

House Foreign Affairs Committee
September 24, 2020 Hearing
“Oversight of the United States Agency for Global Media and U.S.
International Broadcasting Efforts”
Written Testimony of Grant K. Turner
Former Chief Financial Officer and Acting CEO,
United States Agency for Global Media

Chairman Engel, Ranking Member McCaul, and members of the committee.

I am providing this written testimony pursuant to Committee subpoena to disclose significant concerns about the U.S. Agency for Global Media (USAGM), specifically related to the dire events that have been unfolding at the agency over the past few months. I am providing this information in my personal capacity; I am not representing USAGM or any other government agency.

INTRODUCTION

I have been privileged to serve in the federal civil service as a career employee for 17 years, most of the last four at USAGM. I have worked in five federal government agencies across three Presidential administrations, both Republican and Democrat. During my career, I have learned a great deal about federal government best practices, and I have seen a fair amount of challenges and problems as well. But nothing in my 17 years comes close to the gross mismanagement, the abuse of authority, the violations of law that have occurred since Michael Pack assumed the role of USAGM Chief Executive Officer (CEO) in June of this year.

BACKGROUND

About Me

Until I was abruptly removed by CEO Pack in mid-August, I served as the agency’s Chief Financial Officer (CFO) for approximately four years. For the nine months preceding Mr. Pack’s arrival, I was interim CEO.

Prior to USAGM, I held increasingly responsible positions at four other federal agencies. I started at the Government Accountability Office before moving to work as a Budget Examiner at the Office of Management Budget (OMB) for six years, three under President George W. Bush and three under President Barack Obama. I then went on to be the Budget Director for the Millennium Challenge Corporation and the Budget Director for the Centers for Disease Control and Prevention in Atlanta, Georgia.

About USAGM

In 2020, USAGM networks broadcast in 61 languages to over 100 countries worldwide – reaching 350 million viewers, listeners, and readers weekly. Our networks, including the Voice of America (VOA), Radio Free Europe, Radio Free Asia, the Middle East Broadcasting Networks, the Office of Cuba Broadcasting, and the Open Technology Fund, are truly a gift from the American people to the world.

We sometimes forget— living in our rich media environment —that much of the world is quite underserved, especially when it comes to accurate news and information. As one of my colleagues, former VOA Director Amanda Bennett, is fond of saying: Our organization exports the First Amendment. It is part of the foundation of our nation’s success.

I am extremely proud of the agency’s 4,000 employees. It is a privilege to be associated with the many brave journalists and editors, the production specialists, technology experts, and support staff. They are passionate about the work they do.

Accomplishments During My Time at USAGM

During the past four years, USAGM has made notable and important progress, especially thanks to the input and support from this Committee. We have modernized the platforms that we broadcast on, moving as media markets evolve and going to where our audiences want us to be. From radio to TV to social media.

A testament to how well the agency has performed in the last several years is borne out by numerous metrics. For instance, between the beginning of FY 2016 and now, our global weekly audience has grown from 226 million per week to 350 million per week—a 55% increase. It is a good example that we are responding— effectively —to fast-moving media markets worldwide. And it is a tangible demonstration that people across the globe crave the truth – because that is what USAGM is all about.

Our audiences often live in places that are awash in government spin, propaganda, and misinformation; or countries where there simply is no press. We fill the vacuum with journalism that aims to be best in class.

NEW CEO IMPERILS USAGM

Based on my many interactions with this Committee— on a bipartisan basis —I know you care very much about USAGM’s mission: to bring truthful news and information to our audiences overseas. Thank you for that years’ long partnership.

Significant problems have befallen the agency since CEO Michael Pack arrived and I have deep concerns about the trajectory USAGM is on. I know many of you share these concerns. Like you, I am worried about the credibility and the goodwill of our networks being destroyed. It has taken literally decades to build this trust with our audiences. Tragically, it can be destroyed far more quickly.

That is what is happening now.

Attacks on the Open Technology Fund

The Open Technology Fund (OTF) is a new USAGM grantee. For FY2020, USAGM's Congressionally-approved spend plan outlines \$19.825 million for the organization's work. OTF funds internet firewall circumvention tools used by our audiences in Iran, China, Russia, and other closed societies, so people can freely access the internet and USAGM's content. OTF also supports privacy tools that human rights activists around the world depend on to remain free from government surveillance and tracking. They are used by persecuted minorities like the Uyghurs in China, LGBTQ youth in Africa, and our own journalists and sources worldwide.

Within days of CEO Pack's arrival, he declared war on OTF. First, he started by firing its leadership – the grantee's CEO, its President, and their board of directors. Then, he froze the organization's funding. As CFO, I witnessed the tightening fiscal noose being placed around OTF's neck and sent an urgent email to Mr. Pack's team. I essentially pleaded for permission to release funds to OTF. I highlighted what was at stake as they recklessly pursued control over the grantee. For instance, in the case of Iran, we risked losing 84% of our audience in that country if we did not fund OTF's tools.

To put the effect of that audience loss in greater context, we are the number one international broadcaster in Iran. We have nearly 25% of Iranian adults tuning into our coverage each week. Here is a country where we worry about war breaking out, where the Iranian people are fed a steady diet of misinformation and half-truths about America. But reliably, a quarter of Iranian adults tune into USAGM. From the VOA studio in the basement of the Cohen building two blocks from the Capitol, we bring unfiltered, truthful news about America, our policies, and our country's values. That is tremendous soft power.

But my urgent pleas for funding were met with silence from Mr. Pack and his staff — an indifferent shrug. It was truly shocking to me.

Breaching the Statutory Firewall

Mr. Pack has also threatened the credibility of the agency's work through illegal actions and a misunderstanding of USAGM's core values and mission. My colleagues are journalists. The agency's networks do not exist to message propaganda— that is what others do. The Charters of VOA and the other networks mandate that editorial decisions are made without outside influence – that they are protected by what we refer to as the Firewall. The Firewall is far more than an abstract concept. It is the law. And it has been the law for decades. It requires us to ensure journalistic independence. In the two and a half months I worked under CEO Pack, he and his staff repeatedly breached the Firewall designed to protect journalists and editors from political influence.

Removing the Standards and Practices Editor: At the start of his tenure, CEO Pack removed the Standards Editor at Voice of America – the person there to ensure on a day-to-day basis that we adhere to the best practices of journalism. The position remains vacant to this day.

Simultaneously Firing the Network Presidents: It was Mr. Pack who simultaneously fired on June 17, 2020— just days after his confirmation —the Presidents of all the agency’s broadcast networks, including: the head of Radio Free Asia, Bay Fang; the head of Radio Free Europe/Radio Liberty, Jamie Fly; and the head of the Middle East Broadcasting Networks, Alberto Fernandez. The Director and Deputy Director of the Voice of America, Amanda Bennett and Sandy Sugawara, resigned shortly before the simultaneous firings. These actions, and others, precipitated a *hold* placed on the agency’s funding by our Senate Appropriations Subcommittee (majority and minority), and a \$166 million budget cut from our House Appropriations Subcommittee (discussed in greater detail below). Both committees were deeply concerned about the actions Mr. Pack had taken.

Denying Visas to VOA Journalists: CEO Pack also targeted VOA journalists who are foreign nationals holding J-1 visas which permit them to work in the U.S. These visas need to be renewed every year. Mr. Pack refuses to renew them and the J-1 renewal applications have been sitting on his desk *for weeks and months*.

To be clear, Mr. Pack’s failure to act risks putting the lives of many of these journalists— and their families —in danger. Without renewed visas, some will have to return to their home countries – including countries that, to put it kindly, “pursue” journalists who do not toe the line.

Getting rid of these journalists is also gross mismanagement. They bring critical skills to the agency – often decades of experience, language skills we need, and deep cultural knowledge about our audiences. They are very, very difficult reporters to replace. And now, after betraying these colleagues, it will be exceedingly difficult to recruit new talent.

Together and separately these actions represent illegal efforts by CEO Pack and his team (Executive branch employees outside the newsroom) to improperly direct, pressure, coerce, threaten, interfere with, and otherwise impermissibly influence editorial staff.

It must be stopped.

Gross Mismanagement and Abuse of Authority

CEO Pack’s misconduct extends beyond Firewall violations. Many, irresponsible acts of financial mismanagement have taken hold during his tenure.

Prolonged Freeze of Hiring, Contracting, and IT, and Impoundment of Funding: On his first day in the office, CEO Pack ordered the freeze of all hiring, contracting, and information technology (IT) migrations. In my experience, it is not unusual for new management to ask for a pause in activities so that they can gain a better understanding of an agency. What *is* highly unusual is that the temporary freeze continued for weeks and then months. I believe the freeze continues to this day, with every hiring, contracting, and IT action requiring a specific approval from the CEO’s leadership team — typically granted only after a lengthy and unexplained waiting period.

The freeze has and is hurting the agency every day. For example, I found myself frequently fielding calls from the leadership of our grantee networks who were being starved of resources because CEO Pack’s team would not disburse funds on a timely basis. Radio Free Europe and

Radio Free Asia both indicated that if they did not receive funding soon, *they would not be able to make payroll*.

In another instance, CEO Pack's team refused to approve *a simple cleaning contract* for our Kuwait Shortwave Facility. In the middle of a pandemic.

Additionally, his team refused — for weeks — to approve a contract to order *toilet paper* for our Thailand transmitting station. This had nothing to do with shortages of toilet paper during the pandemic. We had sources identified. Yet, inexplicably, the CEO's team refused to approve the order. The problem necessitated that the local staff bring in their own toilet paper from home. The problem still existed when CEO Pack fired me (in mid-August 2020). For all I know, the problem still exists today.

In the aggregate, the various freezes and tremendous slow-down in operations risked material deviation from the agency's Congressionally-approved Spend Plan. It posed the risk that millions of dollars would not be spent as appropriated by Congress, a possible violation of the *Congressional Budget and Impoundment Control Act*.

Similarly, CEO Pack's refusal to disburse funding to OTF, disregarding the Congressionally-approved and program-specific Internet Freedom Spend Plan, also raises questions of the impoundment of funding.

Ignoring Congressional Notification Requirements and Oversight

CEO Pack has additionally – and I believe intentionally – disregarded a critical Congressional Notification requirement. In early August, Mr. Pack ordered Radio Free Asia, Radio Free Europe, and the Middle East Broadcasting Networks to return funding they had received for internet freedom initiatives during FY 2019. He transmitted notice to them in the afternoon and asked for the money to be returned *within hours*. As a result, millions of dollars in *paper checks* were delivered to Mr. Pack's office over the next day, without the knowledge of the CFO's office, outside of the agency's financial internal controls, without the use of a grant amendment to memorialize and record the transaction, and in clear violation of law.

Section 7015 of the agency's annual appropriations bill (P.L. 116-94 for FY 2020), requires that any reprogramming in excess of \$1,000,000 must be notified to the Committees on Appropriations 15 days *in advance* of such reprogramming. This Congressional notice requirement was disregarded and I was met with profanities from CEO Pack's immediate staff for raising the issue. In total, approximately \$3.5 million was moved without the legally required notice to Congress.

At the time of my removal in mid-August, the Congressional Notification requirements — which are key to both the House and Senate's financial oversight of the agency — continued to be ignored. In fact, after my removal, I learned that my successor as Acting CFO resigned rather than engage in what he believed to be illegal activity connected to the failure to notify the Congressional appropriators.

The House Appropriations Subcommittee for State, Foreign Operations, and Related Programs have been so dismayed by CEO Pack's actions that on July 13, 2020, the committee proposed a dramatic reduction in funding for the agency for FY 2021 of nearly \$166 million below the FY 2020 enacted level.¹ In the Report accompanying the House's appropriations bill, the committee wrote:

A central theme set forth in the standards and principles portion of the Act is that the work of USAGM and its entities be vigilant in maintaining a strong firewall between the work of its entities and grantees and any political influence by federal and other government officials. The statutory firewall and highest standards of professional journalism are further described in part 531 of title 22, Code of Federal Regulations.

However, recent action by the USAGM Chief Executive Officer (CEO) to summarily dismiss senior Agency officials and entity heads, including the head of the Voice of America (VOA) office of the standards editor, raise serious questions about the Agency's commitment to maintaining the firewall and upholding the highest standards of professional journalism. For this reason, and until the Committee is assured that Agency leadership will uphold longstanding principles of independent journalism described in part 531 of title 22, Code of Federal Regulations, the Committee recommendation includes \$632,732,000 for International Broadcasting Operations, which is the same as the budget request and \$165,964,000 below fiscal year 2020. The Committee will continue to review actions of the USAGM as the appropriations process for fiscal year 2021 proceeds and reassess Agency funding actions and requirements prior to the conclusion of such process.

The House bill's appropriations language also added a new proviso specifying that the funds appropriated to USAGM would be available only in accordance with the statutory Firewall and the highest standards of professional journalism, and that, within 90 days of enactment of the bill, the Inspector General for the Department of State had to audit and issue a report on compliance by the USAGM CEO and the USAGM news networks with the Firewall regulation.

Risk of Anti-Deficiency Act Violations

Similarly, shortly afterward CEO Pack fired the network Presidents, the Senate Appropriations Subcommittee for State, Foreign Operations, and Related Programs – on a bipartisan basis – placed a hold on a necessary funding transfer to the Office of Cuba Broadcasting (OCB), a USAGM component. The funds were needed to meet payroll and other operational costs at OCB. Without that source, the agency could not meet OCB operational costs and would be at risk of incurring financial obligations in excess of available appropriations – a violation the federal Anti-Deficiency Act (ADA), 31 U.S.C. §§ 1341(a), 1342 and 1517(a), which carries civil and criminal penalties.

¹ House Committee on Appropriations, House Report 116-444 at 34-35 (July 13, 2020), available at <https://www.govinfo.gov/content/pkg/CRPT-116hrpt444/pdf/CRPT-116hrpt444.pdf>.

CEO Pack and his staff ignored the Senate hold; they took no action, despite my frequent reminders. By avoiding the Senate appropriators week after week, failing to meet with them to address a growing list of problematic actions, the agency was placed in the impossible position of either disregarding the Senate's hold or committing an ADA violation. As the weeks passed, I grew increasingly concerned. On the evening of Thursday July 16, 2020, I emailed Mora Namdar, USAGM's Acting Vice President for Legal, Compliance, and Risk to inform her that we, USAGM, needed to move funds to OCB imminently to ensure that payroll and contract obligations were funded. I sent a similar, contemporaneous email, to Diane Cullo, CEO Pack's Deputy Chief of Staff. I wrote:

[W]e don't want to commit an anti-deficiency act violation by spending money we don't have, and we also don't want to layoff contractors and furlough federal staff to try and keep operating at a greatly reduced funding level.

Shortly thereafter, Ms. Namdar directed that *no funds* be transferred to OCB – meaning that we risked an ADA violation as payroll and other expenses were incurred. Ultimately, with authorization from the new Chief Operating Officer, my advice prevailed and we transferred the necessary funding to OCB.

Yet despite this incident and my warnings, Mr. Pack and his team continued to ignore inquiries from Congressional appropriators, refusing to address their numerous and important concerns, which constitutes gross mismanagement of that relationship with these key oversight bodies.

Disclosures of Wrongdoing

I have exercised my rights as a federal whistleblower to disclose the above acts of wrongdoing, and others, to the Department of State's Office of Inspector General (OIG). Attached as Exhibit 1 is a document I prepared and provided to OIG summarizing my protected disclosures. Exhibit 2 are copies of emails I also provided to OIG.

* * *

Based on what I have witnessed — from small issues to very big ones — I do not believe Mr. Pack and his team came to run the agency. I do not think they even like it. This is just not what normal managers in any organization do. Not in the world I come from. I fear this mismanagement will continue to erode the performance of the agency, and with any missteps, they will use them to justify firing more people, cancelling more programs, and continuing to diminish the agency with each turn.

To close, we need your help. Please continue to practice the kind of strong oversight you are doing today. It truly helps, and may stop, or at least slow, the abuses you are hearing about. USAGM is an incredibly valuable agency to help create the kind of world that most Americans want to live in.

Thank you.

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PROTECTED WHISTLEBLOWER DISCLOSURES TO THE DEPARTMENT OF STATE OFFICE OF INSPECTOR GENERAL, JULY 2020

by Grant Turner, USAGM Chief Financial Officer and former Chief Executive Officer

July 17, 2020

I advised Todd Jones, of the State Department Office of Inspector General of pressure exerted upon me and the Office of the CFO by Ms. Mora Namdar, the Acting VP of Legal, to ignore financial management controls and to inappropriately withhold transferring money to the Office of Cuba Broadcasting (OCB). Withholding the money would have been politically expedient, however, it would also force USAGM to risk running out of money in the OCB account and committing an Anti-Deficiency Act (ADA) violation. For weeks, I had warned the new USAGM leadership team that they needed to engage with the Senate Appropriations committee to lift the *hold* placed on the transfer of funds. By avoiding the Senate appropriators week after week, and failing to meet with them to address the series of troubling actions Mr Pack had taken since assuming office, the agency was placed in the position of either disregarding the Senate's *hold* on the funds transfer or committing an Anti-Deficiency Act violation. While ignoring a *hold* is politically unwise, committing an ADA violation is illegal. The ADA contains actual criminal penalties for some violations, one of the few administrative laws with such penalties, and it often ends with the dismissal of the Budget Director (who works for me) or the CFO (my position).

Todd Jones scheduled a time on Tuesday, July 21, 2020 to speak with him in greater detail, along with his supervisor, Beverly O'Neill. I indicated that I had an extensive list of protected disclosures to make under the whistleblower act.

July 21, 2020 and Later

I spoke with Todd Jones and Beverly O'Neill of the State Department Office of Inspector General on July 21, 2020 and continued to flag some items for concern as the weeks progressed. In addition to the risk of an Anti-Deficiency Act violation, which I had previously disclosed, I outlined a broad series of other problems which I placed into three categories: (1) Violations of the USAGM Firewall, (2) Severe Impacts to the Agency's Mission, and (3) Gross Mismanagement. These three groupings are further enumerated below, with additional detail.

Violations of the USAGM Firewall:

1. Removal of Steve Springer, Standards Editor of the Voice of America. The new CEO and leadership team inappropriately reached into the news operations of VOA and impacted the ability of the organization to deliver news of the highest journalistic quality. Mr. Springer was reassigned to

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Andre Mendes, the new Chief Operating Officer brought in by Mr. Pack. Removing Steve Springer took away key knowledge of journalistic management and practice which affects the quality of the journalism. The statutory firewall is contained in Section 305(b) of the US International Broadcasting Act of 1994 and further described in a regulation published in the Federal Register on June 15, 2020.

2. Removal of Bay Fang, Executive Editor of Radio Free Asia. Bay Fang was the Acting President of RFA when Mr. Pack assumed his position. On his first physical day in the office he removed Ms. Fang, along with the heads of all of USAGM's news organizations and the Open Technology Fund. Ms. Fang, per her employment agreement returned to her previous role as Executive Editor of RFA, a journalistic position. The new CEO and leadership team inappropriately ordered the new acting President of Radio Free Asia to fire Ms. Fang, impacting the ability of the organization to deliver news of the highest journalistic quality.
3. The new CEO and his new leadership team conducted a broad attack on a specific class of journalists possessing J-1 Visas. This move was suspiciously contemporaneous with the White House's announcement of stricter immigration policies and visa requirements. This action curtailed the ability of VOA to cover the news to the highest journalistic standard.
4. The new CEO and his leadership team put a freeze on broadcasting network personnel actions, contracting actions, and technical migrations, which inhibited the networks from covering the news to the highest journalistic standard within their approved budgetary resources. The freeze was lifted on grantee organizations the hour before USAGM attended its first court hearing to respond to a lawsuit brought by one of the agency's grantees, the Open Technology Fund.
5. The CEO required USAGM networks to carry a link to an "editorials" page on each of their websites, with a variety of press releases and other Administration-produced information from departments of the USG; this violates the firewall by dictating elements of how the journalistic operations of the agency would take place.
6. The CEO and new leadership team directed that a member of their team would participate in all of VOA's planning meetings for coverage of the upcoming Presidential election. VOA refused.
7. VOA was not allowed control over potential disciplinary actions related to a story run in VOA's Urdu language service regarding presumptive Democratic nominee Joe Biden's campaign appeal to Muslim voters. It is inappropriate for anyone other than the VOA Director and management to make judgements on the quality of the journalism at VOA and they should be the ones to initiative any disciplinary action on their staff.
8. VOA was given a quote for a news article from the USAGM CEO and leadership team and instructed to take it verbatim and in its entirety. VOA's Director of Central News refused.

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Severe Impacts to the Agency's Mission:

1. Failure to properly fund the Open Technology Fund risks losing internet firewall circumvention tools needed by 85% of our Iranian audience to access our content. Loss of this key audience would greatly hamper one of the key countries USAGM focuses its content.
2. Failure to properly fund the Open Technology Fund risks losing internet firewall circumvention tools needed by 40% of our Mandarin-speaking audience in China. Loss of this key audience would greatly hamper one of the key countries USAGM focuses its content.
3. Failure to properly fund the Open Technology Fund risks losing encryption/privacy tools that support the Hong Kong protesters; Iran protesters; reporters and sources worldwide; LGBTQ youth in numerous countries; and human rights activists globally.
4. Failure to grant or extend J-1 visas for journalists at VOA risks losing the critical reporting skills needed to engage our audiences, with especially large impact on smaller language services where J-1 visa holders may comprise a large percentage of the staff.

Gross Mismanagement:

1. The new CEO failed to timely approve grant amendments, including to the Middle East Broadcasting Networks (MBN) who had not received its April/May/June funding after months of waiting. This has created a growing cash-flow crisis. (As of my discussion with the OIG on July 21, 2020, and as of my last day in the office on August 12, 2020, these funds had still not been disbursed).
2. The new CEO failed to timely approve grant amendments, including amendments covering multiple months for Radio Free Asia (RFA). The President of the organization began calling me on a near-daily basis to plead for relief. I made near-daily inquiries to the new leadership team but it appeared to have little to know effect. After approval of a tranche of funding covering April/May/June, RFA continues to wait for funding covering subsequent months.
3. The new CEO failed to timely approve grant funding for multiple months for Radio Free Europe (RFE), whose CFO began calling me with increasingly dire warnings, including stating in approximately late-June or early-July: "If you do not send us funding very soon, we will not be able to make payroll next week." While a May/June package was approved after this dire declaration, RFE continues to wait on a July funding package.
4. Failure to timely approve dozens of contracts at the agency, including health and safety-related items such as a cleaning contract for the Kuwait Transmitting Facility during the current pandemic.

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5. The new CEO and leadership team selected Board members for the grantee organizations without true fiduciary independence and without any obvious qualifications other than political loyalty. In communications with the grantees, the new CEO indicated that the board members would ratify any of his requests of them, which demonstrates that they are not truly independent actors.
6. The new leadership team misled the DC circuit of the US District Court, indicating during a hearing at the beginning of July that it would imminently provide funding to the Open Technology Fund. As of my discussion with the OIG on July 21, 2020, the new CEO had not approved these funds. The CEO finally approved preparing a grant agreement on the last day of July, however, as of my last day in the office on August 12, 2020, he had still not signed the package which would allow the funds to be disbursed to OTF.
7. The new CEO and the leadership team, ordered that Ms Mora Namdar, the acting VP of Legal, would be the only individual authorized to communicate with the Open Technology Fund. I warned the CEO and the new leadership team that Ms Namdar did not have the qualifications to serve in this role and it would greatly weaken our oversight of millions of dollars in federal funding.
8. Ms Namdar, in coordination with the CEO and the new leadership team, ordered USAGM grantees to return at least \$3.4 million in FY 2019 funding. This was done without the knowledge of the Office of the Chief Financial Officer, taking place outside of normal financial controls, without an amendment to the grant agreements controlling the legal relationship between the grantees and the federal government, and utilizing paper checks. The new CEO and leadership team also sought to make these funds immediately available without proper Congressional Notification, as required by the annual appropriations law, and without regard to the requirement for approval and reapportionment by the Office of Management and Budget. When they were alerted of these requirements, they disregarded them. Andre Mendes told me in a call during the week of August 10th that when Ms Namdar was forwarded my email describing these requirements, and the need to research if the funds would be available to us, Ms Namdar reacted to the cautions by saying, “Grant needs to do his fucking job!”. Andre Mendes told me that Ms Namdar is trying to conduct a “character assassination” of me and of him to the new CEO and other members of the leadership team. The day after my removal, Andre Mendes and Ms Namdar received similar advice from Mr. John Barkhamer the Deputy CFO of the agency (and the presumed Acting CFO following my removal). Disregarding the advice of Mr. Barkhamer (the new senior financial officer for the agency following my removal), the CEO and new leadership team instructed him to make millions of dollars immediately available. Mr. Barkhamer resigned effective immediately feeling he had no choice but to resign or take an inappropriate and potentially illegal action. Mr. Barkhamer related this all to me following his resignation.
9. In an email to me in late July or early August, Mora Namdar, the VP of Legal, instructed me to “cease and desist” preparing a grant amendment to transfer funding from Radio Free Asia to the Open

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Technology Fund. This funding included \$2.9 million in unencumbered funds which would have been helpful to OTF in continuing to fund important tools supporting audiences in Iraq, China, Pakistan, Venezuela, and other countries. This \$2.9 million was part of the at least \$3.4 million in paper checks returned to USAGM during my last week in the office (see #8 above). In addition, approximately half of \$1.2 million in operational funds for salaries of OTF staff was also to be part of the transfer. And over \$6 million in funding committed to existing contracts signed by the OTF program when it was part of Radio Free Asia. Importantly, USAGM had already been made aware that the contracts themselves had already been transferred to OTF in approximately April of 2020. Therefore, we were aware that OTF had assumed the financial liabilities for these contracts, but we had not transferred the funding necessary to meet this liability. I raised this issue with the leadership team and it was a primary driver for preparing a grant amendment to move the funds. Ms. Namdar's direction to "cease and desist" even the preparation of such a grant amendment is consistent with her pattern of behavior to deny the OTF grantee any funding and to cause its failure.

10. I flagged for the leadership team that the variety of delays in providing grant funding, as well as approving contract actions, would make it difficult for the agency to effectively spend the funding appropriated to the agency by Congress, and that it may be a challenge to comply with our Congressionally-approved Spend Plan for FY 2020. In particular, within the federal (non-grantee) parts of the organization, there are long lead times and complex procurement process to be observed in ensuring contracts are entered into properly. The 4th quarter of the fiscal year is already fraught with challenges and the delays in approving contract, personnel actions, and technical migrations put us at even greater risk of error or misspending. Combined with the failure to provide funding on a timely basis to our grantees, and my expectation that we might deny OTF part or all of the \$7.7 million in funding it was due in September, could leave large amounts of money unused. I conveyed this concern to Andre Mendes, the Chief Operating Officer, and said that we could have millions of dollars unused as the fiscal year winds down; I said that this could be seen as impoundment of funding. I said that in the past, if the federal side of the operations had unused funding, we could request to move those funds to our grantee broadcasters, which would allow the funds to be obligated and carried over on the books of the grantees. However, I pointed out that this would require a Congressional Notification and that our appropriators were unlikely to accommodate the agency given the many concerns they have about USAGM operations at the present time.

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USAGM EMAILS PRODUCED TO DEPARTMENT OF STATE OIG

From: Grant Turner <GTurner@usagm.gov>
Date: July 13, 2020 at 12:28:51 AM EDT
To: Andre Mendes <amendes@usagm.gov>
Subject: Issues for SACFO meeting and resolution

Hi Andre,

Following up on my last email, I wanted to provide you some thoughts related to finance, operations, and the eventual meeting with the Senate appropriators to free up the OCB money. I think the Hill's concerns are not OCB-specific in most cases and are fairly obvious ones, similar to mine and likely yours, so easy to enumerate. I think most of the issues are the broad subjects below. You may not have the answers to all, but perhaps Diane, Emily, Michael, or Mr Pack can fill in the blanks to help address the concerns and prep for the meeting with the Senate to lift the Hold:

—Explanation for the mass firings of the network heads and the general strategy going forward. (Also the recent firing of Bay Fang).

—The impact of the continuing freeze on contracting actions, personnel actions, and technical migrations (particularly on the federal side, but also during the time the freeze applied to the grantees). Impacts on health and safety related to covid or otherwise.

—Governance issues at USAGM including violations of the firewall, such as the removal of Steve Springer as standards editor of VOA; the makeup of the grantee boards, etc.

—The status of the lawsuit with the Open Technology Fund and the qualifications of the Acting CEO at this boutique organization.

—The current status of OTF's grant agreement and various work they fund, including impacts on human rights activists, journalists/sources worldwide, and including protesters in Hong Kong. (The July funding still has not gone out).

—The status of the J-1 visas; threats to journalists who may need to return home; impact on operations; and the reasons for conducting the reviews.

Best,

Grant

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From: Grant Turner <GTurner@usagm.gov>
Sent: Thursday, July 16, 2020 7:00 PM
To: Morvared Namdarkhan
Cc: David Kligerman
Subject: OCB CN and Senate “hold” on USAGM funds

Hi Mora,

Just wanted to flag for you an issue that you/OGC may have to help us with at some point soon. You may be aware that we sent a congressional notification to the Hill a number of weeks ago to move funds from our buying power maintenance account to the Office of Cuba Broadcasting. OCB’s budget was cut in the FY 20 appropriations bill from \$29 million down to \$21 million. At the time, we told the Hill that we couldn’t close that gap in a single fiscal year and they provided a transfer authority for us to move up to \$7M from our buying power maintenance account to OCB. This would keep OCB funded and operating as we worked towards pivoting OCB to a lower funding level.

We sent the CN to the Hill not long before Mr Pack arrived and in the days after his arrival there was a great deal of press regarding the firing of all of the network heads. The Senate was concerned and took the opportunity to put a hold on the funds to force a conversation on a number of issues regarding our strategy and execution. The hold is from Paul Grove from Sen. Graham’s staff and Tim Reiser from Sen. Leahy’s staff.

We’ve known about the hold for about a month but we’ve not set up a meeting between Mr Pack and the appropriators. The problem for us is that we needed to move the funds this week to ensure payroll and contracts are funded at OCB. This puts us in the unfortunate place of disregarding the Senate’s hold on the funds. We know they will be very upset with this and I’ve been flagging it for Andre who has been flagging it for Diane for some time. That said, we don’t want to commit an anti-deficiency act violation by spending money we don’t have, and we also don’t want to layoff contractors and furlough federal staff to try and keep operating at a greatly reduced funding level.

At any rate, I sent Andre the bullets below on the items that I think the Senate will want to hear about when we finally engage them. I thought I would flag for you too since GC will probably get dragged into this if the appropriators contend that we are violating congressional notice provisions in the appropriations bill. Very strictly the requirement is for congressional “notification” not congressional “approval”; and we have OMB’s blessing to move the funds already.

Below are the thoughts I provided related to finance, operations, and the eventual meeting with the Senate appropriators to free up the OCB money. I think the Hill’s concerns are not OCB-specific in most cases and are fairly obvious concerns, same as mine and likely leadership’s, so easy to enumerate. I think most of the issues are the broad subjects below. I know Andre is thinking about this and I will flag for Diane too. Neither of them may have the answers to respond fully to the Senate, but perhaps between Diane, Emily, Jonathan, and Mr Pack, the blanks can be filled in to help address the concerns and prep for the meeting with the Senate to lift the Hold. We should probably be prepared for the heavy set of questions below and GC will surely get pulled into the discussion at some point. List of issues/concerns:

—Explanation for the mass firings of the network heads and the general strategy going forward. (Also the recent firing of Bay Fang).

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—The impact of the continuing freeze on contracting actions, personnel actions, and technical migrations (particularly on the federal side, but also during the time the freeze applied to the grantees). Impacts on health and safety related to covid or otherwise.

—Ability to obligate/spend out funds in accordance with the approved Program Plan.

—Governance issues at USAGM including violations of the firewall, such as the removal of Steve Springer as standards editor of VOA; the makeup of the grantee boards, etc.

—The status of the lawsuit with the Open Technology Fund and the qualifications of the Acting CEO at this boutique organization.

—The current status of OTF's grant agreement and various work they fund, including impacts on human rights activists, journalists/sources worldwide, and including protesters in Hong Kong. (The July funding still has not gone out).

—The status of the J-1 visas; threats to journalists who may need to return home; impact on operations; and the reasons for conducting the reviews.

Thanks much. A lawyer's job is never done it seems. cc'ing Dave too for his awareness. Thanks much!

Grant

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From: Grant Turner <GTurner@usagm.gov>
Sent: Thursday, July 16, 2020 7:14 PM
To: Diane Cullo
Subject: OCB CN and Senate “hold” on USAGM funds

Hi Diane,

I thought I would check in with you on the OCB CN and the potential for lifting the Hold from the Senate. As I mentioned in a previous email, we had to begin moving some funds this week. The appropriators won't like that but we did give them the required notice (and we have OMB's blessing to move the funds via their apportionment).

At any rate, I know there are many issues you are juggling, but I sent Andre the bullets below on the items that I think the Senate will want to hear about when we finally engage them. I thought I would flag for you too so you will have a starting point for crafting any talking points and a strategy for resolution with the Hill. Below are the thoughts I provided related to finance, operations, and the eventual Senate meeting. I think the Hill's concerns are not OCB-specific in most cases and are fairly obvious concerns, same as mine and likely leadership's, so easy to enumerate. I think most of the issues are the broad subjects below. I know Andre is thinking about this, too. Neither of you may have the answers to respond fully to the Senate, but perhaps with Emily, Jonathan, Mora, and Mr Pack, the blanks can be filled in to help address the concerns and lift the Hold. We should probably be prepared for the heavy set of questions below which Paul Grove and Tim Reiser will certainly push on. List of issues/concerns:

—Explanation for the mass firings of the network heads and the general strategy going forward. (Also the recent firing of Bay Fang).

—The impact of the continuing freeze on contracting actions, personnel actions, and technical migrations (particularly on the federal side, but also during the time the freeze applied to the grantees). Impacts on health and safety related to covid or otherwise.

—Ability to obligate/spend out funds in accordance with the approved Program Plan.

—Governance issues at USAGM including violations of the firewall, such as the removal of Steve Springer as standards editor of VOA; the makeup of the grantee boards, etc.

—The status of the lawsuit with the Open Technology Fund and the qualifications of the Acting CEO at this boutique organization.

—The current status of OTF's grant agreement and various work they fund, including impacts on human rights activists, journalists/sources worldwide, and including protesters in Hong Kong. (The July funding still has not gone out).

—The status of the J-1 visas; threats to journalists who may need to return home; impact on operations; and the reasons for conducting the reviews.

If anything else comes up, I will flag. While we have the appropriators in a meeting, it would be great to try and see where they are at in terms of FY 21 funding. The House, of course, had a big cut for us. If we don't engage SACFO soon they may also write a tough set of numbers for us.

Best,

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Grant

From: Nat Kretchun <nat@opentech.fund>
Sent: Friday, July 17, 2020 2:39:28 PM
To: Chad Hurley <churley@usagm.gov>; Shawn Powers <spowers@usagm.gov>
Cc: Matthew Baise <mbaise@voanews.com>; Grant Turner <GTurner@usagm.gov>; Heidi Pilloud <heidi@opentech.fund>
Subject: Psiphon notification

Dear Shawn and Chad,

As you know, USAGM is currently holding approximately \$20m in funds allocated for OTF per USAGM's Congressionally-approved FY19 and FY20 Internet Freedom Spend Plans, including the funds corresponding to existing OTF obligations inherited from RFA. If funds are not transferred in the near future, OTF will run out of available bank balance in September..

Given the urgency of this situation, we are now at the point that we are contractually obligated to notify several of our projects that we will be forced to terminate their contracts. In particular, we wanted to make you aware that our contract with Psiphon requires that we give 45 days notice in the case of a termination. Therefore we must give Psiphon notice of termination now. Similarly, we will provide termination notices to other projects according to the termination clause in their contracts.

While we are contractually obligated to notify Psiphon of our need to terminate their contract, we would sincerely like to avoid this outcome. We know how vital Psiphon's services are to USAGM ability to reach its audiences in censored areas, but we simply have no choice if we do not receive our grant funds from USAGM.

Best,
nat

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From: Grant Turner <GTurner@usagm.gov>
Sent: Friday, July 17, 2020 2:52 PM
To: Morvared Namdarkhan; Diane Cullo; Emily Pauline Newman; Andre Mendes
Cc: David Kligerman
Subject: Fwd: Psiphon notification

Just got this and wanted to flag for everyone immediately. See below. Very important potential funding and contract lapse here. Psiphon is critical to our ability to reach key markets, notably Iran. We cannot let these lapse. The funding slowdowns are one of the things I flagged in earlier emails. We simply cannot sit on these the length of time we have without these sorts of rolling impacts. Please let me know how I can help. I can ask the grants team to be ready over the weekend to work on any packages that are needed (if they are contactable—some are off duty for the day now).

Grant

From: Grant Turner <GTurner@usagm.gov>
Sent: Friday, July 17, 2020 2:47 PM
To: Nat Kretchun; Chad Hurley; Shawn Powers
Cc: Matthew Baise; Heidi Pilloud
Subject: Re: Psiphon notification

Hi Nat,

Thank you for cc'ing me. This is an enormous potential funding issue for us. Naturally, Psiphon is critical in some key markets, notably Iran. I will see what can be done to free up funding very soon!

Best,

Grant

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From: Morvared Namdarkhan <MNamdarkhan@usagm.gov>
Sent: Friday, July 17, 2020 5:25 PM
To: Grant Turner; Diane Cullo; Emily Pauline Newman; Andre Mendes; Jim Miles
Cc: David Kligerman
Subject: Re: Psiphon notification

Hi Grant,

As you know, CEO Pack has appointed James Miles Acting CEO of OTF, an action confirmed by Judge Howell's ruling of July 2, 2020. Mr. Kretchun and the rest of OTF staff must coordinate their activities with Mr. Miles to ensure nothing falls through the cracks.

Best,

Mora Namdar

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EXHIBIT 2

From: Grant Turner <GTurner@usagm.gov>

Sent: Tuesday, July 21, 2020 12:40 PM

To: Morvared Namdarkhan; Andre Mendes

Cc: Emily Pauline Newman

Subject: Re: OTF July amount?

Hi Mora,

Okay, got it, will let our team know now. And we will provide our OTF contacts your name and email address and let them know communications should flow through you.

Best,
Grant

From: Morvared Namdarkhan <MNamdarkhan@usagm.gov>

Sent: Tuesday, July 21, 2020 12:33:34 PM

To: Grant Turner <GTurner@usagm.gov>; Andre Mendes <amendes@usagm.gov>

Cc: Emily Pauline Newman <ENewman@usagm.gov>

Subject: RE: OTF July amount?

Hi Grant,

Your point is taken and if I need any support, I will be sure to reach out. But, as stated, and in consultation with the CEO and his COS, this is the route we want to take. Any and all communication with any OTF employees or personnel must go through me. Please let me know when you have relayed this instruction.

Thanks,

Mora

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From: Grant Turner <GTurner@usagm.gov>
Sent: Tuesday, July 21, 2020 11:52 AM
To: Morvared Namdarkhan <MNamdarkhan@usagm.gov>; Andre Mendes <amendes@usagm.gov>
Cc: Emily Pauline Newman <ENewman@usagm.gov>
Subject: Re: OTF July amount?

Hi Mora,

Your request might be a bit impractical. We have frequent contact with all of our grantees at a staff level on a daily or weekly basis (on rather mundane but important operational issues). Elements of the federal oversight of this organization and its finances occur through the OCFO grants team and you may not have the requisite grants training or financial training to be the sole interlocutor for those purposes. Some days can be very quiet in working with them but other days are quite busy. I would advise against this, but completely defer to you and Andre and Mr Pack on how you want to do this.

I'm not sure how many emails my team may have exchanged with OTF. That could take a bit of time to assemble and we don't want to devote all that team's time exclusively to gathering emails versus all the other elements of their grants management functions. I will poll them to see what is possible. Thanks!

Grant

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EXHIBIT 2

From: Morvared Namdarkhan <MNamdarkhan@usagm.gov>
Sent: Tuesday, July 21, 2020 11:04:26 AM
To: Grant Turner <GTurner@usagm.gov>; Andre Mendes <amendes@usagm.gov>
Cc: Emily Pauline Newman <ENewman@usagm.gov>
Subject: RE: OTF July amount?

Hi Grant and Andre,

Please do not take any further action regarding OTF or reaching out to Mr. Miles or anyone else with regard to OTF. As I asked yesterday, please be sure to forward me all communication including but not limited to emails, requests, etc...from OTF employees or advocates for the last 4 months. I need all of that sent to me by COB today.

Also, please direct all OTF employees and interested parties to communicate only with me at this time. No one else from USAGM is to be in contact with anyone at OTF.

Please let me know if you have any questions.

Thanks,

Mora

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From: Yahoo <grantkturner@yahoo.com>

Date: August 13, 2020 at 9:21:33 AM EDT

To: Grant Turner <Grantkturner@yahoo.com>, Grant Turner <grantkturner@gmail.com>

Subject: Memo to self on work issues

On approximately August 12, 2020, I had a call with Andre Mendes, USAGM's new Chief Operating Officer, who I report to. Andre asked me to call him at 9:05 AM and during the call he said that Mora Namdar (Mortaved Namdarkhan) was angered by an email I sent him and which he forwarded to her regarding financial management processes. The email I sent advised Andre that it was surprising that Mora had ordered our grantees to return money without the involvement of the CFO's office. Morehead advised radio free Asia, the Middle East broadcasting networks, and radio free Europe to return Internet freedom money they had been provided during FY 2019. As a result radio free Asia had delivered a paper check for \$2.9 million, the Middle East broadcasting networks had delivered a paper check for \$500,000, and radio free Europe was in the process of produce what I expected to be a paper check for what I learned later would be around \$144,000. I also pointed out that these instructions are being delivered outside of our normal financial internal controls and could create problems, and likely would, with our financial auditors. The money Mora and the new CEO Mr Pack had asked to be returned by our grantees, related to Internet freedom funding, and I said the money would not be available without a number of procedural steps being completed. I was advising Andre of this because it appeared that they wanted access to the money very quickly. First, I said the CFO's office would need to research if the money was actually funding we could recapture after being obligated and disbursed. This would involve OGC. Because the funding is what is referred to as "no-year money", which does not expire, I told Andre I believed it could be recaptured ultimately, but would need to research to confirm. If it was able to be recaptured, The paper check would need to be deposited with the treasury, and handling paper checks might take additional time due to the COVID-19 situation since people at treasury may not be available or as responsive. The funds would also need to be "reapportioned" by OMB to be available to us, which would be another delay. Finally, it would require a congressional notification and a 15 day waiting period to be transferred within the agency and available for obligation again.

Andre said that Mora was incensed by this and said "Grant just needs to do his fucking job!" Her response revealed how little she knew about normal federal financial management processes.

Andre also implied that this was a threat from her to me and he did not take it lightly. He said that he believed Mora was doing a character assassination of me and also of him, attacking us at every opportunity to diminish us with the new CEO and the other people in the leadership team.

Related to this, and another issue for documentation, at a meeting two weeks earlier, on approximately July 30th, I met with the new CEO, the Chief Operating Officer Andre, the chief of staff Emily Newman, and Diane Cullo the deputy chief of staff. At the meeting, I pointed out to the new CEO that people in his new leadership team— notably Diane Cullo and Emily Newman, who were in attendance, and also Mora Namdar —were causing significant delays on a variety of contracting, personnel, and operational activities within the agency. I pointed out that these were extremely detrimental to the function of the agency and greatly impaired our mission. I noted that things are being submitted to the front office and just sitting for weeks at a time with no apparent action. Whether it's a contract to buy toilet paper at our Thailand facility or a cleaning contract (during a pandemic no less) at our Kuwait transmission facility, few things have any urgency and few things seem to get approved on a timely basis. I pointed out that the Middle East Broadcasting Networks, our Arabic language grantee, had not received money for operations since April. I pointed out that our Open Technology Fund grantee, who maintains critical Internet firewall circumvention tools and privacy tools, had not received millions of dollars of prior year money or it's July tranche of funding for fy20, even though we had assured the court at the beginning of the month that we

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would disperse this July funding on a timely basis. I said I had provided an affidavit to assist the agency in explaining that monthly disbursements are not unusual, and that this affidavit had helped the agency prevail in court. However, I said I now felt we had lied to the court and that I was used to mislead the court because we were at the end of the month and had not provided the funding yet. I also said that this was not how we would deal with the grantees and their funding issues. We work with them very closely to make sure they don't have disruptions in their funding and operations. I pointed out that in the prior month things had gotten so bad at Radio Free Europe that their CFO Mark Kantos had called me to say "Grant, if you don't get me money by next week, I won't be able to meet payroll".

I said these things are simply unacceptable and are destroying the ability of the agency to operate. I pointed out that the lack of funding to our open technology fund is requiring them to not find Critical tools used by our audiences worldwide. For instance, OTF was not going to be able to fund Psiphon, a tool used by 84% of our Iranian audience to access our content. It is used by 40% of our Mandarin speaking China audience to access our content. It is used in Pakistan and Venezuela, key markets that are important to our mission. I raise these issues and nobody seems to care, or act with urgency, or want to preserve our investments and our mission.

Some of this information seemed to be new to Mr Pack, and it certainly didn't make his team look very good and likely made them recognize I would be an obstacle to their mismanagement or ill intentions if I remained in place.

Grant Turner 8:54 AM August 13, 2020.

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