

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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May 1, 2023

Mr. Roger A. Krone
Chairman and Chief Executive Officer
Leidos Inc.
1750 Presidents St.
Reston, VA 20190

Dear Mr. Krone:

We write to you regarding Leidos's actions to address sexual harassment and assault in the United States Antarctic Program (USAP) and representations made to the Committee on Science, Space, and Technology (the Committee) regarding this matter. On April 27, 2022, Committee staff met with Leidos' Chief Operating Officer of the Civil Group, Kathleen Naeher. Ms. Naeher's assertions to Committee staff in that meeting leave us concerned that Leidos is failing to confront this issue with the seriousness it demands.

On December 6, 2022, Ms. Naeher testified as a witness in a Full Committee hearing entitled *Building a Safer Antarctic Research Environment*.¹ This hearing was held in response to the *Sexual Assault/Harassment Prevention and Response (SAHPR) report*,² commissioned by the National Science Foundation (NSF) following a sexual assault in Antarctica.³ Former Chairwoman Eddie Bernice Johnson initially requested that you testify in your capacity as Chief Executive Officer, but Leidos identified Ms. Naeher as a more appropriate witness. At the hearing, Ms. Naeher was unable to answer a question about how many allegations of sexual harassment and assault in the USAP had been made to Leidos. After the conclusion of the hearing, this question was submitted as a Question for the Record (QFR)⁴ to Ms. Naeher. The validity of some

¹ <https://science.house.gov/2022/12/full-committee-hearing-building-a-safer-antarctic-research-environment>

² <https://www.nsf.gov/geo/opp/documents/USAP%20SAHPR%20Report.pdf>

³ <https://www.science.org/content/article/antarctic-research-contractor-tells-congress-it-knows-no-sexual-assaults-2016>

⁴ https://science.house.gov/_cache/files/8/a/8ad9885a-81b1-4c6f-a3db-6f7315efb360/6AD721B361FF743DA0641D3AAEC31F93.qfr-responses---leidos.pdf

information in Leidos' official response, received on January 17, 2023, has since been called into question.

Ms. Johnson's QFR stated [emphasis added]:

*Ms. Naeher, how many allegations of sexual harassment and assault have you **received** since taking over the [Antarctic Support Contract (ASC)]? How many of those allegations were investigated and what were the timelines for those investigations? How many of those investigations resulted in findings of wrongdoing or violation of Leidos policy or procedures? What sanctions were imposed in those cases with findings of wrongdoing or a violation of policy?*

Ms. Naeher responded to this question by stating [emphasis added]:

*From May 2017 through April 2022, the ASC team **received** five allegations of sexual harassment and **zero allegations of sexual assault**. Reports involving other stakeholders and their respective participants do not come to Leidos or the ASC team, as noted above, for investigation and adjudication (such reports may go to NSF or may be handled by the relevant stakeholder).⁵*

We know this information is inaccurate because documents provided to the Committee in response to a NSF FOIA request include an email chain dated January 2020. These emails discuss a sexual assault allegation that a Leidos employee refers to as a "legal and HR issue."⁶ Though Ms. Naeher told Committee staff that this occurred prior to the beginning of Leidos's contract, the assault allegation was **received** in January 2020. Therefore, Leidos' statement to Congress regarding "zero allegations of sexual assault" from May 2017 to April 2022 is untrue. We invite Leidos to correct the record via a letter providing an accurate accounting of reports of sexual harassment and assault received since assuming the ASC.

At the April 27 meeting with our staff, Ms. Naeher also gave an unsatisfactory response regarding the instructions Leidos and its contractors provided to their employees when asked to cooperate with the NSF's Office of the Inspector General (OIG). The OIG has informed the Committee that auditors and investigators faced challenges when attempting to interview contracted and subcontracted employees. Those employees indicated to the OIG that they were told cooperation is voluntary. This is untrue, federal contractors' and subcontractors' cooperation with the OIG is not voluntary. When asked about this, Ms. Naeher said she was unaware of the problem. She told Committee staff that Leidos verbally told managers that cooperation was mandatory, but she was unaware if that information had been communicated to the entire staff in order to assist the OIG's work.

⁵ Leidos Responses to Questions for the Record, December 6, 2022 Hearing – Building a Safer Antarctic Research Environment

⁶ FOIA documents issued by NSF and obtained by the Committee

Anything short of clear instruction to employees and subcontractors to cooperate with the OIG is unacceptable. It is vital that all Leidos and subcontracted employees are made aware of the resources available to them and encouraged to engage with the NSF OIG. Therefore, we request Leidos provide evidence that an official notice to assist the NSF OIG in all investigative and audit matters has been sent to all Leidos employees and subcontractors on the ice. We further request that you provide the Committee with details regarding any further actions Leidos is taking or plans to take to ensure that all subcontracted employees are encouraged to talk to and cooperate with NSF OIG. We believe these notices are especially important considering that Ms. Naehrer was seemingly unaware NSF OIG has sent investigators and auditors to the continent.

When it comes to allegations of sexual harassment and assault in the Antarctic, all possible measures must be taken to ensure the safety of all researchers in the remote outposts while they conduct and facilitate important research. To this end, any efforts to purposefully provide inaccurate information to Congress and to obstruct NSF OIG's investigation into this matter cannot be allowed. To assist in this, we ask that Leidos provide an addendum to Ms. Naehrer's response to the Committee's QFRs; provide evidence of Leidos instructing all employees and subcontractors within its purview to assist the IG in their efforts; and answer the following questions by May 12, 2023.

1. How many allegations of sexual harassment and assault have you received since taking over the ASC contract? How many of those allegations were investigated and what were the timelines for those investigations? How many of those investigations resulted in findings of wrongdoing or violation of Leidos policy or procedures? What sanctions were imposed in those cases with findings of wrongdoing or a violation of policy?
2. Have you been made aware of any additional allegations of sexual harassment and assault since sharing your QFR responses with the Committee in January 2023? Have there been any additional findings or reports since your testimony in December 2022?
3. How have you communicated to your employees that they are required to cooperate with the OIG's investigation? How are you ensuring all staff are aware of this requirement?
4. What methods have you used to communicate to subcontractors the requirement for compliance with NSF OIG's investigation? What policies/contracts have you modified to ensure cooperation with the OIG?
5. What is your process for informing NSF of new allegations?

6. Are you informing NSF of incidents that result in lifetime bans for individuals who violate your code-of-conduct policies? Are you sharing the names of individuals who have been banned?
7. How are you considering and incorporating the recommendations and best practices identified in reports regarding sexual harassment and assault for the USAP, including the SAHPR report and OIG white paper?

If you have any questions, please contact Cate Johnson or Daniel Boatright 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 Space, Science, and
Technology



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

cc: Ms. Allison Lerner, Inspector General, National Science Foundation