

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 881**

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**AN ACT**

To prohibit smoking in Federal buildings.

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## 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:

*Clerk.*