



U.S. OFFICE OF SPECIAL COUNSEL

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December 2, 2020

[REDACTED]
c/o David Z. Seide, Esq.
Government Accountability Project
1612 K Street NW
Washington, DC 20006
via electronic mail at: davids@whistleblower.org

Re: OSC File No. [REDACTED]

Dear [REDACTED]:

The U.S. Office of Special Counsel (OSC) has completed its review of the information you disclosed. You alleged that officials at the U.S. Agency for Global Media (USAGM) engaged in gross mismanagement; abused their authority; violated laws, rules, or regulations; and created a substantial and specific danger to public health and safety. You did not consent to the disclosure of your name to USAGM by OSC.

OSC is authorized to determine whether disclosures should be referred to the involved agency for investigation, or review, and a report; however, OSC does not have the authority to investigate disclosures. OSC may refer allegations of violation of law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. Disclosures referred to the agency for investigation and a report must include information sufficient for OSC to determine whether there is a substantial likelihood of wrongdoing.

On December 2, 2020, after reviewing the information you submitted, we directed the Chief Executive Officer (CEO) of USAGM to order an investigation into the following allegations and report back to OSC pursuant to 5 U.S.C. § 1213(c). Allegations to be investigated include that, since June 2020, USAGM:

- Repeatedly violated the Voice of America (VOA) firewall—the law that protects VOA journalists’ “professional independence and integrity”;¹
- Engaged in gross mismanagement and abuse of authority by:
 - Terminating the Presidents of each USAGM-funded network— Radio Free Asia (RFA), Radio Free Europe/Radio Liberty (RFE/RL), the Middle East

¹ 22 C.F.R. § 531.1(a). *See also* U.S. International Broadcasting Act of 1994 (IBA), as amended, Sec. 303(a)(5) (codified at 22 U.S.C. § 6202(a)(5)); VOA’s 2020 Best Practices Guide; and 22 C.F.R. § 531.4 (stating that “[n]etwork’ [as used here and in the IBA] . . . does not include any officer or employee of USAGM not within VOA or Office of Cuba Broadcasting (OCB), including the Advisory Board or the Chief Executive Officer.”).

- Broadcasting Networks (MBN), and the Office of Cuba Broadcasting (OCB)²—as well as the President and the CEO of the Open Technology Fund (OTF);
- Dismissing the bipartisan board members that governed the USAGM-funded networks, replacing those board members with largely political appointees, and designating the USAGM CEO as Chairman;
 - Revoking all authority from various members of USAGM’s Senior Executive Service (SES) and reassigning those authorities to political appointees outside of the relevant offices;
 - Removing the VOA Editor for News Standards and Best Practices—a central figure in the VOA editorial standards process and a critical component of the VOA firewall—from his position and leaving that position vacant;
 - Similarly removing the Executive Editor of RFA;
 - Suspending the security clearances of six of USAGM’s ten SES members and placing them on administrative leave; and
 - Prohibiting several offices critical to USAGM’s mission—including the Offices of General Counsel, Chief Strategy, and Congressional and Public Affairs—from communicating with outside parties without the front office’s express knowledge and consent;
- Improperly froze all agency hiring, contracting, and Information Technology migrations, and either refused to approve such decisions or delayed approval until the outside reputation and/or continuity of agency or network operations, and at times safety of staff, were threatened;
 - Illegally repurposed, and pressured career staff to illegally repurpose, congressionally appropriated funds and programs without notifying Congress; and
 - Refused to authorize the renewal of the visas of non-U.S. citizen journalists working for the agency, endangering both the continuity of agency operations and those individuals’ safety.

Typically, an agency has 60 days to investigate and submit the report to OSC. However, you should be aware that these investigations usually take longer and agencies frequently request and receive extensions of the due date. Should the agency request an extension in this case, we will advise you of the new due date for the report.

Unless the report is classified or otherwise not releasable by law, we will send you a copy after our review so that you may comment on the report if you wish. When the matter is closed, the Special Counsel will transmit the report and your comments to the President and the appropriate congressional oversight committees. Copies of these documents will be maintained by OSC in a public file, which is posted on OSC’s website at www.osc.gov.

² The Director and Deputy Director of VOA—USAGM’s fifth and largest network—resigned on June 15, 2020, immediately prior to the CEO’s arrival.

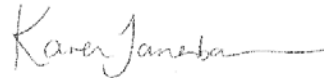
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We emphasize that, while OSC has found a substantial likelihood of wrongdoing based on the information you submitted in support of your allegations, our referral to the agency for investigation is not a final determination that the allegations are substantiated. This remains an open matter under investigation until the agency's final report is forwarded to the President and Congress.

If you have any questions or would like to further discuss this matter, please do not hesitate to contact me at ktanenbaum@osc.gov or 202-804-7122.

Sincerely,



Karen Tanenbaum
Attorney
Retaliation & Disclosure Unit