

Union Calendar No. 284

117TH CONGRESS
2^D SESSION

H. R. 3952

[Report No. 117-373, Part I]

To strengthen the role of the Chief Scientist of the National Oceanic and Atmospheric Administration in order to promote scientific integrity and advance the Administration's world-class research and development portfolio.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2021

Ms. SHERRILL (for herself and Mr. FEENSTRA) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 16, 2022

Additional sponsors: Ms. JOHNSON of Texas, Mr. KILDEE, Ms. NORTON, Ms. SPANBERGER, Mr. HUFFMAN, Mr. LAMB, Ms. ROSS, Ms. MOORE of Wisconsin, Mr. CASTEN, Mrs. FLETCHER, Mr. RUSH, and Mr. CARTER of Louisiana

JUNE 16, 2022

Reported from the Committee on Science, Space, and Technology with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 16, 2022

Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 16, 2021]

A BILL

To strengthen the role of the Chief Scientist of the National Oceanic and Atmospheric Administration in order to promote scientific integrity and advance the Administration's world-class research and development portfolio.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “NOAA Chief Scientist*
5 *Act”.*

6 **SEC. 2. AMENDMENT TO REORGANIZATION PLAN NO. 4 OF**
7 **1970 RELATING TO CHIEF SCIENTIST OF THE**
8 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
9 **MINISTRATION.**

10 *(a) IN GENERAL.—Subsection (d) of section 2 of Reor-*
11 *ganization Plan No. 4 of 1970 (5 U.S.C. App) is amended*
12 *to read as follows:*

13 *“(d)(1) There is in the Administration a Chief Sci-*
14 *entist of the National Oceanic and Atmospheric Adminis-*
15 *tration (in this subsection referred to as the ‘Chief Sci-*
16 *entist’), who shall be selected by the Administrator and com-*
17 *pensated at the rate now or hereafter provided for Level*
18 *V of the Executive Schedule pursuant to section 5316 of title*
19 *5, United States Code. In selecting a Chief Scientist, the*
20 *Administrator shall give due consideration to any rec-*
21 *ommendations for candidates which may be submitted by*
22 *the National Academies of Sciences, Engineering, and Med-*
23 *icine, the National Oceanic and Atmospheric Administra-*
24 *tion Science Advisory Board, and other widely recognized,*
25 *reputable, and diverse United States scientific or academic*

1 *bodies, including minority serving institutions or other*
2 *such bodies representing underrepresented populations. The*
3 *Chief Scientist shall be the principal scientific adviser to*
4 *the Administrator on science and technology policy and*
5 *strategy, as well as scientific integrity, and shall perform*
6 *such other duties as the Administrator may direct. The*
7 *Chief Scientist shall be an individual who is, by reason of*
8 *scientific education and experience, knowledgeable in the*
9 *principles of scientific disciplines associated with the work*
10 *of the Administration, and who has produced work of sci-*
11 *entific merit through an established record of distinguished*
12 *service and achievement.*

13 “(2) *The Chief Scientist shall—*

14 “(A) *adhere to any agency or department sci-*
15 *entific integrity policy and—*

16 “(i) *provide written consent to all applica-*
17 *ble scientific integrity and other relevant science*
18 *and technology policies of the Administration*
19 *prior to serving in such position, with such writ-*
20 *ten consent to be made available on a publicly*
21 *accessible website of the Administration;*

22 “(ii) *in conjunction with the Administrator*
23 *and other members of Administration leadership,*
24 *undergo all applicable training programs of the*
25 *Administration which inform employees of their*

1 *rights and responsibilities regarding the conduct*
2 *of scientific research and communication with*
3 *the media and the public regarding scientific re-*
4 *search; and*

5 *“(iii) in coordination with the Adminis-*
6 *trator and other members of Administration*
7 *leadership, make all practicable efforts to ensure*
8 *Administration employees and contractors who*
9 *are engaged in, supervise, or manage scientific*
10 *activities, analyze or communicate information*
11 *resulting from scientific activities, or use sci-*
12 *entific information in policy, management, or*
13 *regulatory decisions, adhere to established sci-*
14 *entific integrity policies of the Administration;*

15 *“(B) provide policy and program direction for*
16 *science and technology priorities of the Administra-*
17 *tion and facilitate integration and coordination of re-*
18 *search efforts across line offices of the Administration,*
19 *with other Federal agencies, and with the external sci-*
20 *entific community, including through—*

21 *“(i) leading the development of a science*
22 *and technology strategy of the Administration*
23 *and issuing policy guidance to ensure that over-*
24 *arching Administration policy is aligned with*
25 *science and technology goals and objectives;*

1 “(ii) chairing the National Oceanic and At-
2 mospheric Administration Science Council and
3 serving as a liaison to the National Oceanic and
4 Atmospheric Administration Science Advisory
5 Board;

6 “(iii) providing oversight to ensure—

7 “(I) the Administration funds high
8 priority and mission-aligned science and
9 technology development, including through
10 partnerships with the private sector, Coop-
11 erative Institutes, academia, nongovern-
12 mental organizations, and other Federal
13 and non-Federal institutions; and

14 “(II) there is no unnecessary duplica-
15 tion of such science and technology develop-
16 ment;

17 “(iv) ensuring the Administration attracts,
18 retains, and promotes world class scientists and
19 researchers from diverse backgrounds, experi-
20 ences, and expertise;

21 “(v) promoting the health and professional
22 development of the Administration’s scientific
23 workforce, including by promoting efforts to re-
24 duce assault, harassment, and discrimination

1 *that could hamper such health and development;*
2 *and*

3 *“(vi) ensuring coordination across the sci-*
4 *entific workforce and its conduct and applica-*
5 *tion of science and technology with the Adminis-*
6 *tration’s most recent Diversity and Inclusion*
7 *Strategic Plan;*

8 *“(C) under the direction of the Administrator,*
9 *promote, communicate, and advocate for the Adminis-*
10 *tration’s science and technology portfolio and strategy*
11 *to the broad domestic, Tribal, and international com-*
12 *munities and Congress, represent the Administration*
13 *in promoting and maintaining good public and com-*
14 *munity relations, and provide the widest practical*
15 *and appropriate dissemination of science and tech-*
16 *nology information concerning the full range of the*
17 *Administration’s earth system authorities;*

18 *“(D) manage an Office of the Chief Scientist—*

19 *“(i) which shall be staffed by Federal em-*
20 *ployees of the Administration detailed to the of-*
21 *fice on a rotating basis, in a manner that pro-*
22 *motates diversity of expertise, background, and to*
23 *the extent practicable, ensures that each line of-*
24 *fice of the Administration is represented in the*
25 *Office over time;*

1 “(ii) in which there shall be a Deputy Chief
2 Scientist, to be designated by the Administrator
3 or Acting Administrator from among the Assist-
4 ant Administrators on a rotational basis, as ap-
5 propriate to their backgrounds or expertise, who
6 shall advise and support the Chief Scientist and
7 perform the functions and duties of the Chief
8 Scientist for not more than one year in the event
9 the Chief Scientist is unable to carry out the du-
10 ties of the Office, or in the event of a vacancy
11 in such position; and

12 “(iii) which may utilize contractors pursu-
13 ant to applicable laws and regulations, and offer
14 opportunities to fellows under existing programs;
15 and

16 “(E) not less frequently than once each year, in
17 coordination with the National Oceanic and Atmos-
18 pheric Administration Science Council, produce and
19 make publicly available a report that—

20 “(i) describes the Administration’s imple-
21 mentation of the science and technology strategy
22 and scientific accomplishments from the past
23 year;

1 “(ii) details progress toward goals and chal-
2 lenges faced by the Administration’s science and
3 technology portfolio and scientific workforce;

4 “(iii) provides a summary of Administra-
5 tion-funded research, including—

6 “(I) the percentage of Administration-
7 funded research that is funded
8 intramurally;

9 “(II) the percentage of Administration-
10 funded research that is funded
11 extramurally, including the relative propor-
12 tion of extramural research that is carried
13 out by—

14 “(aa) the private sector;

15 “(bb) Cooperative Institutes;

16 “(cc) academia;

17 “(dd) nongovernmental organiza-
18 tions; and

19 “(ee) other categories as necessary;

20 and

21 “(III) a summary of Administration-
22 funded research that is transitioned to oper-
23 ations, applications, commercialization,
24 and utilization; and

1 “(iv) provides reporting on scientific integ-
2 rity actions, including by specifying the aggre-
3 gate number of scientific and research mis-
4 conduct cases, the number of consultations con-
5 ducted, the number of allegations investigated,
6 the number of findings of misconduct, and a
7 summary of actions in response to such findings.

8 “(3) Nothing in this subsection may be construed as
9 impeding the ability of the Administrator to select any per-
10 son for the position of Chief Scientist the Administrator de-
11 termines is qualified to serve in such position.”.

12 (b) SAVING CLAUSE.—The individual serving as Chief
13 Scientist of the National Oceanic and Atmospheric Admin-
14 istration on the day before the date of the enactment of this
15 Act may continue to so serve until such time as the Admin-
16 istrator of the National Oceanic and Atmospheric Adminis-
17 tration selects such a Chief Scientist in accordance with
18 subsection (d) of section 2 of Reorganization Plan No. 4
19 of 1970 (5 U.S.C. App), as amended by subsection (a).

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