

117TH CONGRESS
2D SESSION

H. R. 3952

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “NOAA Chief Scientist
3 Act”.

4 **SEC. 2. AMENDMENT TO REORGANIZATION PLAN NO. 4 OF**
5 **1970 RELATING TO CHIEF SCIENTIST OF THE**
6 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**
7 **MINISTRATION.**

8 (a) IN GENERAL.—Subsection (d) of section 2 of Re-
9 organization Plan No. 4 of 1970 (5 U.S.C. App) is amend-
10 ed to read as follows:

11 “(d)(1) There is in the Administration a Chief Sci-
12 entist of the National Oceanic and Atmospheric Adminis-
13 tration (in this subsection referred to as the ‘Chief Sci-
14 entist’), who shall be selected by the Administrator and
15 compensated at the rate now or hereafter provided for
16 Level V of the Executive Schedule pursuant to section
17 5316 of title 5, United States Code. In selecting a Chief
18 Scientist, the Administrator shall give due consideration
19 to any recommendations for candidates which may be sub-
20 mitted by the National Academies of Sciences, Engineer-
21 ing, and Medicine, the National Oceanic and Atmospheric
22 Administration Science Advisory Board, and other widely
23 recognized, reputable, and diverse United States scientific
24 or academic bodies, including minority serving institutions
25 or other such bodies representing underrepresented popu-
26 lations. The Chief Scientist shall be the principal scientific

1 adviser to the Administrator on science and technology
2 policy and strategy, as well as scientific integrity, and shall
3 perform such other duties as the Administrator may di-
4 rect. The Chief Scientist shall be an individual who is, by
5 reason of scientific education and experience, knowledge-
6 able in the principles of scientific disciplines associated
7 with the work of the Administration, and who has pro-
8 duced work of scientific merit through an established
9 record of distinguished service and achievement.

10 “(2) The Chief Scientist shall—

11 “(A) adhere to any agency or department sci-
12 entific integrity policy and—

13 “(i) provide written consent to all applica-
14 ble scientific integrity and other relevant
15 science and technology policies of the Adminis-
16 tration prior to serving in such position, with
17 such written consent to be made available on a
18 publicly accessible website of the Administra-
19 tion;

20 “(ii) in conjunction with the Administrator
21 and other members of Administration leader-
22 ship, undergo all applicable training programs
23 of the Administration which inform employees
24 of their rights and responsibilities regarding the
25 conduct of scientific research and communica-

tion with the media and the public regarding scientific research; and

“(iii) in coordination with the Administrator and other members of Administration leadership, make all practicable efforts to ensure Administration employees and contractors who are engaged in, supervise, or manage scientific activities, analyze or communicate information resulting from scientific activities, or use scientific information in policy, management, or regulatory decisions, adhere to established scientific integrity policies of the Administration;

“(B) provide policy and program direction for science and technology priorities of the Administration and facilitate integration and coordination of research efforts across line offices of the Administration, with other Federal agencies, and with the external scientific community, including through—

“(i) leading the development of a science and technology strategy of the Administration and issuing policy guidance to ensure that overarching Administration policy is aligned with 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 devel-
16 opment;

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 develop-
2 ment; and

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

8 “(C) under the direction of the Administrator,
9 promote, communicate, and advocate for the Admin-
10 istration’s science and technology portfolio and
11 strategy to the broad domestic, Tribal, and inter-
12 national communities and Congress, represent the
13 Administration in promoting and maintaining good
14 public and community relations, and provide the
15 widest practical and appropriate dissemination of
16 science and technology information concerning the
17 full range of the Administration’s earth system au-
18 thorities;

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

20 “(i) which shall be staffed by Federal em-
21 ployees of the Administration detailed to the of-
22 fice on a rotating basis, in a manner that pro-
23 motes diversity of expertise, background, and to
24 the extent practicable, ensures that each line of-

1 fice of the Administration is represented in the
2 Office over time;

3 “(ii) in which there shall be a Deputy
4 Chief Scientist, to be designated by the Admin-
5 istrator or Acting Administrator from among
6 the Assistant Administrators on a rotational
7 basis, as appropriate to their backgrounds or
8 expertise, who shall advise and support the
9 Chief Scientist and perform the functions and
10 duties of the Chief Scientist for not more than
11 one year in the event the Chief Scientist is un-
12 able to carry out the duties of the Office, or in
13 the event of a vacancy in such position; and

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

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

22 “(i) describes the Administration’s imple-
23 mentation of the science and technology strat-
24 egy and scientific accomplishments from the
25 past year;

“(ii) details progress toward goals and challenges faced by the Administration’s science and technology portfolio and scientific workforce;

“(iii) provides a summary of Administration-funded research, including—

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

“(II) the percentage of Administration-funded research that is funded extramurally, including the relative proportion of extramural research that is carried out by—

“(aa) the private sector;

“(bb) Cooperative Institutes;

“(cc) academia;

“(dd) nongovernmental organizations; and

“(ee) other categories as necessary; and

“(III) a summary of Administration-funded research that is transitioned to operations, applications, commercialization, 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 find-
8 ings.

9 “(3) Nothing in this subsection may be construed as
10 impeding the ability of the Administrator to select any
11 person for the position of Chief Scientist the Adminis-
12 trator determines is qualified to serve in such position.”.

13 (b) SAVING CLAUSE.—The individual serving as
14 Chief Scientist of the National Oceanic and Atmospheric
15 Administration on the day before the date of the enact-
16 ment of this Act may continue to so serve until such time
17 as the Administrator of the National Oceanic and Atmos-
18 pheric Administration selects such a Chief Scientist in ac-
19 cordance with subsection (d) of section 2 of

- 1 Reorganization Plan No. 4 of 1970 (5 U.S.C. App), as
- 2 amended by subsection (a).

Passed the House of Representatives July 27, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.