

GOVERNMENT OPERATIONS

Panel Approves Smoking Ban In Federal Buildings

Smokers could be forced out onto the streets or into confined areas of virtually all federal office buildings and U.S. courthouses under a bill approved June 17 by the House Public Works and Transportation Committee.

The measure (HR 881), approved on a voice vote, would ban smoking in most federally owned or leased buildings, including the Capitol complex and the U.S. court system, unless agency heads chose to set aside designated — and separately ventilated — smoking areas in their buildings.

Military installations and Department of Veterans Affairs (VA) health-care facilities would be exempted altogether.

Members from tobacco-producing states failed in their effort to block the measure by requiring further study or by mandating — rather than permitting — the designation of smoking areas.

The Subcommittee on Public Buildings had approved the measure by voice vote June 16, after adopting a broad amendment by the bill's sponsor, subcommittee Chairman James A. Traficant Jr., D-Ohio, to grant the military and VA exceptions and permit designated smoking areas.

"This amendment provides a fair manner by which there will be some latitude granted to smokers," Traficant said.

He said he introduced the bill as "a reasonable and urgently needed response to the recent scientific evidence, which indicates that environmental tobacco smoke, commonly known as secondhand smoke, is a carcinogen and is responsible for some 3,000 lung cancer deaths a year in non-smoking Americans."

Bill Emerson, R-Mo., the only member of the subcommittee who smokes, helped lead the opposition to the bill. "I do not believe that an atmosphere of objectivity has prevailed throughout this whole deliberative process."

James E. Clyburn, D-S.C., offered a substitute amendment in both sub-



R. MICHAEL JENKINS

Chairman Traficant at markup June 16.

BOXSCORE

Bill: HR 881 — Ban on smoking in federal buildings.

Latest action: House Public Works Committee approved by voice vote June 17. The Public Works Subcommittee on Public Buildings approved the bill by voice vote June 16.

Next likely action: House floor.

Background: The bill would ban smoking in all federally owned or leased buildings and courthouses unless agency heads chose to set aside designated smoking areas that have separate ventilation systems.

Reference: 1992 Almanac, p. 381.

committee and full committee to require the General Accounting Office to study whether the government would be liable for health claims made by non-smokers exposed to secondhand smoke and assess the costs to the government of lost productivity due to the proposed smoking restrictions.

Clyburn argued that there was not enough information available to justify the smoking ban. But Jerrold Nadler, D-N.Y., disagreed, saying that after 29 years of information and reports on the subject, beginning with the original Surgeon General's report, "We know more than enough."

Arguing against the amendment, John J. "Jimmy" Duncan Jr., R-Tenn., said such a study could be conducted

easily before the bill takes effect.

Clyburn's amendment fell on a 3-8 vote in subcommittee and by voice vote in full committee.

Tim Valentine, D-N.C., offered a substitute in full committee to require agency heads to set aside special smoking areas, including zones within cafeterias and other dining facilities. His amendment would have required the posting of "smoking permitted" signs outside a smoking area and the provision of ashtrays and other receptacles.

Valentine argued that his amendment provided "a practical means of accommodating both smokers and non-smokers fairly."

And some committee members agreed that there was no guarantee under Traficant's version that agency chiefs would set aside smoking areas. "The reality is that they will not," said Bob Wise, D-W.Va.

Valentine's amendment failed on a vote of 23-39. A second Valentine amendment was ruled out of order. It would have prohibited "the consumption or display of an alcoholic beverage . . . in any indoor portion of a Federal building and in any other space owned or leased for use by a Federal agency."

Smoked Out

The Traficant bill follows on the heels of other efforts to restrict smoking in federal facilities.

Agency heads have already banned smoking in public areas, such as hallways, of some federal buildings. They may also bar smoking in private facilities. All but five states have restricted or banned smoking in public areas.

House Speaker Thomas S. Foley, D-Wash., recently instituted a temporary ban on smoking in public areas on the House side of the Capitol and in House office buildings, although smoking is still permitted in members' offices and in committee meeting rooms at the discretion of the chairman. Smoking is allowed in all areas under control of the Senate except the floor.

In 1992, Veterans Affairs Secretary Edward J. Derwinski drew a storm of protest from veterans and their congressional allies when he proposed a ban on smoking in VA health facilities. Congress blocked Derwinski's proposed action in an omnibus health-care bill.

The smoking ban was one of several actions that so riled veterans that Derwinski eventually resigned his post. (1992 Almanac, p. 381)

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