

Union Calendar No. 193

103D CONGRESS
1ST SESSION

H. R. 881

[Report No. 103-298, Part I]

A BILL

To prohibit smoking in Federal buildings.

NOVEMBER 12, 1993

Committee on Government Operations discharged; committed to the Committee of the Whole House on the State of the Union

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Mr. TRAFICANT introduced the following bill; which was referred to the
Committee on Public Works and Transportation

OCTOBER 15, 1993

Reported with an amendment and referred to the Committee on Government
Operations for a period ending not later than November 12, 1993, for
consideration of such provisions of the bill and amendment as fall within
the jurisdiction of that committee pursuant to clause 1(j), rule X

NOVEMBER 12, 1993

Additional sponsors: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI,
Mr. KLEIN, Mr. MANN, Mr. GIBBONS, Ms. VELÁZQUEZ, Mr. FROST, Mr.
LAZIO, Mr. DURBIN, Mr. TUCKER, Mr. FALEOMAVAEGA, Mr. REYNOLDS,
Mr. ZELIFF, Mr. McKEON, Ms. MOLINARI, Mr. SMITH of New Jersey,
Mr. OLVER, Mr. STUDDS, Ms. MCKINNEY, Mr. GENE GREEN of Texas,
Mr. MEEHAN, Mr. DEFazio, Mr. BLACKWELL, Mr. HUFFINGTON, Mr.
SERRANO, Ms. NORTON, Mr. OBERSTAR, Mr. HAMBURG, Mr. SWETT, Mr.
HORN, Ms. SCHENK, Mr. LAFALCE, Mr. WAXMAN, Mrs. SCHROEDER,
Mrs. COLLINS of Illinois, Mrs. JOHNSON of Connecticut, Mr. MINETA,
Mr. MAZZOLI, Mr. JACOBS, Mr. EVANS, Mr. CASTLE, Mr. JOHNSTON of
Florida, Mr. VISCLOSKY, and Mr. McDERMOTT

NOVEMBER 12, 1993

Committee on Government Operations discharged; committed to the
Committee of the Whole House on the State of the Union

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 16, 1993]

A BILL

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 responsible*
10 *for acute and chronic respiratory problems and other*
11 *health impacts among sensitive populations;*

12 *(2) environmental tobacco smoke comes from sec-*
13 *ondhand smoke exhaled by smokers and sidestream*
14 *smoke emitted from the burning of cigarettes, cigars,*
15 *and pipe;*

16 *(3) citizens of the United States spend up to 90*
17 *percent of a day indoor and, consequently, there is a*
18 *significant potential for exposure to environmental to-*
19 *bacco smoke from indoor air;*

20 *(4) exposure to environmental tobacco smoke oc-*
21 *curs in public buildings and other indoor facilities;*
22 *and*

1 (5) *the health risks posed by environmental to-*
2 *bacco smoke exceed the risks posed by many environ-*
3 *mental pollutants regulated by the Environmental*
4 *Protection Agency.*

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

6 (a) *SMOKING PROHIBITION.*—

7 (1) *GENERAL RULE.*—*On and after the 180th*
8 *day after the date of the enactment of this Act, smok-*
9 *ing shall be prohibited in any indoor portion of a*
10 *Federal building, except in area designated pursuant*
11 *to paragraph (2).*

12 (2) *DESIGNATION OF SMOKING AREAS.*—*The*
13 *head of a Federal agency may permit smoking in a*
14 *designated area of a Federal building owned or leased*
15 *for use by such agency if such area—*

16 (A) *is ventilated separately from other por-*
17 *tions of the Federal building;*

18 (B) *is ventilated using a method determined*
19 *by the Administrator of General Services to be at*
20 *least as effective as the method described in sub-*
21 *paragraph (A); or*

22 (C) *is ventilated in accordance with Federal*
23 *indoor air quality standards for environmental*
24 *tobacco smoke, if such standards are in effect.*

25 (b) *ENFORCEMENT.*—

1 (1) *EXECUTIVE BRANCH BUILDINGS.*—The Ad-
2 ministrators of General Services shall issue regula-
3 tions, and take such other actions as may be nec-
4 essary, to institute and enforce the prohibition con-
5 tained in subsection (a) as such prohibition applies
6 to Federal buildings owned or leased for use by an
7 Executive Agency.

8 (2) *JUDICIAL BRANCH BUILDINGS.*—The Director
9 of the Administrative Office of the United States
10 Courts shall take such actions as may be necessary to
11 institute and enforce the prohibition contained in
12 subsection (a) as such prohibition applies to Federal
13 buildings owned or leased for use by an establishment
14 in the judicial branch of the Government.

15 (3) *LEGISLATIVE BRANCH BUILDINGS.*—

16 (A) *HOUSE OF REPRESENTATIVES.*—The
17 House Office Building Commission shall take
18 such actions as may be necessary to institute
19 and enforce the prohibition contained in sub-
20 section (a) as such prohibition applies to Federal
21 buildings owned or leased for use by the House
22 of Representatives.

23 (B) *SENATE.*—The Committee on Rules and
24 Administration of the Senate shall take such ac-
25 tions as may be necessary to institute and en-

1 *force the prohibition contained in subsection (a)*
2 *as such prohibition applies to Federal buildings*
3 *owned or leased for use by the Senate.*

4 (C) *OTHER ESTABLISHMENTS.*—*The Archi-*
5 *tect of the Capitol shall take such actions as may*
6 *be necessary to institute and enforce the prohibi-*
7 *tion contained in subsection (a) as such prohibi-*
8 *tion applies to Federal buildings owned or leased*
9 *for use by an establishment in the legislative*
10 *branch of the Government (other than the House*
11 *of Representatives and the Senate).*

12 **SEC. 4. REPORT.**

13 *Not later than 2 years after the date of the enactment*
14 *of this Act, the Administrator of General Services shall*
15 *transmit to the Committee on Public Works and Transpor-*
16 *tation of the House of Representatives and the Committee*
17 *on Environment and Public Works of the Senate a report*
18 *containing—*

19 (1) *information concerning the degree of compli-*
20 *ance with this Act; and*

21 (2) *information on research and development*
22 *conducted by the Administrator on methods of ven-*
23 *tilation which are at least as effective as the method*
24 *described in section 3(a)(2)(A).*

1 **SEC. 5. PREEMPTION.**

2 *Nothing in this Act is intended to preempt any provi-*
3 *sion of law of a State or political subdivision of a State*
4 *that is more restrictive than a provision of this Act.*

5 **SEC. 6. DEFINITIONS.**

6 *For the purposes of this Act, the following definitions*
7 *apply:*

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

11 (2) *FEDERAL AGENCY.*—*The term “Federal agen-*
12 *cy” means any Executive agency or any establish-*
13 *ments in the legislative or judicial branches of the*
14 *Government.*

15 (3) *FEDERAL BUILDINGS.*—*The term “Federal*
16 *buildings” means any building or other structure (or*
17 *portion thereof owned or leased for use by a Federal*
18 *agency; except that the term shall not include any*
19 *building or other structure on a military installation,*
20 *any health care facility under the jurisdiction of the*
21 *Secretary of Veterans Affairs, or any area of a build-*
22 *ing that is used primarily as living quarters.*

23 (4) *MILITARY INSTALLATION.*—*The term “mili-*
24 *tary installation” means a base, camp, post, station,*
25 *yard, center, homeport facility for any ship, or other*
26 *activity under the jurisdiction of the Department of*

1 *Defense, including any leased facility. Such term does*
2 *not include any facility used primarily for civil*
3 *works, rivers, and harbors project, or flood control*
4 *projects.*