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1ST SESSION

H. R. 881

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16 (legislative day, NOVEMBER 2), 1993

Received

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993

Read the first time

AN ACT

To prohibit smoking in Federal buildings.

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 “Ban on Smoking in
5 Federal Buildings Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) environmental tobacco smoke is a cause of
9 lung cancer in healthy nonsmokers and is respon-
10 sible for acute and chronic respiratory problems and
11 other health impacts among sensitive populations;

1 (2) environmental tobacco smoke comes from
2 secondhand smoke exhaled by smokers and
3 sidestream smoke emitted from the burning of ciga-
4 rettes, cigars, and pipes;

5 (3) citizens of the United States spend up to 90
6 percent of a day indoors and, consequently, there is
7 a significant potential for exposure to environmental
8 tobacco smoke from indoor air;

9 (4) exposure to environmental tobacco smoke
10 occurs in public buildings and other indoor facilities;

11 (5) the health risks posed by environmental to-
12 bacco smoke exceed the risks posed by many envi-
13 ronmental pollutants regulated by the Environ-
14 mental Protection Agency; and

15 (6) the Administrator of General Services, hav-
16 ing broad authority and longstanding experience
17 with respect to the acquisition and management (in-
18 cluding restriction of smoking) of space occupied by
19 Federal employees, is particularly qualified to issue
20 regulations to institute and enforce a prohibition on
21 smoking in such space.

22 **SEC. 3. SMOKING PROHIBITION IN FEDERAL BUILDINGS.**

23 (a) **SMOKING PROHIBITION.**—

24 (1) **GENERAL RULE.**—On and after the 180th
25 day after the date of the enactment of this Act,

1 smoking shall be prohibited in any indoor portion of
2 a Federal building, except in areas designated pur-
3 suant to paragraph (2).

4 (2) DESIGNATION OF SMOKING AREAS.—The
5 head of a Federal agency may permit smoking in a
6 designated area of a Federal building owned or
7 leased for use by such agency if such area—

8 (A) is ventilated separately from other por-
9 tions of the Federal building;

10 (B) is ventilated using a method deter-
11 mined by the Administrator of General Services
12 to be at least as effective as the method de-
13 scribed in subparagraph (A); or

14 (C) is ventilated in accordance with Fed-
15 eral indoor air quality standards for environ-
16 mental tobacco smoke, if such standards are in
17 effect.

18 (b) ENFORCEMENT.—

19 (1) EXECUTIVE BRANCH BUILDINGS.—

20 (A) IN GENERAL.—The Administrator of
21 General Services shall issue regulations, and
22 take such other actions as may be necessary, to
23 institute and enforce the prohibition contained
24 in subsection (a) as such prohibition applies to

1 Federal buildings owned or leased for use by an
2 Executive agency.

3 (B) DELEGATION.—The Administrator is
4 authorized to delegate, and to authorize the re-
5 delegation of, any authority vested in the Ad-
6 ministrator under subparagraph (A) (except for
7 the authority to issue regulations) to any offi-
8 cial of the General Services Administration or
9 to the head of any other Executive agency.

10 (2) JUDICIAL BRANCH BUILDINGS.—The Direc-
11 tor of the Administrative Office of the United States
12 Courts, after consultation with the Administrator of
13 General Services, shall take such actions as may be
14 necessary to institute and enforce the prohibition
15 contained in subsection (a) as such prohibition ap-
16 plies to Federal buildings owned or leased for use by
17 an establishment in the judicial branch of the Gov-
18 ernment.

19 (3) LEGISLATIVE BRANCH BUILDINGS.—

20 (A) HOUSE OF REPRESENTATIVES.—The
21 House Office Building Commission shall take
22 such actions as may be necessary to institute
23 and enforce the prohibition contained in sub-
24 section (a) as such prohibition applies to Fed-

1 eral buildings owned or leased for use by the
2 House of Representatives.

3 (B) SENATE.—The Committee on Rules
4 and Administration of the Senate shall take
5 such actions as may be necessary to institute
6 and enforce the prohibition contained in sub-
7 section (a) as such prohibition applies to Fed-
8 eral buildings owned or leased for use by the
9 Senate.

10 (C) OTHER ESTABLISHMENTS.—The Ar-
11 chitect of the Capitol shall take such actions as
12 may be necessary to institute and enforce the
13 prohibition contained in subsection (a) as such
14 prohibition applies to Federal buildings owned
15 or leased for use by an establishment in the leg-
16 islative branch of the Government (other than
17 the House of Representatives and the Senate).

18 **SEC. 4. REPORT.**

19 Not later than 2 years after the date of the enact-
20 ment of this Act, the Administrator of General Services
21 shall transmit to the Committees on Public Works and
22 Transportation and on Government Operations of the
23 House of Representatives and the Committee on Environ-
24 ment and Public Works of the Senate a report contain-
25 ing—

1 (1) information concerning the degree of com-
2 pliance with this Act; and

3 (2) information on research and development
4 conducted by the Administrator on methods of ven-
5 tilation which are at least as effective as the method
6 described in section 3(a)(2)(A).

7 **SEC. 5. PREEMPTION.**

8 Nothing in this Act is intended to preempt any provi-
9 sion of law of a State or political subdivision of a State
10 that is more restrictive than a provision of this Act.

11 **SEC. 6. DEFINITIONS.**

12 For the purposes of this Act, the following definitions
13 apply:

14 (1) EXECUTIVE AGENCY.—The term “Executive
15 agency” has the same meaning such term has under
16 section 105 of title 5, United States Code.

17 (2) FEDERAL AGENCY.—The term “Federal
18 agency” means any Executive agency or any estab-
19 lishments in the legislative or judicial branches of
20 the Government.

21 (3) FEDERAL BUILDING.—The term “Federal
22 building” means any building or other structure (or
23 portion thereof) owned or leased for use by a Fed-
24 eral agency; except that the term shall not include
25 any building or other structure on a military instal-

1 lation, any health care facility under the jurisdiction
2 of the Secretary of Veterans Affairs, or any area of
3 a building that is used primarily as living quarters.

4 (4) MILITARY INSTALLATION.—The term “mili-
5 tary installation” means a base, camp, post, station,
6 yard, center, homeport facility for any ship, or other
7 activity under the jurisdiction of the Department of
8 Defense, including any leased facility. Such term
9 does not include any facility used primarily for civil
10 works, rivers and harbors projects, or flood control
11 projects.

Passed the House of Representatives November 15,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.