

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3952

[Report No. 117-]

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.

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## 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

MAY --, 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*]

[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                           *motes 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).