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ELECTRIC AND MAGNETIC FIELDS RESEARCH AND PUBLIC INFORMATION DISSEMINATION

APRIL 21, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLILEY, from the Committee on Commerce, submitted the following

REPORT

[To accompany H.R. 363]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 363) to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

39–006

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AMENDMENTS.

Section 2118 of the Energy Policy Act of 1992 (42 U.S.C. 13478) is amended in subsections (c)(5), (e)(5), (g)(3)(B), (j)(1), and (l) by striking "1997" each place it appears and inserting in lieu thereof "1998".

PURPOSE AND SUMMARY

The purpose of H.R. 363 is to amend section 2118 of the Energy Policy Act of 1992 and extend the Electric and Magnetic Fields Research and Public Information Dissemination program.

BACKGROUND AND NEED FOR LEGISLATION

Section 2118 of the Energy Policy Act of 1992 (EPAct) authorized the Electric and Magnetic Fields (EMF) Research and Public Information Dissemination (RAPID) program. This program was established as a response to ongoing public concerns about the possible adverse health effects resulting from exposure to EMF. The objectives of the RAPID program are to: (1) determine whether or not exposure to EMF produced by the generation, transmission, and use of electric energy affects human health; (2) carry out research, development, and demonstration with respect to technologies to mitigate any adverse human health effects; and (3) provide for dissemination of information to the public. This research program is conducted jointly by the Department of Energy and the National Institute of Environmental Health Sciences (NIEHS).

The RAPID program provides for improved coordination of the EMF programs of various Federal agencies. The EPAct directed the President to establish an Interagency Committee composed of representatives from nine Federal agencies: the Department of Energy; the National Institute of Environmental Health Sciences; the Environmental Protection Agency; the Department of Defense; the Occupational Safety and Health Administration; the National Institute of Standards and Technology; the Department of Transportation, the Rural Utilities Service; and the Federal Energy Regulatory Commission. This coordination effort was established by the EPAct out of recognition that Federal agencies had been distributing conflicting information. Since its inception, the interagency coordination effort seems to have been effective. The EPAct also established a National Electric and Magnetic Fields Advisory Committee to make recommendations to the Interagency Committee.

The EMF RAPID program was authorized by the EPAct at a level of $65 million for the period FY 1993–FY 1997. However, because the EPAct was enacted after the completion of the FY 1993 appropriations cycle, the program did not receive funding until FY 1994. Since the authorization expires at the end of FY 1997, the program will terminate after four years, instead of the five-year period originally envisioned. The program is currently on target and meeting its goals, but the fifth year of funding for the program would permit the program to proceed to its appropriate conclusion. According to testimony presented at the hearing held by the Subcommittee on Energy and Power, termination of the program after four years would make it very difficult to achieve the goals Congress established in 1992.

The EPAct requires the Interagency Committee to submit to Congress a final report stating the Committee's findings and conclusions on the effects, if any, of EMF on human health and remedial actions, if any, that may be needed to minimize any such health effects. The EMF RAPID research program, which was developed by the Interagency Committee with input from the EMF Advisory Committee, is based on five years of funding. Significantly, the research program is moving into the risk assessment stage, which is the area of greatest public concern. NIEHS has developed the strategy for evaluating data related to EMF health effects research. The risk assessment strategy is expected to provide the RAPID program with a competent review and evaluation of the EMF health research. Researchers and stakeholders believe that if the RAPID program is not extended through FY 1998, the credibility achieved so far will be jeopardized.

Termination of the RAPID program after the fourth year will also have an impact on the effectiveness of the public information dissemination program. Plainly, the most significant area of public interest in EMF is information relating to the possible human health effects of EMF exposure. However, risk assessment is the focus of the fifth year of the RAPID research program. According to testimony presented at the hearing held by the Subcommittee on Energy and Power, termination of the RAPID program before the completion of the program's risk assessment research will diminish the value of the public information dissemination program.

Significantly, the cost of the RAPID program will be much less than originally projected. As indicated above, the program was authorized at $65 million over the period FY 1993–FY 1997. However, it is now projected that a five-year RAPID program will cost nearly $20 million less than originally estimated—about $46 million instead of $65 million. In addition, the RAPID program is a cost-share program. Fifty percent of the funding for the RAPID program comes from non-Federal sources, including electric utilities, equipment manufacturers, realtors, and other interested parties. Over the course of the five-year authorization, the Federal government and the non-Federal contributors to the program will each provide $23 million for the RAPID program. A $4 million Federal appropriation will be sought for the concluding fifth year of the program. That appropriation will be matched by a non-Federal contribution in the same amount.

HEARINGS

The Subcommittee on Energy and Power held a hearing on H.R. 363 on February 26, 1997. The Subcommittee received testimony from Mr. Eric Fygi, Deputy General Counsel, U.S. Department of Energy; and Mr. Charles Boeggeman, Senior Engineer, PECO Energy Company, on behalf of the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, and the National Electrical Manufacturers Association.

COMMITTEE CONSIDERATION

On February 26, 1997, the Subcommittee on Energy and Power met in open markup session and approved H.R. 363 for Full Committee consideration, amended, by a voice vote.

The Full Committee met in open markup session on March 5, 1997, and ordered H.R. 363 reported to the House, as amended, by a voice vote.

ROLLCALL VOTES

Clause 2(l)(2)(B) of rule XI of the Rules of the House requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 363 reported. A motion by Mr. Bliley to order H.R. 363 reported to the House, as amended, was agreed to by a voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee held a legislative hearing and made findings that are reflected in this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Pursuant to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform and Oversight.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee finds that H.R. 363 would result in no new or increased budget authority or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 363, a bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathleen Gramp.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 363—A bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program

Summary: H.R. 363 would provide a one-year extension for a multiyear initiative focused on the health effects of electric and magnetic fields. This interagency research effort, which is funded jointly with the private sector, is administered by the Department of Energy (DOE). The current authorization allows the appropriation of up to $65 million over a multiyear period ending in 1997, provided that nonfederal sources match the federal funds. Since the program's inception in 1993, appropriations have totaled $20 million and have been matched by a corresponding amount of nonfederal support. Enacting this bill would enable the program to receive funding through 1998, subject to the conditions in existing law.

Assuming funds are appropriated for these activities in 1998, CBO estimates that enacting H.R. 363 would result in additional discretionary spending of $4 million over the 1998–2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 363 is shown in the table on the following page. For purposes of this estimate, CBO assumes that appropriations for this program would total $4 million in 1998, the amount provided under current law for 1997, and that this amount would be matched by nonfederal sources. We assume outlays would follow historical spending patterns for such research and assessment activities at DOE.

	By fiscal year, in millions of dollars—					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget authority [1]	4	0	0	0	0	0
Estimated outlays	5	2	1	0	0	0
Proposed Changes:						
Authorization level	0	4	0	0	0	0
Estimated outlays	0	2	1	1	0	0
Spending Under H.R. 363:						
Authorization level [1]	4	4	0	0	0	0
Estimated outlays	5	4	2	1	0	0

[1] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 270 (energy).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 363 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would not impose any costs on state, local, or tribal governments.

Estimate prepared by: Kathleen Gramp.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

Pursuant to section 423 of the Unfunded Mandates Reform Act, the Committee finds that the bill contains no private-sector or intergovernmental mandates and agrees with the Director of the Congressional Budget Office that the bill would not impose any cost on State, local or tribal governments.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

SECTION 1. AMENDMENTS

This section amends section 2118 of the Energy Policy Act of 1992 (42 U.S.C. 13478) by striking "1997" in subsections (c)(5),

(e)(5), (g)(3)(B), (j)(1), and (l) and inserting in lieu thereof "1998." The amendment to subsection (c)(5) changes the date when the Director of the National Institute of Environmental Health Sciences is directed to report to the Interagency Committee and the Congress on the extent to which exposure to electric and magnetic fields produced by the generation, transmission, or use of electric energy affects human health from March 31, 1997, to March 31, 1998. The amendment to subsection (e)(5) changes the date when the National Electric and Magnetic Fields Advisory Committee terminates from December 31, 1997, to December 31, 1998. The amendment to subsection (g)(3)(B) changes the date when the Interagency Committee is directed to submit its final report to the Secretary of Energy and the Congress from no later than September 30, 1997, to no later than September 30, 1998. The amendment to subsection (j)(1) changes the general authorization for the RAPID program from FY 1993–FY 1997 to FY 1993–FY 1998. The amendment to subsection (l) changes the sunset for the RAPID program from December 31, 1997, to December 31, 1998.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 2118 OF THE ENERGY POLICY ACT OF 1992

SEC. 2118. ELECTRIC AND MAGNETIC FIELDS RESEARCH AND PUBLIC INFORMATION DISSEMINATION PROGRAM.

(a) * * *

* * * * * * *

(c) ROLE OF THE DIRECTOR.—

(1) * * *

* * * * * * *

(5) REPORT.—The Director shall report, by June 1, 1995, and by March 31, [1997] *1998*, and as appropriate, to the Interagency Committee established under subsection (d) and to Congress the findings and conclusions of the Director on the extent to which exposure to electric and magnetic fields produced by the generation, transmission, or use of electric energy affects human health.

* * * * * * *

(e) ADVISORY COMMITTEE.—

(1) * * *

* * * * * * *

(5) The Advisory Committee shall terminate not later than December 31, [1997] *1998*.

* * * * * * *

(g) REPORTS.—

(1) * * *

* * * * * * *

(3) REPORT TO CONGRESS.—The Interagency Committee, in consultation with the Advisory Committee, shall submit to the Secretary and the Congress—

(A) not later than December 31, 1995, a report summarizing the progress of the research program established under this subsection; and

(B) not later than September 30, [1997] *1998*, a final report stating the Committee's findings and conclusions on the effects, if any, of electric and magnetic fields on human health and remedial actions, if any, that may be needed to minimize any such health effects.

* * * * * * *

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Secretary a total of $65,000,000 for the period encompassing fiscal years 1993 through [1997] *1998* to carry out the provisions of this section, except that not more than $1,000,000 may be expended in any such fiscal year for activities under subsection (b)(1). Any amounts appropriated pursuant to this paragraph shall remain available until expended.

* * * * * * *

(l) SUNSET PROVISION.—All authority under this section shall expire on December 31, [1997] *1998*.

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