Appendix D

Technology Assessment Act of 1972

Public Law 92-484
92nd Congress, H. R. 10243
October 13, 1972

An Act

To establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technology Assessment Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that:
(a) As technology continues to change and expand rapidly, its applications are—
(1) large and growing in scale; and
(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.
(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.
(c) The Congress further finds that:
(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequately timely information independently developed relating to the potential impact of technological applications, and
(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.
(d) Accordingly, it is necessary for the Congress—
(1) to equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and
(2) to utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the findings and declaration of purpose in section 2, the Congress hereby creates the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be with it and responsible to the legislative branch of the Government.
(b) The Office shall consist of a Technology Assessment Board Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and assessment program, the policies of the Office, and a Director who shall carry Board, out its policies and duties in the operation of the Office.
(c) The basic function of the Office shall be to provide early indication and assessment of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:
(1) identify existing or probable impacts of technology and technological programs;
annually in the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate any security statutes or regulations; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

TECHNOLOGY ASSESSMENT BOARD

Membership.

Sec. 4. (a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress, the chairman of the Board during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen by the same manner from that House of Congress of which the chairman is of the Board, except with the approval of the Board.

(d) The Board is authorized to sit and act at such times during the sessions, recesses, and adjourned periods of Congress, and upon a vote of a majority of its members, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board is present.

(e) Assessments made by the Office shall be submitted to the Joint Committee on Legislative Organization, and where—

(1) to do so would violate any security statutes or regulations; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

(f) The Board shall report its recommendations to the Congress not later than one hundred and eighty days following receipt of the request of a joint committee of Congress, or of the House or Senate, or of the Appropriations Committees of the House and Senate, for such assessments.

(g) Assessments made by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of Congress, of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members; or

(2) the Board; or

(3) the Director, in consultation with the Board.

(h) The Board may make estimates and comparisons and issue its findings and recommendations to the public except where—

(1) to do so would violate any security statutes or regulations; or

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Directors

Sec. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315(f) of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director may prescribe and who shall be Acting Director during

(c) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315(f) of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocations, or employment than that of serving as such Director or Deputy Director, as the case may be, nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangements under this Act.

Authority of this office

Sec. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentalities of the United States, with any State or territory,
The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act.


(1) The Council upon request by the Board, shall—
   (A) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 3(d).
   (B) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and
   (C) undertake such additional related tasks as the Board may direct.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a) (1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) The term of office of each member of the Council appointed under subsection (a) (1) shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be allowed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a) (1) more than twice. Terms of the members appointed under subsection (a) (1) shall staggered so as to establish a rotating membership according to such method as the Board may devise.

(e) (1) The members of the Council other than those appointed under subsection (a) (1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and in carrying out the provisions of sections 5702 and 5704 of title 5, United States Code, and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subsection 1 of chapter 57 of title 5, United States Code, and regulations promulgated thereunder.
   (2) The members of the Council appointed under subsection (a) (1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of other members of the Council under paragraph (1) of this subsection.

Utilization of the: Library of Congress

Sec. 7. (a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the “Council”). The Council shall be composed of the following twelve members:

(1) two members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, social sciences or engineering or experienced in the administration of technological activities, or who may be qualified to advise 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.
Sec. 12. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.


LEGISLATIVE HISTORY

Hearings 92-469 (Comm. on Science and Astronautics) and Senate Report No. 92-1436 (Committee on Commerce).

CONGRESSIONAL RECORD, Vol. 118, Part 3 (1972):

Pet., 8, p. 1073 and placed on House side.

Sept. 19, marked for postling by Senate. Amended.

Sept. 22, Senate agreed to conference report.

Oct. 4, House agreed to conference report.

ANNUAL REPORT

Sec. 11. The office shall submit to the Congress an annual report which shall include, but not be limited to: (a) a statement of the legislation and regulations enacted or promulgated during the year; (b) a report on the activities of the Office during the year; (c) a statement of the appropriations made by Congress for the Office during the year; and (d) a statement of the financial condition of the Office at the close of the year.