

INTRODUCTION

The Act that created the Office of Technology Assessment (OTA) was signed into law in October 1972, but it was not until November 1973 that funds were available for the operation of the Office. Nevertheless, a very brief report was submitted to the Congress on March 15, 1973, and was published in the Congressional Record. The following report highlights the events that have taken place over the past year, as well as providing general background information.

L BACKGROUND

The Office of Technology Assessment consists of a Congressional Board; a Director, Deputy Director and other employees; and a citizens Advisory Council. The Board consists of six Senators and six Representatives, who are appointed by the Speaker of the House and the President pro tempore of the Senate. The Director of the Office is also a nonvoting member of the Board. The Advisory Council consists of ten private citizens and, in addition, the Director of the Congressional Research Service, Library of Congress, and the Comptroller General of the United States.

Appropriations Activities

The Office was created by the Technology Assessment Act of 1972 (P.L. 92484), and the Board began its activity in the first session of the 93d Congress. At their April meeting in 1973 the Board members discussed a proposed budget for Fiscal Year 1974 (a budget of \$3,980,000 was later recommended to the Senate Appropriations Committee), the nomination of the Director, and a procedure for appointing the public members of the Advisory Council.

The Legislative Branch Appropriation Bill for fiscal year 1974 (H.R. 6691) was passed in the House on April 17, 1973, but included no funds for the OTA. However, the House Appropriations Committee noted in its report that the OTA's Board had not been able to complete action on a proposed budget in time for their consideration. Representative John W. Davis elaborated on the statement during floor consideration of the Fiscal Year 1974 appropriations bill:

We on the Board . . . do wish to point out that a request will be made to include such funding when the bill is in the Senate committee and that funds for OTA are expected to be included in the final act.¹

¹ Davis, John. FY 1974 Legislative branch appropriations. Remarks in the House. Congressional Record [daily edition] Apr. 17, 1973 : H2829-2830.

In May 1973, the Board submitted a request for \$289,000 to the Senate Subcommittee on Legislative Appropriations, during their consideration of Fiscal Year 1973 *supplemental* appropriations (H.R. 7447). This same amount was reported by the Senate Appropriations Committee, but the requested appropriation was deleted in conference by amendment No. 47 (H. Rept. No. 93-295) to the supplemental bill.

The Senate Committee on Appropriations heard testimony from Senator Kennedy and other members of OTA's Board on May 9 and June 20, 1973. The committee recommended an appropriation of \$3,980,000 for fiscal year 1974 in its final report on H.R. 6691 and this amount was included in the Senate passage of the bill on July 19, 1973.

A Committee of Conference was appointed in the following weeks to resolve the differences between the House and Senate versions of H.R. 6691. Their final report was submitted to both Houses on October 11, 1973. Amendment No. 43 in the conference report reduced the appropriation to \$2,000,000 for salaries and expenses of the OTA. The conference report was approved by the House and the Senate in the next week, and was signed by the President on November 1, 1973, thus making funds available to the OTA through June 30, 1974.

Legislative History of the Technology Assessment Act

The Act authorizing the creation of the Office of Technology Assessment (P.L. 92484) resulted from a series of bills under Congressional consideration. The first bill was introduced in the House by Rep. Emilio Daddario on March 7, 1967, and was referred to the House Science and Astronautics Committee. Over four years later, on August 16, 1971, this same committee reported H.R. 10243, the third major bill which evolved from Congressman Daddario's original proposal. H.R. 10243 was taken up and considered by the House on February 8, 1972. After some debate, the bill was amended and passed on a roll call vote (yeas-256, nays-118, not voting—57).

The House bill and a companion bill (S. 2302) were considered by the Senate Subcommittee on Computer Services of the Committee on Rules and Administration during their hearings on technology assessment legislation on March 2, 1972. The Senate Committee voted unanimously to report H.R. 10243, with an amendment' in the nature of a substitute, on September 13, 1972. This legislation passed the Senate by unanimous voice vote the next day, and a conference was later scheduled to resolve the differences between the Senate and House versions. Conferees from both Houses met on September 21 and agreed' to an amended version. Both Houses thereafter agreed to the conference report on H.R. 10243, and the President signed the Technology Assessment Act of 1972 on October 13, 1972.

Summary of the Act ²

The Technology Assessment Act of 1972 (P.L. 92-484) establishes an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application. The bill also amends the National Science Foundation Act of 1950.

Purpose. The purpose of the legislation is to provide a new and effective means for Congress to secure competent, unbiased information concerning the physical, biological, economic, social, and political effects of the increasingly extensive and larger applications of technology. This information is then to be used as one factor in the decisionmaking process in the legislative branch, particularly in those areas where Congress must manage or regulate technological applications.

As created by the legislation, the office of Technology Assessment is an agency within and responsible to the legislative branch of the Government. Prior to the establishment of OTA, the General Accounting Office was the last legislative office created by Congress; it was established in 1921.

The basic function of the Office is to provide "early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress." Eight specific activities are listed below which are identified in the legislation as the means to carrying out this function. The Office shall:

- (1) identify existing or probable impacts of technology or technological programs;
- (2) where possible, ascertain cause-and-effect relationships;
- (3) identify alternative technological methods of implementing specific programs;
- (4) identify alternative programs for achieving requisite goals;
- (5) make estimates and comparisons of the impacts of alternative methods and programs;
- (6) present findings of completed analyses to the appropriate legislative authorities;
- (7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described above;
- (8) undertake such additional associated activities as the appropriate authorities specified below may direct.

²See Appendix A for the complete text of the Technology Assessment Act.

Section 3 in the Technology Assessment Act notes that assessments may be undertaken by the Office upon the request initiated by the chairman of any standing, special, select, or joint committee of Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members. The Board itself may initiate assessments, and the Director, in consultation with the Board, also has this authority.

Assessments made by the Office, including all background and supplementary information, shall be made available to the initiating committee or other appropriate committees of the Congress. These supporting studies may also be made available to the public except in those instances where to do so would violate security statutes or the exceptions noted in the Freedom of Information Act (U. S. C., Title 5, section 552(b)).

The Board

The Board, which is responsible for formulating the overall policies of OTA, selects a Chairman and a Vice Chairman from among its members at the beginning of each Congress. Both these officers alternate between the Senate and the House of Representatives with each Congress. During the even-numbered Congresses, the Chairman is selected by the members from the House of Representatives on the Board, and during the odd-numbered Congresses, by the Senate members of the Board. The Vice Chairman during each session is chosen in the same manner, but shall not be from the same House of Congress as the Chairman. The Board has the power to issue subpoenas upon the vote of a majority of its members.

Executive Officers. The officials of the Office of Technology Assessment are defined in section 5 of the legislation. The Director of the Office is the chief executive; he is appointed by the Board for a term of 6 years, unless sooner removed by the Board. He receives basic pay at the rate provided for level III of the Executive Schedule (this is comparable in level to, for example, the Solicitor General of the United States, Under Secretaries of most Cabinet-level Departments, and the Chairmen of the Federal Power and Federal Trade Commissions). The Director has the authority to exercise his statutory powers and duties and may exercise such additional powers and duties as may be delegated to him by the Board. With the approval of the Board, the Director appoints a Deputy Director whose rank is at level IV of the Executive Schedule (this is the equivalent level of Assistant Secretaries of the Departments of the Executive Branch and members of regulatory commissions).

Authority. The Office has the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act. This authority includes the right to seek advice

from persons and organizations outside the Office, public or private, and to form special ad hoc task forces or other arrangements when appropriate. The Office may enter into contracts or other arrangements with any agency or instrumentality of the United States, with any State, Territory, or possession or any political subdivision thereof. Contracts may also be arranged with any person, firm, association, corporation, or educational institution. These contracts maybe negotiated as necessary for the conduct of the work of the Office.

In carrying out the provisions of this Act, the Office may not itself operate any laboratories, pilot plants, or test facilities. The Office may request and is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this Act.

In accordance with such policies as the Board prescribes, the Director appoints and fixes the compensation of such personnel as may be necessary to carry out the provisions of this Act.

The Advisory Council. The Council, which serves in an advisory capacity to the Office and its Congressional Board, is composed of 12 members, as follows:

- (1) ten members from the public, appointed by the Board; these persons shall be eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;
- (2) the Comptroller General; and
- (3) the Director of the Congressional Research Service of the Library of Congress.

The term of each nongovernmental Council member is 4 years and no such person will be appointed a member more than twice. The terms of these members are staggered so as to establish a rotating membership according to such method as the Board may devise. These nongovernmental members of the Council are compensated for each day engaged in the actual performance of Council duties at rates of pay not in excess of the basic daily pay rate set forth in the General Schedule of section 5332(a) of title 5, United States Code. They are additionally reimbursed for travel, subsistence and other necessary expenses.

Congressional Research Service, General Accounting Office, and National Science Foundation. Both the Congressional Research Service of the Library of Congress and the General Accounting Office are authorized by the Technology Assessment Act to provide such services and assistance to the Office of Technology Assessment as may