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CONFIDENTIAL TREATMENT REQUESTED

December 6, 2023

VIA EMAIL

The Honorable Frank D. Lucas
Chairman
Committee on Science, Space, and Technology

The Honorable Zoe Lofgren
Ranking Member
Committee on Science, Space, and Technology

U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515-6301

Re: November 16, 2023 Letter to Leidos, Inc.

Dear Chairman Lucas and Ranking Member Lofgren:

On behalf of Leidos, Inc. (“Leidos”), we write in response to your letter dated November 16, 2023 (the “Letter”) regarding allegations of sexual assault and sexual harassment in the National Science Foundation’s (“NSF”) United States Antarctic Program (“USAP”). Leidos takes these issues very seriously and is deeply committed to working in partnership with the NSF and the Committee on Science, Space, and Technology (“Committee”) to address sexual assault/harassment in Antarctica. We appreciate the cooperative discussions that we have had with your staff to date. Per the agreement with your staff, this letter serves as our initial response to our anticipated rolling submissions in response to your Letter. We will work expeditiously to supplement our response and appreciate the consideration of additional time to do so.

Leidos has a long history of providing technology, engineering, and scientific expertise to its customers. Leidos is committed to doing everything possible to provide a safe and secure workplace wherever it operates, including with the USAP. Since being awarded the Antarctic Support Contract (“ASC”) in 2016, Leidos has engaged in a number of steps to improve the culture and condition on ice and to foster a safe and protective workplace.

In particular, Leidos has increased services and strengthened requirements related to prevention and response training for sexual assault/harassment. This includes providing ally training to station leadership and subcontractor line managers. In 2020, Leidos deployed a full-time counselor onsite to provide counseling services to everyone deployed on ice; ASC Human Resources professionals and Program Managers received Victim Advocate training; and workshops were conducted to address workplace culture and allyship. In 2021, Leidos established the ASC Inclusion Council, and two HR personnel achieved Victim Advocate certification. In addition, effective October 1, 2022, Leidos partnered with NSF to support and implement new training for all deploying participants. NSF has contracted with a third-party provider who is a subject matter expert in sexual assault/harassment prevention for this training, which all ASC participants deploying to Antarctica are required to complete (in addition to all company-required harassment prevention training). Further, in November 2022, Leidos launched a communication campaign on ice to encourage victims, bystanders, and witnesses to report all incidents. In 2023, Leidos deployed a Workplace Relations HR Coordinator for the ASC program, who centralizes ASC incident coordination and reporting to NSF. Leidos also provided regular ongoing training and resource reminders, including the availability of the NSF third-party provider Victim Advocate in Antarctica. Leidos appreciates the opportunity to provide you with additional information concerning these efforts.

As you are aware from Leidos’ previous responses to the Committee’s inquiry, and from testimony provided by a Leidos representative at a hearing on this topic, there are multiple stakeholders on ice in Antarctica. The ASC team, comprised of Leidos and its subcontractors, represents approximately 64% of the on ice USAP population. Of this, Leidos itself constitutes approximately 5% of the total on ice population, and roughly 8% of the ASC team (based on December 2022 on ice deployment data; the month of December is the peak period of occupancy on ice). Military personnel, grantees, NSF government employees, other civil federal agencies and departments, and other contractor personnel represent the remaining stakeholders. Today’s submission includes a visual depiction of all personnel on ice with relative percentages as of December 2022 and May 2023, bates-stamped LEID0000001 through LEID0000002.¹ While Leidos shares information about incidents with other stakeholders when relevant to them and refers reports involving non-ASC entities to the NSF to coordinate any investigation, Leidos does not have oversight of, access to, or information about non-ASC stakeholders’ processes, reporting,

¹ Please note that this visual depiction includes any visitors on ice as associated with relevant host entities.

and investigations relating to sexual assault/harassment. Accordingly, and consistent with previous responses to the Committee, the responses below are focused on the ASC contract that Leidos performs.

Turning to the Committee's specific questions, Leidos respectfully offers the following initial responses to certain questions in your Letter, and Leidos continues to work on the balance.

Question 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.*

Leidos Response: In Leidos' response to question 3 provided in the May 12 Letter, Leidos discussed its cooperation with NSF Office of Inspector General ("OIG"). Leidos has responded throughout the year to numerous OIG inquiries addressing safety questions, sexual assault/harassment incidents, HR matters, and cyber activities. OIG also conducted formal site visits throughout 2023, which included formal and *ad hoc* interviews of ASC employees. Prior to each formal site visit, Leidos issued a written communication to its employees and subcontractors reinforcing the requirement to comply with OIG requests for interviews and/or information. An example of this communication is attached as LEID0000003 through LEID0000004. Leidos also reinforced this message during ASC "town hall" meetings at McMurdo Station. Also, Leidos helped facilitate and provided logistical support to OIG for its visits both in Colorado and Antarctica by, among other things, coordinating interview times and providing private office space for the interviews.

To the extent the Committee is asking for information that Leidos shared with the OIG, Leidos would first need to confirm with OIG its ability to share such information. To the extent this request is inquiring about the status of OIG's investigatory work, Leidos would respectfully direct you to OIG as OIG would be best situated to address such questions.

Question 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?*

Leidos Response: In Leidos' response to question 3 provided in the May 12 Letter, Leidos referenced interviews with the OIG inspectors during the inspectors' visit to Centennial, Colorado. In relation to the May 15-16, 2023 OIG site visit to Leidos' ASC facility in Centennial, Colorado, all interviews for which Leidos received advance notice were completed. Additional, non-scheduled interviews took place during that visit as well.

To the extent the Committee is requesting information regarding the interviews conducted by OIG, Leidos would respectfully direct you to OIG as OIG would be best situated to address such questions.

Question 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?*

Leidos Response:

(a) NSF has not requested information about employees who are prohibited for three years from being re-hired to the ASC program nor has it asked about Leidos employees that Leidos has designated as ineligible for rehire. Leidos has made clear that it can offer this information at any time if NSF so requests.

(b, c) Each ASC company has the ability, at its discretion, to designate a former employee as ineligible for rehire. Each employer is responsible for managing its own workforce. Leidos makes ineligibility determinations for its own employees and prospective employees, and each subcontractor is responsible for doing the same for its respective employees and prospective employees. Leidos does not have the authority to dictate another employer's handling of employment matters, including hiring processes and policies, outside of what is required by the ASC contract. Pursuant to the ASC contract, Leidos issued the following direction via a subcontract modification to all ASC subcontractors with deploying personnel: "Subcontractor shall, as part of the pre-employment screening process for positions eligible for deployment to Antarctica, ask potential employees if they have been disciplined for incidents of sexual assault or sexual harassment, or quit before being disciplined for sexual assault or harassment within the past

three (3) years. Individuals shall not be eligible for deployment if they have been disciplined for sexual assault or harassment within the past three (3) years.” If the candidate answers in the affirmative, the company is not permitted to hire the individual onto the ASC program. If the candidate answers in the negative, then each subcontractor is wholly responsible for determining whether a candidate is eligible and qualified to be hired to the ASC program.

(d) For Leidos employees designated as ineligible for rehire, Leidos uses a particular termination code in its HR system, called Workday, which designates an employee as ineligible for rehire. This termination code is a part of the former employee’s master personnel file and ensures that the person will not be rehired if they later apply for a job with Leidos.

(e) Leidos ASC employees who deploy seasonally to Antarctica are treated as new hires for each new season if they terminated their employment with Leidos at the end of the prior season. If the employees do not terminate their employment with Leidos but instead remain a Leidos employee, they are not treated as new hires. Leidos requires new hires to the ASC program (regardless of their position on the program) to undergo both the Leidos-required background investigation and the elevated NSF-required background investigation specific for the ASC program.

(f) As stated above, Leidos does not have the authority to dictate another employer’s handling of employment matters, including hiring processes and policies, outside of what is required by the ASC contract. However, Leidos has requested and reviewed the relevant hiring policies from each subcontractor that deploys personnel to Antarctica to ensure that they include employment history verification, education verification, and criminal record checks. Leidos also flowed down to the subcontractors the NSF requirement concerning not hiring individuals disciplined for (or who quit to avoid discipline for) sexual assault/harassment matters in the past three years, as discussed in (b, c) above.

(g) If an ASC employee has been disciplined for sexual assault/harassment, he/she would be removed from the ASC program and would be prohibited for a period of three years from being re-hired to the ASC program. Since the NSF incorporated this three-year ban, Leidos has maintained a list of individuals removed from the ASC program for sexual assault/harassment, which can be made available to the NSF upon its request.

Question 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?*

Leidos Response: In Leidos’ response to question 7 provided in the May 12 Letter, Leidos noted certain leadership changes made to improve its understanding of sexual assault/harassment and to decrease the occurrence of such incidents. Those changes included assigning a new ASC Program Manager and new Leidos, Civil Group Operations Manager. Please note, though, that the ASC Program Manager and Leidos, Civil Group Operations Manager only have responsibility for the ASC program, not the broader USAP community. Thus, Leidos respectfully requests the Committee to direct questions concerning changes within the USAP to NSF, as Leidos would not have visibility into this.

Leidos’ current ASC Program Manager and Leidos, Civil Group Operations Manager enforce a “zero tolerance” culture related to sexual assault/harassment, insist on no retaliation in response to reports, and work to ensure a safe and respectful environment for everyone within the ASC program. Recently, Leidos has seen an increase in the reporting of sexual assault/harassment incidents compared to past years, with a higher number of bystander-initiated reports.

The activities undertaken by the new ASC and Leidos leadership in the past year include policy, training, and physical changes to increase safety and awareness, and to create lasting cultural change for the ASC program:

- Leidos has taken the following steps for the ASC program:
 - Enhanced procedures and reporting guidelines around community incident handling, to include sexual assault/harassment allegations per HR SOP-011, attached as LEID0000005 through LEID0000025, which was proposed to NSF and included in the Leidos ASC Procedural Library for all ASC employees to use and review. This SOP outlines the available and responsible parties for reporting and investigative actions as it relates to each allegation from inception to case close out;
 - Increased training for deployed managers and supervisors on how to handle and intake potential sexual assault/harassment incidents involving their employees;
 - Comprehensive employee engagement survey, to understand current employees’ experience with USAP, inclusive of a variety of culture, engagement, and safety factors, such as sexual assault/harassment; and
 - Increased Leidos oversight of subcontractors by requiring contractual commitments to adopt a more consistent approach and process for handling sexual assault/harassment, as well as an updated time-sensitive process for handling allegations.

- In addition, Leidos partnered with the NSF as it implemented new measures, including:
 - The deployment of an On Ice Victim Advocate. The advocate can provide confidential support, safety planning, and advocacy to community members;
 - Bystander intervention trainings, which are provided by third party specialists and focused on the deployed Antarctic experience. Leidos has assisted in coordinating dozens of such sessions, reaching more than 2,500 deployers;
 - In-person and virtual listening sessions, open to current and former employees, to fully address any safety concerns;
 - Increased communications on-site to highlight expected behaviors, make everyone aware of multiple reporting channels, and ensure leaders have the tips, information, and reminders they need;
 - Increased staff in the personnel security office to aid in submitting individuals for government screening prior to deployment;
 - Increasing the number of satellite phones for field teams to provide access to support systems, such as on ice and virtual counseling services, victim advocates, and law enforcement; and
 - Improved physical security measures to buildings that prevent unauthorized access to rooms/locations, and increased sharing of safety/crisis numbers across all ASC locations.

Question 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?*

Leidos Response: In Leidos' response to question 7 provided in the May 12 Letter, Leidos mentioned that NSF is working to obtain a baseline measure of SAHPR issues through a climate survey and that Leidos has recently completed its own ASC climate survey.

(a) Leidos intends to conduct annual ASC-wide Climate Surveys.

(b) The response rate of the 2023 ASC Climate Survey, which was the first ever ASC-contractor-wide survey, was 47% of invited respondents, inclusive of all ASC employees (including seasonal staff). The 47% response rate represented over 650 responses. Leidos commissioned a third-party survey provider, Perceptyx, to conduct and analyze the survey. Perceptyx confirmed that the 47% response rate was valid to represent the overall climate of the program and to use as a baseline for developing action plans to address survey results.

(c) The Climate Survey did not ask questions to specifically assess climate changes since publication of the SAHPR Report. The questions in the Survey related to the following 11 areas and sought input about both direct and second-hand awareness of sexual harassment incidents within the ASC program:

- Employee Empowerment
- Manager Relationship
- Engagement Index
- Personnel Development
- Growth and Development
- Wellness
- Ethics and Integrity
- Recognition and Reward
- Resources and Support
- Teamwork and Collaboration
- Continuous Improvement

(d) Leidos utilizes climate surveys and other tools to measure and track the culture/climate for the ASC program. Leidos and subcontractor leadership have developed organizational business rhythms and avenues for escalation of culture/climate, to include weekly town halls on ice, management one-on-one meetings, and regular meetings with senior leadership to convey accomplishments and concerns for each of the stations on ice. Leidos also leverages tools such as the culture survey data to provide point-in-time assessment to the full ASC population. As with the 2023 Climate Survey, when future Climate Surveys are conducted, Leidos will work with its

third-party survey provider to analyze the findings; Leidos will develop actions to address areas for improvement; Leidos will work with NSF and the ASC subcontractors to implement the actions; Leidos will communicate the survey results and associated actions to the ASC community during “All Hands” or “Town Hall” meetings and through other communication channels; and, as appropriate, Leidos will identify focus group opportunities to gather additional data.

Question 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).*

Leidos Response: In Leidos’ response to question 7 provided in the May 12 Letter, Leidos described a letter of commitment from the subcontractors named in the SAHPR Report articulating their dedication to the actions Leidos is taking to improve the on ice environment. These letters of commitment from various subcontractors are included in today’s production and are bates-stamped LEID0000026 through LEID0000032.

Question 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?*

Leidos Response: In Leidos’ response to question 7 provided in the May 12 Letter, Leidos described the Sexual Assault/Harassment Prevention and Response working group. Leidos formed this working group to ensure it was regularly tracking new reports of sexual assault/harassment, the status of investigations, and the resolutions of each reported incident. The working group is not intended to provide any programmatic guidance or direction. Instead, the information reviewed in the biweekly working group meetings allows the Leidos ASC HR lead to brief Leidos management on new reports as well as on the status of all allegations and investigations. Standing participants in the working group include Leidos Civil Group COO, Leidos ASC Program Manager, Leidos ASC HR lead, Leidos ASC Subcontracts lead, and Leidos Workplace Relations representative. Other Leidos attendees occasionally participate depending on topics of discussion.

Leidos notes that this working group is separate and distinct from the Leidos Oversight Board, whose charter includes identifying and developing changes to the program to improve prevention, response, and reporting capabilities. For a summary of the more notable changes that have been implemented under the purview of the Leidos Oversight Board, please see response to Question 7.

On behalf of Leidos, we appreciate the opportunity to provide additional information on Leidos' commitment to working with the NSF to address sexual assault/harassment in Antarctica and to improve the culture and conditions on ice.

With respect to this response, production of this information is not intended to constitute a waiver of the attorney-client, attorney work product, or any other applicable rights or privileges in this or any other forum. Leidos expressly reserves its rights in this regard. Information and data provided in this response may contain confidential, sensitive, or proprietary information. Accordingly, Leidos respectfully requests that such information be kept confidential by you and your staff. Notwithstanding our request that such information be kept confidential, we would ask that your staff provide us with reasonable notice and an opportunity to be heard before you disclose any such information or data to any third parties.

The concerns regarding confidentiality are particularly acute with respect to this topic, as we know that the Committee shares our and Leidos' goal to make sure that the provision of such information, in this and future submissions, does not do anything to chill reporting. Leidos remains intently focused on fostering an environment where reporting is encouraged and individuals feel safe doing so, and these submissions are being provided consistent with this objective.

Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. A. Prober', with a stylized flourish at the end.

Raphael A. Prober
Karen Elizabeth Christian

Encls.