

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

PATSY WIDAKUSWARA, JESSICA JERREAT,
KATHRYN NEEPER, JOHN DOES 1-4,
REPORTERS SANS FRONTIÈRES,
REPORTERS WITHOUT BORDERS, INC.,
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
(AFSCME), AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES (AFGE),
AMERICAN FOREIGN SERVICE
ASSOCIATION (AFSA), and THE
NEWSGUILD-CWA,

Plaintiffs,

-against-

KARI LAKE, in her official capacity as Senior
Advisor to the Acting CEO of the U.S. Agency for
Global Media; VICTOR MORALES, in his
official capacity as Acting CEO of the U.S.
Agency for Global Media; and U.S. AGENCY
FOR GLOBAL MEDIA,

Defendants.

Case No. 1:25-cv-01015-RCL

SUPPLEMENTAL DECLARATION OF KATHRYN NEEPER

KATHRYN NEEPER, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a named plaintiff in this action and a full-time employee at USAGM, currently on administrative leave. My title is Director of Strategy and Performance Assessment. As Director, my duties include managing the Offices of Policy and Research, Editorials, and Internet Freedom, and overseeing USAGM's strategic planning, performance reporting, research, data analytics, and interagency outreach. However, since USAGM placed me on administrative leave on March 15, 2025, the day after President Trump issued

Executive Order 14328, I have not performed any work to aid USAGM’s operations and broadcasts. I have remained on indefinite leave since March 15, 2025.

2. I have filed multiple declarations in this case.

3. On the evening of Friday, January 30, 2026, I received an email from USAGM’s “HR Customer Service” account to my personal email inbox titled “USAGM FURLOUGH NOTICE - ACTION REQUIRED.” The notice was a standard notification that employees receive when there is a lapse in appropriated funds and we are therefore placed in a furlough status. The email was signed “Kari Lake; Acting Chief Executive Officer.” This email is attached as Exhibit A.

4. The furlough notice email had several attachments, including a PDF file titled “USAGM Furlough Notice – Jan 2026.” The notice provided additional information about the furlough process and employees’ appeal rights. It was also signed “Kari Lake; Acting Chief Executive Officer.” The notice is attached as Exhibit B.

5. On the evening of Tuesday, February 3, 2026, I received another email from HR Customer Service, titled “Notice of Resumption of Agency Operations.” This email explained that an authorization of appropriations for agency operations had been signed into law, and it recalled employees who had been actively working before the furlough back to duty. It was signed “Kari Lake; Acting CEO; U.S. Agency for Global Media.” This email is attached as Exhibit C.

Executed in Washington, DC.



Kathryn Neeper

Neeper declaration - FINAL

Final Audit Report

2026-02-16

Created:	2026-02-16
By:	Cynthia Liao (cliao@democracyforward.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAANczwl2ZrZNY4jbRJuJmfgBsNuaCjXWBz

"Neeper declaration - FINAL" History

-  Document created by Cynthia Liao (cliao@democracyforward.org)
2026-02-16 - 2:40:35 PM GMT
-  Document emailed to Kathryn Neeper [REDACTED] for signature
2026-02-16 - 2:42:05 PM GMT
-  Email viewed by Kathryn Neeper [REDACTED]
2026-02-16 - 3:09:45 PM GMT
-  Document e-signed by Kathryn Neeper [REDACTED]
Signature Date: 2026-02-16 - 3:10:40 PM GMT - Time Source: server
-  Agreement completed.
2026-02-16 - 3:10:40 PM GMT

Exhibit A



Kate Neepser <[REDACTED]>

USAGM FURLOUGH NOTICE - ACTION REQUIRED

HR Customer Service <HRCustomerService@usagm.gov>
Cc: HR Customer Service <HRCustomerService@usagm.gov>

Fri, Jan 30, 2026 at 10:31 PM

Please read this message in its entirety and click the 'I Acknowledge' button at the end of the email.

Instructions for orderly shutdown activities, if applicable. Employees should plan to conduct orderly shutdown activities on their first scheduled workday following notification of a shutdown. Orderly shutdown activities should take no more than 4 hours, and may include:

1. Thoroughly reading and acknowledging receipt of your furlough notice;
2. Completing Time and Attendance in SLDCADA (See instructions below);
3. Setting email/voicemail out of the office notifications;
4. Safeguarding property, records, and information;
5. Communicating with external contacts, if necessary, to communicate the office's status; such as notifying parties of the cessation of normal business;
6. Cancelling non-essential meetings, conferences, and other previously arranged business;
7. Documenting the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the agency's operational status is regularized;
8. Performing tasks necessary to protect confidential information; and
9. Processing all unpaid bills on hand for obligations incurred prior to the shutdown.

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COMPLETING TIME AND ATTENDANCE IN SLDCADA: Due to a potential lapse in funding, the Office of the CFO and Payroll Service Center provide the following guidance for recording time in SLDCADA.

All Federal Civilian staff should complete their timesheets in SLDCADA for pay period 02 (Jan 25 – Feb 7) through Friday, Jan. 30. Timesheets should include all worked hours, pre-approved leave and premium pay (OT and Comp Time) requests through Friday, Jan. 30. This also includes any employees with work schedules that begin on Friday, Jan. 30 with continuation (overnight) into Saturday, Jan 31. (Overnight shifts are tied to the date a shift begins, not the date on which

it ends, which is why Friday into Saturday shifts can be included with T&A entries prior to any lapse in funding.)

Furloughed employees and PSCs that are scheduled to work on or after Jan 31 will record their scheduled shift(s) with the following codes, including the 4 hours employees are granted to perform 'orderly shutdown procedures'.

Federal Civilian Employees: In SLDCADA enter THC code **KE** for Furlough Leave. Furlough employees will not record IN and OUT times for Furlough Leave.

If a lapse in funding is extended until Monday, Feb 2, all furlough staff will record the 4 hours they are granted to perform 'orderly shutdown procedures using the furlough codes listed above.

Staff that are furloughed should not record any worked hours (regular or leave) on their timesheets after Jan 30, until the lapse in funding ends. If a lapse in funding continues until or beyond Wednesday, Feb 4, the USAGM Payroll Service Center will record furlough leave codes on timesheets as necessary.

Excepted personnel will be required to complete their time entries daily throughout the lapse in funding, using the following codes to track work performed during the furlough period.

Federal Civilian Employees: In SLDCADA enter THC code **KE** for Furlough Leave. Excepted Personnel will be required to record IN and OUT times to indicate any shifts worked.

Questions regarding entry of T&A should be directed to the Payroll Service Center at payroll@usagm.gov.

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TO: USAGM NON-EXCEPTED EMPLOYEES

In the absence of either a Fiscal Year (FY) 2026 appropriation, or a continuing resolution for the U.S. Agency for Global Media (USAGM) (formerly the Broadcasting Board of Governors), no further financial obligations may be incurred by USAGM, except for (1) those related to the orderly suspension of USAGM operations or (2) performance of excepted activities as defined in

the Office of Management and Budget memorandum for Heads of Executive Departments and Agencies dated November 17, 1981 and subsequent guidance.

Because your services are no longer needed for orderly suspension of operations, and you are not engaged in one of the excepted functions, you are being placed in a furlough status effective four (4) hours after the beginning of your next scheduled workday for orderly shutdown. You should use this time to provide necessary out-of-office notices, secure files, complete time and attendance records, and otherwise make preparations to preserve your work.

If you are currently on administrative leave, and you are not engaged in one of the excepted functions, you are being placed in furlough status beginning January 31, 2026.

This furlough, i.e., non-duty, non-pay status, is not expected to exceed 30 calendar days. Therefore, this furlough notice expires on March 2, 2026.

You should monitor public broadcasts and USAGM.gov for further information on the status of the shutdown. Once a continuing resolution or a Fiscal Year 2026 appropriation that covers USAGM is approved, you are expected to return to work at the beginning of your daily tour of duty on the next regular duty workday. You may periodically check your USAGM email accounts for up-to-date information on shutdown related matters only. Any email related to return to work will be titled accordingly.

This action is being taken because of a sudden emergency requiring curtailment of the Agency's activities; therefore, no advance notification to return to duty is possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404(d)(2). The 30-day advance notice otherwise required by 5 CFR 359.806(a) for Senior Executive Service (SES) career appointees (other than reemployed annuitants) has been waived due to a sudden emergency requiring curtailment of activities.

If employees are being retained in your competitive level or competitive area, they are retained because their services are required during the orderly suspension of agency operations or because they are performing one of the excepted activities defined in the OMB memorandum.

During the furlough period, you will be in a non-pay, non-duty status and you may not work at your workplace or any alternative worksite unless and until recalled. You are not permitted to access your government email, mobile phone, or laptop to perform any work while furloughed.

The only exception to this access rule is to check for return-to-work notices via appropriately titled emails. You are not permitted to work as an unpaid volunteer. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is hereby cancelled.

After the lapse ends, you will receive your "standard rate of pay" for the furlough period in accordance with 31 U.S.C. 1341(c) as soon as possible. (This means that employees who would have been in pay status but for the lapse in appropriations will receive their full regular pay for any furlough period.)

NOTICE OF APPEAL RIGHTS

The following is provided regarding your rights to appeal this decision. You may file an appeal with one of the following: the U.S. Merit Systems Protection Board (MSPB), the Office of Special Counsel, the Equal Employment Opportunity Commission.

You may have the right to appeal this action to the U.S. Merit Systems Protection Board (MSPB). If you elect to appeal to the MSPB, your appeal must be filed in writing no later than thirty (30) calendar days after the effective date of your furlough, or 30 days after the date of your receipt of this decision notice, whichever is later. You may obtain information about the appeals process and a copy of the MSPB Appeal Form (MSPB Form 185) from the MSPB website at <http://www.mspb.gov/appeals/appeals.htm>. Your appeal should give the reasons for contesting the action, along with any offer of proof and pertinent documents that you are able to submit. MSPB requires an appeal to be filed with the MSPB regional or field office serving the area where your duty station was located when the action was taken. Filing may be made by mail, facsimile, commercial overnight delivery, or personal delivery: The most common duty locations and applicable Regional Office are below. Additional regional/field offices information can be found at U.S. Merit Systems Protection Board | Contacts and Locations ([mspb.gov](http://www.mspb.gov)).

Washington, D.C., North Carolina

U.S. Merit Systems Protection Board
Washington, DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, VA 22202
Fax: (703) 756-7112

Florida:

U.S. Merit Systems Protection Board Atlanta Regional Office
401 W Peachtree Street, NW
10th Floor
Atlanta, GA 30308-3519
Fax: (404) 730-2767

New York:

U.S. Merit Systems Protection Board
New York Field Office
26 Federal Plaza
Room 3137-A
New York, NY 10278-0022
Fax: (212) 264-1417

Los Angeles or Pacific overseas to:

U.S. Merit Systems Protection Board Western Regional Office
1301 Clay Street, Suite 1380N
Oakland, CA 94612-5217
Fax: (510) 273-7136

You may file an appeal electronically through the MSPB website (<https://e-appeal.mspb.gov/>.) If you opt to file in this manner, you should follow the link to e-Appeal. The date of filing shall be determined by the date the appeal is postmarked, the date of the facsimile transmission, the date it is delivered to a commercial overnight delivery service, the date you send it electronically, or the date of receipt, if you deliver it personally.). If you are unable to access this information through the internet, please contact the Office of Human Resources, at (202) 920-2400, and arrangements will be made to provide you with this information.

You may also seek corrective action before the Office of Special Counsel (OSC), www.osc.gov.

If you choose to seek corrective action concerning whistleblowing activities directly with the OSC and not as affirmative defense to a MSPB appeal, OSC will notify you of its decision, including providing any appeal rights to the MSPB you may have at that time. Any appeal to the MSPB at that time must be filed within 60 days of notification that OSC has terminated its investigation or 120 days after seeking corrective action and OSC has not notified you that it shall seek corrective action on your behalf. If you appeal to the MSPB after first going to the OSC, the MSPB may only consider whether the Agency's action was taken against you in retaliation for making prohibited whistleblowing disclosures. You are prohibited from raising other affirmative defenses in this corrective action appeal.

You have the right to contact the Agency's Office of Civil Rights to initiate an EEO complaint within forty-five (45) calendar days from the date of receipt of this letter if you believe that the Agency is taking this action because of your race, color, religion, sex, national origin, disability, age, genetic information, or in retaliation for your previous participation in the EEO process. You may either pursue discrimination allegations through the EEO process or you may raise discrimination based upon race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for your previous participation in the EEO process as a defense in the MSPB appeal, but not both.

If you are an AFSA bargaining unit member, you may use the grievance procedures under 3 FAM 4400.

Any communication from the MSPB, including the Acknowledgement Order and a copy of the appeal, should be sent to:

Office of the General Counsel U.S. Agency for Global Media
330 Independence Ave., S.W., Suite 3349
Washington, DC 20237
202-203-4550
202-203-4585 (fax)

Employees have a right to representation in this matter by an attorney or other person of their choosing.

Attached is the SF-8, Notice to Federal Employee about Unemployment Insurance. Additional information about unemployment insurance is available at: <http://www.servicelocator.org/OWSLinks.asp>

We recognize the difficult financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available.

If you have questions about any of the information in this notice, you should contact the Office of Human Resources at HRCustomerService@usagm.gov or at (202) 920-2400.

Sincerely,
Kari Lake
Acting Chief Executive Officer

I acknowledge receipt of this decision

Acknowledge

3 attachments



SF-8.pdf
92K



USAGM Furlough Notice - Jan 2026.pdf
161K



image001.wmz
2K

Exhibit B



U.S. AGENCY FOR
GLOBAL MEDIA

330 Independence Avenue SW | Washington, DC 20237 | usagm.gov

January 30, 2026

TO: USAGM NON-EXCEPTED EMPLOYEES

In the absence of either a Fiscal Year (FY) 2026 appropriation, or a continuing resolution for the U.S. Agency for Global Media (USAGM) (formerly the Broadcasting Board of Governors), no further financial obligations may be incurred by USAGM, except for (1) those related to the orderly suspension of USAGM operations or (2) performance of excepted activities as defined in the Office of Management and Budget memorandum for Heads of Executive Departments and Agencies dated November 17, 1981 and subsequent guidance.

Because your services are no longer needed for orderly suspension of operations, and you are not engaged in one of the excepted functions, you are being placed in a furlough status effective four (4) hours after the beginning of your next scheduled workday for orderly shutdown. You should use this time to provide necessary out-of-office notices, secure files, complete time and attendance records, and otherwise make preparations to preserve your work.

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After the lapse ends, you will receive your “standard rate of pay” for the furlough period in accordance with 31 U.S.C. 1341(c) as soon as possible. (This means that employees who would have been in pay status but for the lapse in appropriations will receive their full regular pay for any furlough period.)

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Washington, D.C., North Carolina

U.S. Merit Systems Protection Board
Washington, DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, VA 22202
Fax: (703) 756-7112

Florida:

U.S. Merit Systems Protection Board
Atlanta Regional Office
401 W Peachtree Street, NW
10th Floor
Atlanta, GA 30308-3519
Fax: (404) 730-2767

New York:

U.S. Merit Systems Protection Board
New York Field Office
26 Federal Plaza
Room 3137-A
New York, NY 10278-0022
Fax: (212) 264-1417

Los Angeles or Pacific overseas to:

U.S. Merit Systems Protection Board
Western Regional Office
1301 Clay Street, Suite 1380N
Oakland, CA 94612-5217
Fax: (510) 273-7136

You may file an appeal electronically through the MSPB website (<https://e-appeal.mspb.gov/>.) If you opt to file in this manner, you should follow the link to e-Appeal. The date of filing shall be determined by the date the appeal is postmarked, the date of the facsimile transmission, the date it is delivered to a commercial overnight delivery service, the date you send it electronically, or the date of receipt, if you deliver it personally.). If you are unable to access this information through the internet, please contact the Office of Human Resources, at (202) 920-2400, and arrangements will be made to provide you with this information.

You may also seek corrective action before the Office of Special Counsel (OSC), www.osc.gov.

If you choose to seek corrective action concerning whistleblowing activities directly with the OSC and not as affirmative defense to a MSPB appeal, OSC will notify you of its decision, including providing any appeal rights to the MSPB you may have at that time. Any appeal to the MSPB at that time must be filed within 60 days of notification that OSC has terminated its investigation or 120 days after seeking corrective action and OSC has not notified you that it shall seek corrective action on your behalf. If you appeal to the MSPB after first going to the OSC, the MSPB may only consider whether the Agency's action was taken against you in retaliation for making prohibited whistleblowing disclosures. You are prohibited from raising other affirmative defenses in this corrective action appeal.

You have the right to contact the Agency's Office of Civil Rights to initiate an EEO complaint within forty-five (45) calendar days from the date of receipt of this letter if you believe that the Agency is taking this action because of your race, color, religion, sex, national origin, disability, age, genetic information, or in retaliation for your previous participation in the EEO process. You may either pursue discrimination allegations through the EEO process or you may raise discrimination based upon race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for your previous participation in the EEO process as a defense in the MSPB appeal, but not both.

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330 Independence Ave., S.W., Suite 3349
Washington, DC 20237
202-203-4550
202-203-4585 (fax)

Employees have a right to representation in this matter by an attorney or other person of their choosing.

Attached is the SF-8, Notice to Federal Employee about Unemployment Insurance. Additional information about unemployment insurance is available at:

<http://www.servicelocator.org/OWSLinks.asp>

We recognize the difficult financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available.

If you have questions about any of the information in this notice, you should contact the Office of Human Resources at HRCustomerService@usagm.gov or at (202) 920-2400.

Sincerely,

A handwritten signature in black ink that reads "Kari Lake". The signature is written in a cursive, flowing style.

Kari Lake
Acting Chief Executive Officer

Exhibit C



Kate Neeper <[REDACTED]>

Notice of Resumption of Agency Operations

HR Customer Service <HRCustomerService@usagm.gov>
Cc: HR Customer Service <HRCustomerService@usagm.gov>

Tue, Feb 3, 2026 at 5:31 PM



Dear Colleagues,

On **February 3, 2026**, the President signed a bill into law authorizing appropriations to continue agency operations. Accordingly, the January 31, 2026, furlough notice has expired.

If you were in active work status prior to or during the lapse in appropriations, you are being recalled to duty. In accordance with guidance from the Office of Management and Budget (OMB), USAGM is commencing an orderly return to normal operations. You are instructed to report for duty on your next regularly scheduled workday on or after February 3, 2026. Please report to your assigned duty station or approved alternate worksite.

Such employees are responsible for completing essential support tasks necessary to reopen the Agency.

Employees who were on administrative leave prior to the lapse in appropriations will be returned to administrative leave status. No further action is required on your part until further notice.

Thank you for your cooperation and dedication during this period.

Please direct any questions to HRCustomerService@usagm.gov.

Sincerely,

Kari Lake

Acting CEO

U.S. Agency for Global Media