

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4105

To prohibit smoking near executive, legislative, and judicial branch entryways.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2009

Mr. ENGEL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit smoking near executive, legislative, and judicial branch entryways.

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 “Healthy Air for Fed-  
5        eral Workers Act”.

6        **SEC. 2. FINDINGS.**

7        Congress finds that—

8                (1) in 2006, the Surgeon General concluded in  
9        a report entitled “The Health Consequences of In-

1 voluntary Exposure to Tobacco Smoke” that there is  
2 no safe level of exposure to secondhand smoke;

3 (2) secondhand smoke causes disease and pre-  
4 mature death in children and adults who do not  
5 smoke;

6 (3) exposure to secondhand smoke by adults  
7 has immediate adverse effects on the cardiovascular  
8 system and causes coronary heart disease and lung  
9 cancer;

10 (4) according to the Surgeon General, the only  
11 way to prevent exposure from secondhand smoke is  
12 to eliminate it, and other approaches, such as air  
13 ventilation systems and smoking and nonsmoking  
14 sections, do not eliminate exposure to secondhand  
15 smoke; and

16 (5) according to the American Lung Associa-  
17 tion, 23 States have passed comprehensive smoke-  
18 free laws that protect workers.

19 **SEC. 3. SMOKING PROHIBITION OUTSIDE FEDERAL BUILD-**  
20 **INGS.**

21 (a) **SMOKING PROHIBITION.**—The smoking of to-  
22 bacco products is prohibited in any area outside of a Fed-  
23 eral building which is within 25 feet of any of the build-  
24 ing’s entrances, exits, windows that open, or ventilation

1 intakes that serve an enclosed area of the building where  
2 smoking is prohibited.

3 (b) EXCEPTION.—Subsection (a) does not apply to  
4 the smoking of tobacco products which occurs solely for  
5 purposes of research on smoking which is conducted by  
6 an agency.

7 **SEC. 4. ENFORCEMENT.**

8 (a) EXECUTIVE BRANCH BUILDINGS.—The Adminis-  
9 trator of General Services, in conjunction with the heads  
10 of agencies, is responsible for implementing and enforcing  
11 compliance with this Act with respect to Federal buildings  
12 used by agencies.

13 (b) LEGISLATIVE BRANCH BUILDINGS.—

14 (1) HOUSE BUILDINGS.—The House Office  
15 Building Commission shall take such actions as may  
16 be necessary to institute and enforce the prohibition  
17 in section 3 in Federal buildings used by offices of  
18 the House of Representatives.

19 (2) SENATE BUILDINGS.—The Committee on  
20 Rules and Administration of the Senate shall take  
21 such actions as may be necessary to institute and  
22 enforce the prohibition in section 3 in Federal build-  
23 ings used by offices of the Senate.

24 (3) OTHER BUILDINGS.—The Architect of the  
25 Capitol shall take such actions as may be necessary

1 to institute and enforce the prohibition in section 3  
2 in Federal buildings used by offices of the legislative  
3 branch other than offices of the House of Represent-  
4 atives or Senate.

5 (c) JUDICIAL BRANCH BUILDINGS.—The Director of  
6 the Administrative Office of the United States Courts  
7 shall take such actions as are necessary to institute and  
8 enforce the prohibition in section 3 in Federal buildings  
9 used by the Federal courts, or by any office of the judicial  
10 branch, with respect to which the Director has responsibil-  
11 ities under title 28, United States Code.

12 (d) DATE OF IMPLEMENTATION.—Implementation of  
13 this Act shall begin within 3 months after the date of the  
14 enactment of this Act.

15 (e) ADDITIONAL ACTIVITIES.—The Administrator of  
16 General Services, in conjunction with agency heads, shall,  
17 with respect to the Federal buildings described in sub-  
18 section (a), and the Director of the Administrative Office  
19 of the United States Courts shall, with respect to Federal  
20 buildings described in subsection (c), inform all employees  
21 and visitors to Federal buildings about the smoke-free pol-  
22 icy, educate employees about the dangers of exposure to  
23 secondhand smoke, and undertake related activities as de-  
24 termined necessary by the Administrator or Director, as  
25 the case may be.

1 **SEC. 5. NO LIMITATION OR PREEMPTION OF MORE PRO-**  
2 **TECTIVE POLICIES.**

3 (a) NO LIMITATION.—Nothing in this Act shall be  
4 construed as limiting the head of an agency, the House  
5 Office Building Commission, the Committee on Rules and  
6 Administration of the Senate, the Architect of the Capitol,  
7 or the Director of the Administrative Office of the United  
8 States Courts from establishing more protective policies  
9 on smoking in the workplace.

10 (b) NO PREEMPTION.—Nothing in this Act shall pre-  
11 empt or otherwise affect any other Federal, State, or local  
12 law that provides greater protection from the health haz-  
13 ards of secondhand smoke.

14 **SEC. 6. REPORT.**

15 Not later than 6 months after the date of the enact-  
16 ment of this Act, the Administrator of General Services  
17 and the Director of the Administrative Office of the  
18 United States Courts shall each submit to Congress a re-  
19 port on the status of the implementation of this Act with  
20 respect to the executive and judicial branches of the Gov-  
21 ernment, respectively.

22 **SEC. 7. DEFINITIONS.**

23 In this Act:

24 (1) FEDERAL BUILDING.—The term “Federal  
25 building” means any building—

1 (A) which is owned by the Federal Govern-  
2 ment for the use of any office of the executive  
3 branch or legislative branch, or by any Federal  
4 court or any office of the judicial branch; or

5 (B) which is leased by the Federal Govern-  
6 ment for the use of any office of the executive  
7 branch or legislative branch, or by any Federal  
8 court or any office of the judicial branch, and  
9 which is under the jurisdiction and control of  
10 that office or court.

11 (2) AGENCY.—The term “agency” means an  
12 Executive agency, as defined in section 105 of title  
13 5, United States Code, and includes any employing  
14 unit or authority of the Federal Government, includ-  
15 ing independent agencies, other than those of the  
16 legislative and judicial branches, but includes the  
17 United States Tax Court and the United States  
18 Court of Appeals for Veterans Claims.

19 (3) SMOKING.—The term “smoking” includes  
20 the smoking of cigarettes, cigars, pipes, and any  
21 other combustion of tobacco.

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