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**The Special Counsel**

May 28, 2025

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-20-000664

Dear Mr. President:

I am forwarding to you a report transmitted by the U.S. Department of Homeland Security (DHS) to the U.S. Office of Special Counsel (OSC) in response to OSC's referral of disclosures of wrongdoing at the Federal Emergency Management Agency (FEMA). OSC has reviewed the disclosure, agency report, and whistleblower comments, and, in accordance with 5 U.S.C. § 1213(e), I have determined that the report contains the information required by statute and the findings appear reasonable.<sup>1</sup> The following is a summary of those findings and comments.

The whistleblower, [REDACTED], a Program Liaison/American Sign Language (ASL) Technical Specialist with FEMA's Office of External Affairs, who consented to the release of [REDACTED] name, alleged that the ASL interpreters contracted by FEMA were unqualified to provide communication access to the deaf and hearing-impaired community at the FEMA disaster recovery centers and other FEMA-sponsored information-sharing events in Puerto Rico following Hurricane Maria and the 2019 earthquakes. [REDACTED] alleged that FEMA's lack of oversight of those contracts resulted in the violation of section 689e of the Post-Katrina Emergency Reform Act of 2006, which requires FEMA to provide effective and inclusive communication access to all survivors of disaster areas. *See* 42 U.S.C. § 5196f. The whistleblower alleged that FEMA: (1) did not ensure that the ASL interpreters hired for the disaster response missions were appropriately qualified; (2) failed to evaluate the quality of the services provided by ASL interpreters to the deaf and hearing-impaired community; and (3) did not provide a meaningful avenue for recipients of sign language services to file complaints or otherwise provide feedback concerning their experiences with the ASL interpreters.

The agency investigation found that the ASL interpreters were qualified under the terms of the contract. The report explained that FEMA used multiple call orders and contracts to provide ASL services. The statement of work required contractors to hire interpreters with Tier

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<sup>1</sup> The whistleblower's allegations were referred to former DHS Secretary Chad Wolf for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The FEMA Office of Professional Responsibility conducted the investigation. Former FEMA Administrator Pete Gaynor was delegated authority to review and sign the report.

2 minimum qualifications from FEMA's Blanket Purchase Agreement, with an exception permitting in-house testing in lieu of state-equivalent certification/licensure. FEMA also considered the needs of the local community, who use a form of ASL that incorporates the regional dialects and signs unique to Puerto Rico. Additionally, interpreters needed to be capable of providing trilingual translation—in other words, each interpreter needed the skill to translate both English and Spanish into ASL.

The investigation found that most witnesses interviewed expressed confidence in the interpreters' abilities to provide ASL services, contradicting the idea of systemic problems. FEMA staff reported that neither FEMA's Office of Civil Rights nor the Region or Commonwealth received or expressed concerns with the quality of the interpreters. The investigation identified only a few isolated instances where an interpreter performed below standards. In those cases, FEMA staff notified the contractor, and those interpreters were prohibited from obtaining future assignments. The report notes that most of the complaints against the interpreters originated from the whistleblower and/or one other FEMA employee, rather than anyone receiving the services of the interpreters. A FEMA ASL Interpreter testified that he believes the whistleblower may have evaluated Puerto Rico's interpreters based on continental U.S. standards, rather than Puerto Rico's unique criteria. However, the whistleblower testified that [REDACTED] was aware of the unique needs of the local community and insisted that the interpreters were not appropriately screened by the contractor.

The investigation also found that the quality of service provided by the interpreters was consistently observed and evaluated in multiple ways by both the contractor and FEMA staff. A contractor employee overseeing the interpreters testified that the interpreters conducted self-evaluations, and that he made video recordings of the interpreters' performances for evaluation purposes. As for FEMA, Contract Officer Representatives (COR) asked FEMA ASL interpreters to attend events and evaluate the contract interpreters. FEMA's ASL interpreters largely voiced confidence in the abilities of the interpreters but for the whistleblower. The report indicated that various other FEMA personnel also observed and evaluated the interpreters, although these employees were not knowledgeable of ASL. FEMA staff indicated in testimony that if a complaint or criticism involved an enforceable requirement under the contract, then FEMA addressed the issues with the contractor directly.

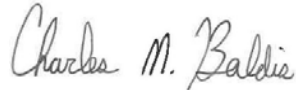
The investigation further found that FEMA provided two meaningful avenues for recipients of ASL services to make complaints or otherwise provide feedback: (1) a phone number, though this method would require the assistance of a hearing individual to relay the information on behalf of the hearing-impaired or deaf individual, and (2) an e-mail account. Moreover, any complaints received at an event would be directed to the FEMA representative on site, who could then follow up with the COR and eventually the contractor.

The whistleblower did not agree with the report's conclusions. [REDACTED] maintains that the procurement process for the ASL interpreters lacked input from subject matter experts like [REDACTED]. Relatedly, the whistleblower maintains that none of the individuals interviewed as part

of FEMA's investigation are qualified to provide professional technical guidance regarding effective communication access. [REDACTED] also notes that investigators did not interview three deaf FEMA employees from the Disability Integration cadre who also complained about the quality of services provided by the contractor. Further, the whistleblower insists that there was no meaningful mechanism to evaluate or provide feedback on the ASL interpreters at issue.

I thank the whistleblower for bringing these allegations to OSC. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter, the agency report, and the whistleblower's comments to the Chairmen and Ranking Members of the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security. OSC has also filed redacted copies of these documents and a redacted copy of the referral letter in our public file, which is available online at <https://osc.gov>. This matter is now closed.

Respectfully,

A handwritten signature in cursive script that reads "Charles M. Baldis".

Charles N. Baldis  
*Senior Counsel and Designee  
of Acting Special Counsel Jamieson Greer*

Enclosures