

*Anne R. Noble, Esq.*

March 27, 2025

Via .pdf attachment to email ~ klake@usagm.gov

Ms. Kari Lake  
Senior Advisor to the Acting CEO  
United States Agency for Global Media  
330 Independence Ave SW  
Washington, D.C. 20237

Re: Notice of Grant Termination

Dear Ms. Lake:

I am the General Counsel to the Middle East Broadcasting Networks, Inc. (MBN). MBN received on March 15, 2025, a Notice of Grant Termination, stating that the U.S. Agency for Global Media (USAGM) is terminating MBN's grant, FAIN: MN01-25-GO-00001. See Attachment. Your letter states that if MBN wishes to "object to or challenge the termination decision," it "must do so either via email or certified mail within 30 days of the date of this termination notice." This letter constitutes MBN's timely appeal of the March 15, 2025, termination notice.

In the wake of the terrorist attacks of September 11, 2001, the 9/11 Commission called for the United States to fund independent television and radio journalism in the Arab world. In 2003, Congress recognized that need by setting aside funding for the Middle East Broadcasting Network (MBN). *See* Emergency Wartime Supplemental Appropriations Act, 2003, Pub. L. No. 108-11, 117 Stat. 559, 562 (2003). Every year since, Congress has appropriated funds directly to MBN.

For Fiscal Year 2024, Congress specified that \$100 million "shall be allocated" specifically for MBN. In subsequent continuing resolutions, Congress renewed MBN's funding, appropriating "[s]uch amounts as may be necessary, at the level specified . . . under the authority and conditions provided in applicable appropriations Act for fiscal year 2024" until September 30, 2025.<sup>1</sup> To ensure that MBN receives the money set aside for it, Congress charged USAGM with "allocat[ing] funds appropriated for international broadcasting activities among the various elements of the Agency and grantees," subject only to a narrow reprogramming provision not applicable here. 22 U.S.C. 6204(a)(6). And Congress authorized USAGM to do so via "grants and cooperative

<sup>1</sup> See H.R. 1968, 119th Cong. § 1101(a) (2025) (Third Continuing Resolution); *see also* Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 118-83, div. A, § 101(11), 138 Stat. 1524-25 (2024) (First Continuing Resolution) (appropriating funds as provided in the 2024 appropriations law and making them available through December 20, 2024); American Relief Act, 2025, Pub. L. No. 118-158, div. A, § 101(1), 138 Stat. 1723 (2024) (Second Continuing Resolution) (extending funding through March 14, 2025).



agreements.” *Id.* § 6204(a)(5). Consistent with that statutory mandate, USAGM has consistently granted MBN its congressionally appropriated funds—until now.

USAGM’s March 15, 2025 letter purports to terminate MBN’s federal grant, FAIN: MN01-25-GO-00001, on the basis that the “award no longer effectuates agency priorities.” But USAGM has no lawful basis to withhold funds that Congress specified must reach MBN’s coffers. USAGM has acted in violation of the Administrative Procedure Act, which requires courts to set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

First, USAGM’s actions are arbitrary and capricious because, among other things, USAGM’s impoundment of MBN’s funds lacks any lawful basis; because USAGM has not articulated an adequate, reasoned, or lawful basis for the withholding of MBN’s congressionally appropriated funds; because USAGM’s actions threaten MBN’s continued existence, in direct contravention of Congress’s expressed intention; and because USAGM has entirely failed to consider the substantial reliance interests in MBN’s continued funding and operation, including without limitation: MBN’s ability to fulfill its mission; MBN’s employees, some of whom will be at risk of physical harm, or of losing their visas and subsequently being deported, if MBN does not receive its congressionally appropriated funding; and the leases, contracts, and other obligations on which MBN will be forced to default without its funding.

Second, USAGM’s actions are not in accordance with and contrary to law because the agency’s termination of MBN’s grant violates, as described above, the United States International Broadcasting Act, 22 U.S.C. § 6204(a), and the relevant appropriations laws, in addition to breaching the statutory firewall that Congress enacted to protect MBN journalists from political influence, including through USAGM. That firewall aims to ensure that MBN programming will meet the “highest professional standards of broadcast journalism,” *id.* § 6202(a)(5), and be “consistently reliable and authoritative, accurate, objective, and comprehensive,” *id.* § 6202(b)(1). Pursuant to that firewall, the USAGM CEO must “respect the professional independence and integrity” of MBN. *Id.* § 6204(b). USAGM has violated that firewall by interfering with and indeed preventing MBN’s newsgathering and news dissemination.

Third, USAGM’s actions are contrary to the United States Constitution. USAGM is unlawfully withholding funds appropriated by Congress for MBN through the constitutionally prescribed legislative process, violating the Separation of Powers, as well as the Take Care Clause, the Appropriations Clause, the Spending Clause, and the Presentment Clause of the United States Constitution.

USAGM’s termination of MBN’s grant agreement and withholding of its congressionally appropriated funds is inflicting severe and irreparable damage on MBN. MBN has already furloughed 95 percent of its domestic staff. Without funding, MBN will need to cease essentially all broadcasting and news operations, interrupting critical platforms that reach approximately 34 million adults each week, leaving millions without access to independent journalism. And MBN’s reputation as a reliable partner for reporters in countries most hostile to independent journalism will suffer.

It is critical that USAGM rescind its termination notice immediately. MBN respectfully requests that USAGM inform MBN by **5 PM on Monday, March 31**, whether USAGM will rescind MBN's termination notice. Absent such rescission, considering the severe and irreparable harm that MBN is already experiencing, MBN will be forced to take appropriate legal action to restore its funding.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne R. Noble", with a long, sweeping flourish extending to the right.

Anne R. Noble

Attachment



U.S. AGENCY FOR  
GLOBAL MEDIA

330 Independence Ave SW, Washington, D.C. 20237

### NOTICE OF GRANT TERMINATION

March 15, 2025

Dear Middle East Broadcasting Networks, Inc. (Raji Kalra | rkaira@mbn-news.com),

This letter provides notice that the U.S. Agency for Global Media (USAGM) is terminating your federal grant, FAIN: MN01-25-GO-00001 and any other grants with USAGM, effective March 15, 2025. See 2 C.F.R. § 200.341.

The award no longer effectuates agency priorities. Therefore, pursuant to 2 C.F.R. § 200.340, Article VIII(a) in your grant award, and the President's March 14, 2025 executive order mandating that the USAGM eliminate all non-statutorily required activities and functions, the USAGM hereby terminates grant FAIN: MN01-25-GO-00001 and any other grants with USAGM in its entirety effective March 15, 2025. See *Continuing the Reduction of the Federal Bureaucracy*, E.O. (March 14, 2025).

If you wish to object to or challenge this termination decision, you must do so either via email or certified mail within 30 days of the date of this termination notice. Your appeal should contain the following:

1. a copy of the written notice of termination;
2. the date you received the written notice of termination;
3. a brief statement of your argument and the disputed factual, legal, or other issues;
4. the amount of disallowed costs in dispute, if any; and
5. any other relevant documents.

See *id.* § 200.342. Appeals should be addressed to the undersigned.

You are encouraged to carefully review and discharge your closeout responsibilities as set forth in 2 C.F.R. § 200.344-46, your award instrument, and the USAGM's Terms and Conditions of the Award Agreement. Those responsibilities include, but are not limited to, your obligation to "promptly refund any unobligated funds" that have been paid out but "are not authorized to be retained." See 2 C.F.R. § 200.344(g). Failure to do so will result in the USAGM filing a report documenting your "material failure to comply with the terms and conditions of" this award on SAM.gov and taking other appropriate enforcement actions, which could impact your eligibility for future grants. See *id.* § 200.344(i). Finally, you are reminded of your duties regarding retention of grant records for at least three years after the submission of your final financial report. See 2 C.F.R. § 200.334.

Thank you,

A handwritten signature in black ink that reads "Kari Lake".

Kari Lake  
Senior Advisor to the Acting CEO with Authorities Delegated by Acting CEO

klake@usagm.gov

330 Independence Ave SW, Washington, D.C. 20237