which the Defense Department made in May 2019, is set out in Section 1237(c)(2) of the 2017 National Defense Authorization Act. **Neither section contains any authority for the President to unilaterally impose a discretionary hold on the aid.**

As the non-partisan watchdog GAO concluded in its [recent opinion](#), because the Constitution “specifically vests Congress with the power of the purse,” and therefore “grants the President no unilateral authority to withhold funds” appropriated by Congress, **President Trump squarely violated the law** when he decided by fiat to freeze this critical aid to Ukraine. The GAO also found that the Trump administration’s excuses for the **president’s actions “have no basis in law.”**

3. **President Trump’s Ukraine aid freeze was concealed from Congress.** Ninety minutes after President Trump’s July 25 call with President Zelensky, OMB official Michael Duffey directed Pentagon officials to “hold off on any additional [Defense Department] obligations of” aid to Ukraine and to “keep [] that information closely held.” Congress was never consulted about this decision. Two days after a congressional investigation was opened into the hold, and one day after Chairman Schiff demanded access to the whistleblower complaint, Duffey abruptly informed Pentagon officials that the hold had been lifted – that is, **after President Trump got caught for his illegal hold.**

To this day, President Trump has blocked congressional access to OMB documents and key OMB officials’ testimony that could shed light on his unlawful decision to freeze this aid to Ukraine.

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