

112TH CONGRESS
2^D SESSION

H. R. 6358

To examine, label, and communicate adverse human biological effects associated with exposure to electromagnetic fields from cell phones and other wireless devices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2012

Mr. KUCINICH (for himself, Ms. PINGREE of Maine, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To examine, label, and communicate adverse human biological effects associated with exposure to electromagnetic fields from cell phones and other wireless devices, and for other purposes.

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 “Cell Phone Right to
5 Know Act”.

6 **SEC. 2. RESEARCH PROGRAM.**

7 (a) IN GENERAL.—The Director and the Adminis-
8 trator, acting jointly, shall conduct or support a com-

1 prehensive research program to determine whether expo-
2 sure to electromagnetic fields from mobile communication
3 devices causes adverse biological effects in humans, includ-
4 ing especially vulnerable subpopulations such as children,
5 pregnant women, those with compromised immune sys-
6 tems and hypersensitivity reactions, men and women of
7 reproductive age, and the elderly.

8 (b) SPECIFIC REQUIREMENTS.—With respect to the
9 possible adverse biological effects in humans from expo-
10 sure to electromagnetic fields from mobile communication
11 devices, the program under subsection (a) shall provide
12 for—

13 (1) the collection, compilation, publication, and
14 dissemination of scientifically valid information;

15 (2) research on mechanisms by which such elec-
16 tromagnetic fields interact with human biological
17 systems; and

18 (3) epidemiological research.

19 (c) DISSEMINATION.—

20 (1) PUBLIC ACCESSIBILITY.—The Director and
21 the Administrator, acting jointly, shall ensure that
22 information and research results under such pro-
23 gram are regularly made widely available to the gen-
24 eral public.

1 (2) REPORTS TO CONGRESS.—On the date that
2 is 4 years after the date of enactment of this Act
3 and on the date that is 8 years after the date of en-
4 actment of this Act, the Director and the Adminis-
5 trator, acting jointly, shall transmit to Congress a
6 report containing the findings and conclusions of the
7 research program under subsection (a).

8 (d) WORKSHOP.—

9 (1) IN GENERAL.—The Director and the Ad-
10 ministrator, acting jointly, shall convene a workshop
11 to assist in the development of a plan for the re-
12 search to be carried out under such program.

13 (2) PARTICIPANTS.—Participants in the work-
14 shop shall include government employees, represent-
15 atives of public interest groups, and representatives
16 from the scientific community with expertise relevant
17 to health issues or other adverse biological effects in
18 humans potentially associated with the exposure to
19 electromagnetic fields from mobile communication
20 devices.

21 (e) CONFLICTS OF INTEREST.—

22 (1) IN GENERAL.—The Director and the Ad-
23 ministrator—

24 (A) may not delegate any responsibility
25 under this section to an officer or employee

1 with any significant conflict of interest relative
2 to research or activities under this section;

3 (B) shall require, as a condition on receipt
4 of assistance for research under this section, an
5 assurance that any person given responsibility
6 to carry out such research will not have any sig-
7 nificant conflict of interest relative to such re-
8 search; and

9 (C) may not, with respect to any such per-
10 son, waive subparagraph (A) or (B) in any case
11 or grant an exemption under section 208(b) of
12 title 18, United States Code.

13 (2) RELATION TO OTHER PROVISIONS.—The re-
14 quirements of paragraph (1) are in addition to the
15 prohibition in section 208(a) of title 18, United
16 States Code, and any other prohibition or require-
17 ment in Federal law relating to conflicts of interest.

18 (3) STATUS OF RESEARCHERS.—Any person
19 who is not a Federal Government employee who per-
20 forms research under the program in subsection (a)
21 shall be considered a special government employee
22 for the purpose of conflict of interest rules, including
23 section 208 of title 18, United States Code.

24 (f) CLARIFICATION OF RESEARCHER ACCESS TO IN-
25 FORMATION.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Federal
3 Communications Commission shall promulgate regu-
4 lations to allow a subscriber to access personally or
5 to give consent to allow researchers with institu-
6 tional review board approval to access specific usage
7 data required to investigate the link between electro-
8 magnetic radiation exposure and potential adverse
9 biological effects in humans.

10 (2) TIME FOR REPLY.—Such regulations shall
11 provide that a company regulated by the Commis-
12 sion from whom a subscriber or a researcher, with
13 the consent of an individual subscriber, requests
14 data in accordance with such regulations shall—

15 (A) respond to and provide such data with-
16 in 30 business days; or

17 (B) be fined not more than \$10,000 per
18 account per day following such 30-day period in
19 accordance with the Communications Act of
20 1934.

21 (3) DATA PROVIDED.—The regulations shall
22 provide that, of the data described in paragraph (1),
23 all relevant data shall be accessible, including the
24 following:

1 (A) With respect to the individual sub-
2 scriber, usage data including the following:

3 (i) The date and time the call or data
4 session began and ended.

5 (ii) The outgoing and incoming phone
6 number.

7 (iii) The carrier modulation, such as
8 GSM, CDMA, UMTS, W-CDMA, or LTE.

9 (iv) The frequency band.

10 (v) The subscriber location.

11 (vi) The number of base stations used.

12 (vii) The amount and rate of data
13 transmitted and received.

14 (viii) The form of data usage, such as
15 text messaging or other data transmission.

16 (B) With respect to the base stations used
17 by each individual subscriber:

18 (i) All base stations used in the call or
19 data session.

20 (ii) The base station identifiers.

21 (iii) The date of installation.

22 (iv) The maximum, the average, the
23 total, and the effective radiated power.

24 (v) The frequencies and modulation.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Director and the
3 Administrator a total of \$50,000,000 per year for the first
4 7 fiscal years that begin after the date of the enactment
5 of this Act to carry out this section.

6 **SEC. 3. MAXIMUM EXPOSURE.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Administrator shall pro-
9 mulgate regulations establishing maximum exposure
10 level goals and maximum exposure levels for expo-
11 sure to electromagnetic fields generated by mobile
12 communication devices.

13 (2) GOALS AND LEVELS.—

14 (A) MAXIMUM EXPOSURE LEVEL GOAL.—A
15 maximum exposure level goal established under
16 paragraph (1) shall be set at the level—

17 (i) at which no known or anticipated
18 adverse human biological effects occur; and

19 (ii) which allows an adequate margin
20 of safety.

21 (B) MAXIMUM EXPOSURE LEVEL.—

22 (i) IN GENERAL.—A maximum expo-
23 sure level established under paragraph (1)
24 shall specify a maximum exposure level

1 which is as close to the maximum exposure
2 level goal as feasible.

3 (ii) SPECIFICATION.—In deriving the
4 maximum exposure levels and maximum
5 exposure level goals, the Administrator
6 may not rely on any human behavior modi-
7 fication, including an expectation of hold-
8 ing the mobile communication device a
9 specified distance away from the head or
10 body.

11 (3) REPRODUCIBILITY.—In promulgating regu-
12 lations under paragraph (1), the Administrator shall
13 ensure that any method of measurement of a max-
14 imum exposure level goal or a maximum exposure
15 level is reproducible by an independent third party.

16 (4) INITIAL GOAL AND LEVEL; PERIODIC RE-
17 VIEW.—Not later than 2 years after the date of en-
18 actment of this Act, the Administrator shall promul-
19 gate final regulations under paragraph (1) estab-
20 lishing initial maximum exposure level goals and
21 maximum exposure levels. Not later than every 2
22 years thereafter, the Administrator shall—

23 (A) review each maximum exposure level
24 goal and maximum exposure level established

1 under paragraph (1), taking into consideration
2 advances in science and technology;

3 (B) publish a determination on whether
4 the goal or level should be revised under such
5 paragraph; and

6 (C) as appropriate, revise the goal or level.

7 (5) CONSIDERATIONS.—In promulgating regu-
8 lations under paragraph (1), the Administrator shall
9 consider and account for—

10 (A) whether any research relied upon by
11 the Administrator was funded by an entity
12 whose profitability could be affected by the out-
13 come;

14 (B) health outcomes, biological effects, and
15 mechanisms, including—

16 (i) sleep disturbance;

17 (ii) depression;

18 (iii) tremors;

19 (iv) headache;

20 (v) dizziness;

21 (vi) fatigue;

22 (vii) irritability;

23 (viii) loss of memory;

24 (ix) loss of appetite;

25 (x) nausea;

- 1 (xi) visual disturbances;
- 2 (xii) hearing loss and tinnitus;
- 3 (xiii) increases in stress proteins;
- 4 (xiv) immune systems alterations;
- 5 (xv) cancers and tumors, including
- 6 brain tumors and acoustic neuromas, pa-
- 7 rotid gland tumors, eye cancer, testicular
- 8 cancer, breast cancer, head or neck mela-
- 9 noma, lymphoma, and leukemia;
- 10 (xvi) reproductive system effects;
- 11 (xvii) DNA breaks;
- 12 (xviii) blood brain barrier leakage; and
- 13 (xix) free radical formation;
- 14 (C) concerns raised by the Federal Radio
- 15 Frequency Interagency Working Group in its
- 16 letter dated June 17, 1999, and its subsequent
- 17 letter dated July 16, 2003, about the existing
- 18 exposure standard;
- 19 (D) vulnerable subpopulations, including
- 20 children, pregnant women, those with com-
- 21 promised immune systems and hypersensitivity
- 22 reactions, men and women of reproductive age,
- 23 and the elderly;
- 24 (E) non-thermal mechanisms of effects, in-
- 25 cluding low-intensity modulated fields;

1 (F) multiple exposures in indoor and out-
2 door environments;

3 (G) measurements of exposure and dose
4 including specific absorption rate;

5 (H) exposure to extremely low frequency
6 and static electromagnetic fields;

7 (I) dose-response and non-dose-response
8 analytic models;

9 (J) the practice of averaging exposures
10 over a period of time which masks peak expo-
11 sures that may cause adverse biological effects;

12 (K) individual behaviors that lengthen, in-
13 tensify, or otherwise modify exposure in a way
14 that increases exposure or spreads exposure to
15 different parts of the body;

16 (L) the rapidly changing nature of usage
17 of electromagnetic field emitting products, in-
18 cluding trends towards products that increase
19 duration of exposure, such as a wearable mobile
20 communication device;

21 (M) effects of low intensity radiofrequency
22 electromagnetic fields;

23 (N) effects of modulation of signal, pulse,
24 frequency, amplitude, and power;

1 (O) effects of different signaling character-
2 istics, such as phased array exposure;

3 (P) effects of changes reflected in
4 electroencephalographies that could lead to sei-
5 zures or mood alterations;

6 (Q) effects of exposure to multiple fre-
7 quencies of radiofrequency electromagnetic
8 fields;

9 (R) effects of extremely low frequency-
10 modulated electromagnetic fields; and

11 (S) effects of chronic exposure to radio-
12 frequency electromagnetic fields.

13 (6) INTERAGENCY ADVISORY COMMITTEE.—The
14 Administrator shall—

15 (A) establish an interagency advisory com-
16 mittee of individuals who are officers or employ-
17 ees of Federal departments and agencies; and

18 (B) consult with the committee in estab-
19 lishing maximum exposure level goals and max-
20 imum exposure levels under paragraph (1), in-
21 cluding with respect to selecting a unit of meas-
22 urement.

23 (b) IMPLEMENTATION BY FCC.—The Federal Com-
24 munications Commission shall implement and enforce the
25 standards adopted under subsection (a) as if the standards

1 were promulgated by the Commission under the authority
2 of the Communications Act of 1934.

3 (c) CONFLICTS OF INTEREST.—

4 (1) PROHIBITION.—An officer or employee of
5 the Federal Government may not participate in es-
6 tablishing a maximum exposure level goal or max-
7 imum exposure level under subsection (a), may not
8 serve as a member of the interagency advisory com-
9 mittee established under subsection (a)(6), and may
10 not participate personally and substantially in the
11 implementation or enforcement of a maximum expo-
12 sure level goal or maximum exposure level under
13 subsection (b), if such person is in violation of sec-
14 tion 208 of title 18, United States Code.

15 (2) PENALTY.—A violation of paragraph (1)
16 shall be treated as a violation of section 208(a) of
17 title 18, United States Code.

18 (3) NO EXEMPTIONS.—An exemption under
19 section 208(b) of title 18, United States Code, may
20 not be granted to an officer or employee described
21 in paragraph (1).

22 (4) RELATION TO OTHER PROVISIONS.—The
23 prohibition of paragraph (1) is in addition to the
24 prohibition in section 208(a) of title 18, United

1 States Code, and any other prohibition or require-
2 ment in Federal law relating to conflicts of interest.

3 **SEC. 4. EXPOSURE STANDARD LABELING.**

4 The Commissioner shall promulgate regulations to
5 provide for labeling of mobile communication devices as
6 set forth in this section. Such labeling shall include the
7 exposure rating of the device, the maximum allowable ex-
8 posure level, and the maximum allowable exposure goal—

9 (1) in a manner that is readily accessible upon
10 regular use of the device;

11 (2) at any point of sale in a store in the United
12 States;

13 (3) at any point of sale on a Web site engaging
14 in commerce in the United States; and

15 (4) on the outside packaging and in the instruc-
16 tion manual.

17 **SEC. 5. REINVIGORATING AMERICAN RESEARCH IN ELEC-**
18 **TROMAGNETIC RADIATION AND HEALTH.**

19 (a) IN GENERAL.—The Secretary shall expand and
20 intensify the activities of the Department of Health and
21 Human Services to train, and support the training of, sci-
22 entists in the field of examining the relationship between
23 electromagnetic fields and human health. In carrying out
24 this subsection, the Secretary shall—

1 (1) increase the number and size of grants to
2 institutions for such training; and

3 (2) increase the number of career development
4 awards for such training for health professionals
5 who intend to build careers in pediatric basic and
6 clinical research, including pediatric pharmacological
7 research.

8 (b) NATIONAL RESEARCH SERVICE AWARDS.—Sec-
9 tion 487 of the Public Health Service Act (42 U.S.C. 288;
10 relating to Ruth L. Kirschstein National Research Service
11 Awards) is amended—

12 (1) in subsection (a)(1)(A)—

13 (A) in clause (iii), by striking “and” at the
14 end;

15 (B) in clause (iv), by striking the period at
16 the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(v) research in the field of examining the
19 relationship between electromagnetic fields and
20 human health at public entities and private
21 nonprofit academic institutions.”; and

22 (2) by adding at the end the following:

23 “(d) There are authorized to be appropriated
24 \$15,000,000 for fiscal year 2013 and each subsequent fis-
25 cal year for research under subsection (a)(1)(A)(v). The

1 amounts authorized to be appropriated under the pre-
2 ceding sentence are in addition to any other amounts au-
3 thorized to be appropriated to carry out this section.”.

4 (c) LOAN REPAYMENT PROGRAM.—Part G of title IV
5 of the Public Health Service Act (42 U.S.C. 288 et seq.)
6 is amended—

7 (1) by redesignating the second section 487F
8 (42 U.S.C. 288–6) as section 487G; and

9 (2) by inserting after section 487G, as so reded-
10 igned, the following:

11 **“SEC. 487H. LOAN REPAYMENT PROGRAM FOR RESEARCH-**
12 **ERS IN THE FIELD OF EXAMINING THE RELA-**
13 **TIONSHIP BETWEEN ELECTROMAGNETIC**
14 **FIELDS AND HUMAN HEALTH.**

15 “(a) IN GENERAL.—The Secretary, acting through
16 the Director of the National Institutes of Health, shall es-
17 tablish a program to enter into contracts with qualified
18 individuals under which such individuals agree to conduct
19 research in the field of examining the relationship between
20 electromagnetic fields and human health, in consideration
21 of the Federal Government agreeing to repay, for each
22 year of service conducting such research, not more than
23 \$35,000 of the principal and interest of the graduate edu-
24 cational loans of such individuals.

1 “(b) APPLICATION OF PROVISIONS.—The provisions
2 of sections 338B, 338C, and 338E shall, except as incon-
3 sistent with subsection (a) of this section, apply to the pro-
4 gram established under subsection (a) to the same extent
5 and in the same manner as such provisions apply to the
6 National Health Service Corps Loan Repayment Program
7 established in subpart III of part D of title III.

8 “(c) DEFINITION.—To be qualified to receive a con-
9 tract under subsection (a), an individual shall agree to
10 conduct the research at a public or private nonprofit enti-
11 ty.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
13 carry out this section, there is authorized to be appro-
14 priated \$10,000,000 for fiscal year 2013 and each subse-
15 quent fiscal year.”.

16 **SEC. 6. CLARIFICATION OF LOCAL CONTROL RELATED TO**
17 **HUMAN HEALTH.**

18 Section 332(c)(7)(B)(iv) of the Communications Act
19 of 1934 (47 U.S.C. 332(c)(7)(B)(iv)) is amended by strik-
20 ing “radio frequency emissions” and inserting “radio-
21 frequency emissions, excluding the adverse human health
22 effects of emissions of radiofrequency electromagnetic
23 fields,”.

24 **SEC. 7. DEFINITIONS.**

25 For purposes of this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) COMMISSIONER.—The “Commissioner”
5 means the Commissioner of Food and Drugs.

6 (3) DIRECTOR.—The term “Director” means
7 the Director of the National Institute of Environ-
8 mental Health Sciences.

9 (4) MOBILE COMMUNICATION DEVICE.—The
10 term “mobile communication device” means a device
11 defined as a portable device in section 2.1093(b) of
12 title 47, Code of Federal Regulations, and any
13 transmissions from such device.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Health and Human Services.

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