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CHAIRMAN

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RANKING MEMBER

Congress of the United States  
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

[www.science.house.gov](http://www.science.house.gov)

November 16, 2023

Thomas Bell  
Chief Executive Officer  
Leidos  
1750 Presidents Street  
Reston, Virginia 20190

Dear Mr. Bell:

Since 2017, the House Committee on Science, Space, and Technology (Committee) has been aware of and is investigating serious allegations of sexual assault and harassment across the scientific research enterprise, including within the National Science Foundation's (NSF) United States Antarctic Program (USAP).<sup>1</sup> The Committee has taken multiple official and unofficial actions to investigate various allegations, including those raised in the Sexual Assault/Harassment Prevention Response (SAHPR) report that was released by NSF in conjunction with other program offices on June 22, 2022.<sup>2</sup> In addition to the allegations of sexual assault and harassment, the SAHPR report articulated specific concerns with the USAP, including a culture and climate of blacklisting and retaliation. These allegations directly implicate Leidos' management of the Antarctic Support Contract (ASC) and raise questions about its ability to ensure the safety and protection of ASC entities and employees. As part of our ongoing investigation, this Committee requests that Leidos and all applicable subcontractors maintain all documents related to these issues and any incidents going forward.

The Committee remains dedicated to understanding the allegations of sexual assault and harassment, blacklisting, and retaliation in the USAP. As a follow-up to the SAHPR report, on December 6, 2022, the Committee held a hearing titled "Building a Safer Antarctic Research

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<sup>1</sup> NAT'L ACADEMIES PRESS, SEXUAL HARASSMENT OF WOMEN: CLIMATE, CULTURE, AND CONSEQUENCES IN ACADEMIC SCIENCES, ENGINEERING, AND MEDICINE, 1-12, (PAULA A. JOHNSON, ET AL. 2018), <https://nap.nationalacademies.org/catalog/24994/sexual-harassment-of-women-climate-culture-and-consequences-in-academic>

<sup>2</sup> NAT'L SCIENCE FOUND., OFF. OF POLAR PROGRAMS, AND U.S. ANTARCTIC PROGRAM, SEXUAL ASSAULT/HARASSMENT PREVENTION AND RESPONSE (SAHPR), FINAL REPORT, (2022), <https://www.nsf.gov/geo/opp/documents/USAP%20SAHPR%20Report.pdf>

Environment”<sup>3</sup> to discuss these concerns and issues raised in the report.<sup>4</sup> Ms. Kathleen Naeher, Chief Operating Officer of the Civil Group at Leidos, participated in that hearing. Unfortunately, Ms. Naeher provided inadequate responses to member questions during the hearing. Additionally, in her responses to questions submitted for the record, as it pertained to the number of reports of sexual assault and harassment, Ms. Naeher failed to inform the Committee of the reported instances of sexual assault that the Committee was aware of via documents reviewed by the Committee.<sup>5</sup>

In a good faith effort, the Committee sent a letter on May 1, 2023 to Leidos requesting they correct the record to reflect the accurate number of allegations of sexual assaults and harassments received by Leidos since taking over the ASC contract.<sup>6</sup> When Leidos responded to the Committee’s request on May 12, 2023, they admitted that the Questions for the Record (QFR) response was “incomplete.”<sup>7</sup> In its series of requests, the Committee has received inconsistent information on the number of reported allegations of sexual assault and harassment in the USAP program, summarized below:

- In response to then-Chairwoman Johnson’s QFRs from the December 6, 2022 hearing, Ms. Naeher responded: “From May 2017 through April 2022, the ASC team received five allegations of sexual harassment and zero allegations of sexual assault.”
- Then in responding to the Committee’s May 1, 2023, letter seeking a correction of this response, Leidos stated on May 12, 2023 that: “From the start of our performance of the ASC contract in August of 2016 through the date of the congressional hearing (December 6, 2022), Leidos has a record of 23 allegations related to sexual harassment and assault. Of these allegations, four allegations are related to sexual assault and 19 allegations are related to sexual harassment.”

This discrepancy raised obvious questions about the sufficiency of communications among Leidos, its subcontractors, and the National Science Foundation as well as the candor of Leidos’ communications with the Committee.

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<sup>3</sup> *Building a Safer Antarctic Research Environment Full Comm. Hearing Before the H. Comm. on Science, Space, and Tech.*, 117<sup>th</sup> Cong. (2022), <https://science.house.gov/2022/12/full-committee-hearing-building-a-safer-antarctic-research-environment>

<sup>4</sup> NAT’L SCIENCE FOUND., OFF. OF POLAR PROGRAMS, AND U.S. ANTARCTIC PROGRAM, *supra* note 2.

<sup>5</sup> *Building a Safer Antarctic Research Environment Full Comm. Hearing Before the H. Comm. on Science, Space, and Tech.*, 117<sup>th</sup> Cong. 2 (2022) (Leidos Response to Questions for the Record). <https://science.house.gov/cache/files/8/a/8ad9885a-81b1-4c6f-a3db-6f7315efb360/6AD721B361FF743DA0641D3AAEC31F93.qfr-responses---leidos.pdf>

<sup>6</sup> U.S. House Science, Space, and Technology Committee, Letter from Chairman Lucas and Ranking Member Lofgren to Roger Krone, May 1, 2023, <https://republicans-science.house.gov/cache/files/c/b/cbcddfbf-4f53-48b8-ab3b-132cdbec7c0b/86510EF48C4E6F191361495CF4F38071.2023-05-01-house-science-committee-letter-to-leidos.pdf>

<sup>7</sup> See Leidos Response to U.S. House Science, Space, and Technology Committee letter from Chairman Lucas and Ranking Member Lofgren, May 12, 2023; compared to *Building a Safer Antarctic Research Environment Full Comm. Hearing Before the H. Comm. on Science, Space, and Tech.*, 117<sup>th</sup> Cong. 2 (2022) (Leidos Response to Questions for the Record). <https://science.house.gov/cache/files/8/a/8ad9885a-81b1-4c6f-a3db-6f7315efb360/6AD721B361FF743DA0641D3AAEC31F93.qfr-responses---leidos.pdf>

In the months since receiving Leidos' May response letter, Committee staff have had the opportunity to gather documentation and speak with many individuals whose accounts of their experiences are markedly different from the description of events provided by Leidos and NSF. These discrepancies include mischaracterizations of self-initiated statements, alarming and unprofessional responses from human resource personnel, and failures to engage and inform the relevant parties during an ongoing investigation. These conversations raised serious concerns as to Leidos' commitment to conducting appropriate investigations and oversight of your subcontractors' purported investigations of sexual assault and harassment. The Committee asks for the cooperation of Leidos and its subcontractors as we continue our investigation into the policies and procedures for handling reports of sexual misconduct in the USAP.

The Committee continues to correspond with these individuals and others who have made similar claims. In these discussions, individuals expressed concerns related to the lack of safety accommodations individuals are provided after reporting incidents of sexual assault or harassment. The Committee heard accounts that management both within Leidos and your subcontractors have not valued or prioritized the safety of individuals who have come forward with claims of assault or harassment. Some individuals were so fearful for their safety that they felt the need to carry a weapon. Others have shared their disappointment with the lack of resources for separating aggressors from their victims; instead, management would recommend the victim self-isolate or leave Antarctica as the only viable option for maintaining their safety. These allegations call into question whether Leidos and its subcontractors handle these reports with the seriousness they deserve. From the testimonies provided, it appears the lack of priority given to these safety concerns by USAP leadership has contributed to the distrust of management and further deterred reporting.

The threat to personal safety is not the only deterrent to reporting that the Committee was made aware of. Former USAP participants have corroborated the SAHPR report allegations of retaliation and blacklisting, which severely deter individuals from reporting sexual assault or harassment. The Committee heard from individuals who believe that reporting sexual assault or harassment or voicing concerns with the overall culture within the USAP runs the risk of retaliation. Accounts of termination or the rejection of contract renewals have been reported as commonplace retaliatory actions by subcontractors and Leidos. All of these claims are extremely disconcerting to the Committee and stand in vast contrast to many of the answers provided by Leidos in response to questions for the record from the December hearing as well as in your May 12 letter to the Committee. The Committee requests the responses and documents below to better understand the source of the discrepancies between these conflicting accounts.

It is the intent of the Committee's investigation to fully understand the extent of the issues within the USAP, and we are prepared to take the necessary actions to mitigate these problems. In our investigation of sexual assault and harassment prevention and response within the USAP, the Committee on Science, Space, and Technology requests that Leidos provide all documentation that informed the description of each report addressed in the May 12, 2023, response as well as all documents and responses to questions provided below. We seek your answers to the following questions no later than December 6, 2023.

**Please Respond to the Following:**

1. The Committee requests all email correspondence, reports, and any other documentation related to the four allegations of sexual assault and 19 allegations of sexual harassment, and Leidos' response to the incidents, mentioned in the answer to question 1 of the May 12 Leidos response letter (page 2).
2. The Committee requests all email correspondence, reports, and other documentation related to the two allegations of sexual assault and the 15 allegations related to sexual harassment, and Leidos' response to these incidents, mentioned in the answer to Question 2 of the May 12 Leidos response letter (page 3).
3. In the response to question 3 of the May 12 Leidos response letter, Leidos mentions ongoing work with the NSF OIG (page 3). Please provide details of what work has been done and how Leidos has cooperated with the OIG since this letter was issued.
4. Have the interviews that were referenced in the answer to question 3 in the May 12 Leidos response letter been conducted (page 4)? If not, what is their status?
5. The response to question 5 of the May 12 Leidos response letter mentions monthly Incident Reports and quarterly summaries of all reports of sexual harassment and assault involving ASC contractors and subcontractors (page 4). Please provide these incident reports to the Committee.
  - a. Pursuant to the incident reporting requirement in the modified contract, at what point in the investigation process does Leidos notify NSF?
  - b. How and when is Leidos informed of reports of sexual harassment and assault made directly to the subcontractors?
6. NSF has a policy of a three-year prohibition on rehiring for employees who are terminated for violating USAP policies and procedures. Leidos has informed the Committee of its own company's practice of designating terminated employees as ineligible for rehire. In the response to question 6 of the May 12 Leidos response letter, you mention that Leidos would share with NSF the names of the individuals that have been banned (page 5).
  - a. Has NSF asked for this information, or have you sent NSF the names of your own volition since sending this response letter?
  - b. Can employees of subcontractors be designated as ineligible for rehire? If so, how does Leidos make these determinations?
  - c. What role does the subcontractor play in this determination process?

- d. How does Leidos maintain its records of individuals ineligible for rehire?
  - e. Do Leidos' hiring practices differ between first-time hires and those who are applying to re-deploy? If so, how?
  - f. Does Leidos extend these hiring policies, in the form of requirements or guidelines, to its subcontractors?
  - g. Given the update to the Performance Work Statement mentioned in the question 6 response of the May 12 Leidos response, has Leidos maintained the names of individuals that have been disciplined for sexual assault or harassment, as it does for banned individuals?
7. The response to question 7 of the May 12 Leidos response letter discusses the appropriate leadership changes that were made in relation to the ASC Program Manager and ASC Operations Manager (page 7). Have the available resources and reporting mechanisms within the USAP changed as a result of these leadership changes? If so, how? If not, why not? What was NSF's role in these changes?
8. In the response to question 7 of the May 12 Leidos response letter, Leidos discusses the NSF climate surveys and details the completion of an ASC climate survey (page 7). Please provide us with this survey.
- a. Does Leidos intend to continue issuing periodic climate surveys? If so, how often?
  - b. What was the survey's response rate? How does the participation compare to any previous surveys conducted or commissioned by Leidos?
  - c. Based on the results of the survey, how has the climate within the USAP changed since the publication of the SAHPR report?
  - d. How do you plan to utilize climate surveys and other tools to measure and track the cultural climate in the USAP?
9. Additionally, in question 7 response of the May 12 Leidos response letter, Leidos references a commitment letter signed by the subcontractors. Please provide this letter to the Committee (page 7).
10. Response to question 7 in Leidos' letter also references a biweekly meeting on Sexual Assault/Harassment Prevention and Response working group. Who participates in this working group? What concrete changes have been implemented because of this group?
11. Please provide copies of any handbooks or resources you provide ASC employees for harassment training.

12. Please provide us with a detailed explanation of how Leidos investigates reports of sexual assault and harassment. In your answer, please address the following:
- a. How are witnesses identified and are interviews and/or depositions of all witnesses conducted? For example, are depositions of relevant parties conducted under oath and are affidavits signed at the conclusion of the depositions?
  - b. Does Leidos conduct its own investigation upon receipt of a report or a summary of a subcontractor-led investigation, or simply accept the outcome of the subcontractor's investigation?
  - c. What is the evidentiary standard required to establish a violation and who makes this determination of violation of Leidos' HR policies or the Polar Code of Conduct?
  - d. How does Leidos conduct or facilitate investigations of sexual assault or harassment incidents that involve individuals employed by different subcontractors?
  - e. When determinations are made following investigations, is there a method of appeal available to either party involved to challenge or reconsider the determination?
  - f. Is Leidos aware of the processes of its subcontractors for handling reports and the conduct of investigations?
  - g. How are subcontractors trained in the best practices for conducting investigations?
13. Does Leidos require subcontractors to conduct their investigations in line with clear standards? If so, what are those standards? Please share any guidance documents that are distributed to subcontractors to inform them of investigatory standards and procedures.
- a. If these standards and procedures exist, what oversight of the process does Leidos have and how do you hold subcontractors accountable to the required standards?
14. We have been told that there is an ASC station manager that is a Leidos employee, who operates the logistics of the Antarctic station. Can you please distinguish the responsibilities of the ASC station manager from the NSF station manager?

- a. What are the responsibilities of the ASC Station Manager?
- b. What responsibilities does the ASC station manager have in the process of receiving and investigating reports of sexual assault or harassment?
- c. What training is the ASC manager required to complete and maintain regarding receiving and investigating reports of assaults or harassment?

15. Regarding the incident described in the first full paragraph on page 3 of the May 12 Leidos response letter:

- a. What interviews or depositions were conducted during the investigation and what documents, if any, were used to allow for a determination to be reached?
- b. Please provide any documentation or email records that can support the recounted statements of the parties involved in this incident.
- c. If the claims of this situation were “unsubstantiated,” why was the “alleged aggressor’s” permission to deploy to Antarctica and his offer for deployment in 2017 rescinded?
- d. If these “unsubstantiated” claims were enough to deny a contract renewal, why were they not enough to violate the Polar Code of Conduct?
- e. What standards of review were used to make the determination of “harassment” versus “assault” in this incident?

16. Does Leidos provide information regarding the available legal remedies for potential criminal or civil issues?

- a. If so, what information is provided and how are these resources communicated?
- b. Please provide us with the information that you provide to contracting employees within the USAP.

18. Regarding the incident described on page 2 of the Leidos response letter:

- a. What interviews or depositions were conducted and what documentation was reviewed to determine the conclusion that the claim was “unsubstantiated”? Please provide all evidence to validate this determination.
- b. Leidos states in response to question 1 that the subcontractor “took all concerns seriously and engaged their policies/procedures appropriately.” Please elaborate on what these engagements were exactly and what policies/procedures were followed.

- c. How did Leidos come to the determination that this claim was unsubstantiated?
  - d. What steps were taken to address the concerns of the community regarding the claims of retaliation for the filing of a report?
19. What policies and procedures does Leidos have in place to safeguard against retaliation for filing reports?
- a. When an allegation of retaliation is made, how does Leidos investigate and make a determination of whether it occurred?
  - b. Does Leidos hold its subcontractors to standards of investigation when the subcontractor receives allegations of retaliatory action taken against subcontractor employees?
  - c. Does Leidos hold its subcontractors to hiring practices that specifically forbid retaliatory actions?
  - d. Please provide the number of employees who received an alternate contract from August 2016 to present who reported sexual assault and harassment.

Please consider this letter an official notice for Leidos and all applicable subcontractors to preserve all documents related to these issues and any reports that are made going forward as they may be relevant and requested for submission. Please provide all documents requested and responses to the questions provided by December 6, 2023. Please expect further communication as we continue to investigate this matter. If any other witnesses would like to reach out and if you have any additional questions, please contact Victoria Lombardo of the Committee's Majority staff at (202) 225-6371 or Sara Palasits of the Committee's Minority staff at (202) 225-6375. Thank you for your time and consideration regarding this important matter.

Sincerely,



Frank Lucas  
Chairman  
House Committee on Science, Space,  
and Technology



Zoe Lofgren  
Ranking Member  
House Committee on Science, Space,  
and Technology

cc:

Allison C. Lerner, Inspector General, National Science Foundation