

July 1996

FIRE-SAFE ACCOMMODATIONS

Information on Federal Agencies' Compliance With P.L. 101-391 Lodging Requirements





United States
General Accounting Office
Washington, D.C. 20548

General Government Division

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July 29, 1996

The Honorable Larry Pressler
Chairman
The Honorable Ernest F. Hollings
Ranking Minority Member
Committee on Commerce, Science,
and Transportation
United States Senate

The Honorable Robert S. Walker
Chairman
The Honorable George E. Brown
Ranking Minority Member
Committee on Science
House of Representatives

Because more than 400 Americans had lost their lives in multistory hotel fires over the preceding 5 years, in September 1990, Congress enacted the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391). The purpose of the act is "to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce." The act amends the Federal Fire Prevention and Control Act of 1974 by requiring the Director of the Federal Emergency Management Agency to compile and distribute a national master list of places of public accommodation that meet certain fire safety guidelines.

In addition, beginning with fiscal year 1995, the act requires federal agencies to ensure that their civilian employees on official travel spend a specified percentage of nights in these "approved" accommodations. Also, the act requires us to report annually to Congress on agencies' compliance with the act's approved accommodations percentage requirement. This report fulfills our reporting requirement for fiscal year 1995.

Results in Brief

Seventy-six of 96 federal departments and agencies responded to our requests for information regarding their compliance with the act's approved accommodations percentage requirement for fiscal year 1995. Fifty-six agencies reported meeting or exceeding the 65-percent requirement. Six agencies reported that they did not meet the 65 percent requirement. Fourteen agencies reported that for a variety of reasons, they did not gather the data needed to determine and report their approved accommodations percentage for fiscal year 1995. Twenty agencies did not

respond to our requests for information; and thus, we are unable to report their approved accommodations percentage for fiscal year 1995. (See app. I for a listing of each responding agency and the corresponding reported approved accommodations percentage for fiscal year 1995; see app. II for a listing of agencies that did not respond to our requests for this information.)

Background

The act requires that not later than 2 years after its enactment, and periodically thereafter, each state¹ must submit to the Director of the Federal Emergency Management Agency (FEMA) a list of places of public accommodation in that state that meet the act's fire safety guidelines. The guidelines require that hard-wired, single-station, smoke detectors be installed in accordance with National Fire Protection Association (NFPA) standards in each guest room, and an automatic sprinkler system must be installed in accordance with NFPA standards in each place of public accommodation that is more than three stories in height.

FEMA is to compile and publish a national master list of approved hotels and motels in the Federal Register, distribute the list to each federal agency, and take steps to make the agencies' employees aware of the list. The FEMA Director has delegated this responsibility to the U.S. Fire Administration (USFA). Through a contractor, Maria Elena Torano and Associates (META), Inc., USFA continuously updates the master list on the basis of information provided by the states. According to the USFA project manager, until late 1994 USFA published the master list annually and published the update monthly in the Federal Register. Due to budgetary constraints, USFA last published a complete list in November 1994 and the last update in August 1995. However, according to the USFA project manager, a complete approved accommodations listing will be published in the Federal Register by July 1996. In addition, the project manager said that on May 8, 1996, USFA opened a web-site on the Internet where the list of approved accommodations is available to federal agencies and their employees.

Also, according to the USFA project manager, META provides the list to Patriot Travel Systems, a private travel service under contract to the General Services Administration (GSA), and to the publishers of the Official

¹The act defines "state" to mean any state, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, the Canal Zone, Guam, American Samoa, or any other territory or possession of the United States.

Airline Travel Guide. He said that both of these organizations make the information available to subscribers to their services.

The act requires that, starting with fiscal year 1995, each federal agency must ensure that its employees spend at least 65 percent of the nights they are on official travel in approved accommodations. The act increases the required approved accommodations percentage to at least 75 percent in fiscal year 1996 and to at least 90 percent in fiscal year 1997 and all subsequent years. The act does not, however, prescribe any penalties for noncompliance by either federal agencies or their employees.

In September 1994, GSA notified federal agencies that they are required to maintain records of compliance with the approved accommodations percentages specified by the act and make the information available, upon request, to us for audit. Subsequently, in June of 1995 GSA notified federal agencies that they may use statistical sampling of their employees' overnight travel accommodations to determine if agency compliance with the act is permitted.

Objectives, Scope, and Methodology

In accordance with the act, our objectives were to obtain and report information from federal agencies on their compliance with the act's approved accommodations percentage requirement for fiscal year 1995. With GSA's help, we sent inquiries to 96 federal departments and agencies in the legislative, judicial, and executive branches of government. Ninety of these departments and agencies are represented on the Interagency Travel Management Committee, a GSA conduit for disseminating federal travel policies and procedures. In addition, we judgmentally selected and sent inquiries to six independent establishments and government corporations² that are not represented on the Interagency Travel Management Committee.

We requested that each agency provide us with (1) its approved accommodations percentage for fiscal year 1995 and (2) the supporting assumptions, legal opinions, statistical analysis parameters, and actual computations used to determine the approved accommodations percentage. In addition, we asked agencies that did not meet the act's approved accommodations percentage requirement for fiscal year 1995 to provide their rationale for not doing so.

²These were the Federal Mine Safety and Health Review Commission, National Capital Planning Commission, Office of Special Counsel, Pennsylvania Avenue Development Corporation, Thrift Depositor Protection Oversight Board, and the U.S. Arms Control and Disarmament Agency.

In early February 1996, we asked agencies to respond to our request for this information by March 15, 1996. We followed up our written requests with telephone calls to nonresponding agencies, and, at the request of several agencies, we extended the deadline to March 29, 1996, and again to April 30, 1996. In addition, we provided a number of agencies, at their request, with copies of the act's compliance and reporting requirements. Because of the time and cost required, we did not verify any information provided by responding agencies. We performed our work in accordance with generally accepted government auditing standards between January and May 1996.

Information About Agencies' Compliance, Rationale, and Methodology

Fifty-six, or 74 percent, of the 76 federal departments and agencies that responded to our requests for information reported that they met or exceeded the 65-percent requirement for approved accommodations in fiscal year 1995. These 56 agencies reported compliance rates that ranged from 65 percent to 100 percent.

Six agencies reported that for a variety of reasons, they did not meet the approved accommodations requirement of 65 percent in fiscal year 1995. These agencies reported approved accommodations rates that ranged from 46 percent to 64 percent. Reasons cited by these agencies for not meeting the required rate of 65 percent included: approved accommodations were not always available to the agency's traveling employees; the problem was probably one of recordkeeping, not one of compliance; and the agency's employees were not aware of the act's lodging requirements.

Fourteen agencies reported that they did not gather the data needed to determine their approved accommodations percentage for fiscal year 1995. These agencies provided a variety of reasons for not gathering the data.

- The agency's financial management and accounting systems were not compatible and could not compile this information, and it would take considerable effort and resources to modify them to do so.
- The agency's employees are widely dispersed and travel out of regional, subregional, and county offices, making data gathering to determine the approved accommodations percentage a monumental task.
- The agency was not aware of the requirement to determine and report the approved accommodations percentage.

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- The agency did not know where to find a listing of approved hotels and motels since GSA ceased publishing the Federal Travelers Directory in 1995.
 - The agency lacked sufficient resources to gather the data needed to determine its approved accommodations percentage due to downsizing and reorganizations.
 - The agency is a government-controlled corporation, and therefore is exempt from the approved accommodations requirements of the act.³
 - The agency is in its final year of existence; and therefore, the data needed to determine its approved accommodations percentage for fiscal year 1995 were not gathered.

Seven of these 14 agencies reported that although they did not determine their approved accommodations percentage for fiscal year 1995, they were establishing procedures or a data collection methodology to ensure that they can report compliance with the act in the future. They reportedly plan to (1) modify their information management systems so the needed data can be collected and compiled, (2) require their employees to certify on travel vouchers that their lodging accommodations were approved, or (3) require their travel management centers to reserve lodging for their employees only in accommodations that meet the act's fire safety guidelines.

Agencies reported using several different methodologies for determining their approved accommodations percentage rates for fiscal year 1995. Forty-two agencies reported that they determined their approved accommodations percentage by reviewing a sample of their employees' lodging accommodations for the year and projecting the rate obtained from the sample to determine the overall approved accommodations percentage rate. On the other hand, nine agencies reported that they reviewed their entire employee travel voucher file to determine the agency's compliance rate. Six agencies reported that they sampled the lodging accommodations of some of its employees and reviewed 100 percent of other employees' lodging accommodations to project the agency's overall compliance rate. Five agencies reported that their approved accommodations percentage rate was 100 percent, which was determined on the basis that the agencies' travel management centers were instructed to reserve lodging accommodations for agency employees only at approved hotels and motels.

³Under the applicable definition of agency in 5 U.S.C. 5701, government-controlled corporation is not included.

A draft of this report was provided to USFA for agency comment and we discussed the draft with the USFA project manager responsible for carrying out USFA's role under the act. We incorporated his comments and clarifications where appropriate.

We are sending copies of this report to the Administrator of GSA, the Director of FEMA, and the Director of USFA. We will make copies available to others upon request.

Major contributors to this report were Sherrill H. Johnson, Assistant Director; and Patricia Sari-Spear, Evaluator-in-Charge, Government Business Operations Issues. Please contact me on 202-512-8387 if you or your staff have any questions.

A handwritten signature in black ink, reading "J. William Gadsby". The signature is fluid and cursive, with the first name "J. William" and the last name "Gadsby" clearly distinguishable.

J. William Gadsby
Director, Government Business
Operations Issues

Reporting Federal Agencies and Reported Approved Accommodations Percentage Rates for Fiscal Year 1995

Reporting federal agencies	Accommodations percentages
Advisory Commission on Intergovernmental Relations	Data not gathered
Appalachian Regional Commission	100.0
Bonneville Power Administration	97.9
Central Intelligence Agency	81.0
Commodity Futures Trading Commission	79.0
Consumer Product Safety Commission	99.5
Corporation for National Service	85.0
Department of Agriculture	65.0
Department of Commerce	Data not gathered ^a
Department of Energy	78.7
Department of Housing and Urban Development	68.6
Department of the Interior	66.0
Department of Justice	
Bureau of Prisons	65.0
Drug Enforcement Administration	65.2
Federal Bureau of Investigation	95.3
Federal Prison Industries	53.7
Immigration and Naturalization Service	75.5
Offices, Boards, and Divisions	80.3
U.S. Marshals Service	88.9
Department of Labor	84.9
Department of Transportation	77.0
Department of the Treasury	
Bureau of Alcohol, Tobacco and Firearms	65.4
Bureau of Engraving and Printing	68.7
Bureau of the Public Debt	65.0
Comptroller of the Currency	61.3
Department Offices	79.0
Federal Law Enforcement Training Center	100.0
Financial Management Service	95.0
Internal Revenue Service	80.0
Secret Service	77.2
U.S. Customs Service	64.0
U.S. Mint	90.0
Department of Veterans Affairs	Data not gathered
Environmental Protection Agency	85.0
Equal Employment Opportunity Commission	Data not gathered

(continued)

Appendix I
Reporting Federal Agencies and Reported
Approved Accommodations Percentage
Rates for Fiscal Year 1995

Reporting federal agencies	Accommodations percentages
Executive Office of the President	81.0
Export-Import Bank	74.7
Federal Communications Commission	Data not gathered ^a
Federal Deposit Insurance Corporation	Data not gathered
Federal Election Commission	84.0
Federal Emergency Management Agency	65.8
Federal Energy Regulatory Commission	55.0
Federal Mediation and Conciliation Service	83.0
Federal Mine Safety and Health Review Commission	Data not gathered ^a
Federal Trade Commission	94.0
General Accounting Office	76.7
General Services Administration	75.8
Library of Congress	74.0
Merit Systems Protection Board	100.0 ^b
National Aeronautics & Space Administration	80.0
National Archives	76.0
National Capital Planning Commission	100.0
National Credit Union Administration	65.1
National Endowment for the Humanities	71.0
National Gallery of Art	Data not gathered ^a
National Institute of Standards and Technology	100.0 ^b
National Labor Relations Board	88.0
National Mediation Board	Data not gathered ^a
National Science Foundation	100.0 ^b
National Transportation Safety Board	Data not gathered ^a
Nuclear Regulatory Commission	90.0
Office of Special Counsel	100.0 ^b
Office of Thrift Supervision	Data not gathered ^a
Overseas Private Investment Corporation	100.0
Panama Canal Commission	Data not gathered
Pension Benefit Guaranty Corporation	87.9
Railroad Retirement Board	73.0
Securities and Exchange Commission	100.0 ^b
Selective Service System	95.0
Small Business Administration	Data not gathered
Smithsonian Institution	46.0
Social Security Administration	100.0
Tennessee Valley Authority	70.0

(continued)

Appendix I
Reporting Federal Agencies and Reported
Approved Accommodations Percentage
Rates for Fiscal Year 1995

Reporting federal agencies	Accommodations percentages
U.S. Information Agency	Data not gathered
U.S. International Trade Commission	59.0
U.S. Tax Court	66.0

^aThe agency reported that it is in the process of establishing a data collection method to determine future approved accommodations percentages.

^bThe agency based its reported compliance percentage on the use of travel management centers that are required to reserve employees' lodging only at approved accommodations.

Federal Agencies That Did Not Respond to Our Requests for Approved Accommodations Percentage Rates for Fiscal Year 1995

Agency	Commission on Civil Rights Department of Defense Department of Education Department of Health and Human Services Farm Credit Administration Federal Housing Finance Board Federal Labor Relations Authority Federal Maritime Commission Federal Retirement Thrift Investment Board Inter-American Foundation Interstate Commerce Commission National Endowment for the Arts Occupational Safety and Health Agency Office of Government Ethics Office of Personnel Management Peace Corps Pennsylvania Avenue Development Corporation Thrift Depositor Protection Oversight Board U.S. Arms Control and Disarmament Agency U.S. Postal Service
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