

105TH CONGRESS
2D SESSION

S. 2145

To modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1998

Mr. SHELBY (for himself, Mr. ROCKEFELLER, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

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; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Manufactured Housing Improvement Act”.

1 (b) REFERENCES.—Whenever in this Act an amend-
2 ment is expressed in terms of an amendment to, or repeal
3 of, a section or other provision, the reference shall be con-
4 sidered to be made to that section or other provision of
5 the National Manufactured Housing Construction and
6 Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 Section 602 (42 U.S.C. 5401) is amended to read as
9 follows:

10 **“SEC. 602. FINDINGS AND PURPOSES.**

11 “(a) FINDINGS.—Congress finds that—

12 “(1) manufactured housing plays a vital role in
13 meeting the housing needs of the Nation; and

14 “(2) manufactured homes provide a significant
15 resource for affordable home ownership and rental
16 housing accessible to all Americans.

17 “(b) PURPOSES.—The purposes of this title are—

18 “(1) to promote the quality, durability, safety,
19 and affordability of manufactured housing;

20 “(2) to promote the availability of affordable
21 manufactured homes and to increase homeownership
22 for all Americans;

23 “(3) to provide for the establishment of prac-
24 tical, uniform, and, to the extent possible, perform-
25 ance-based Federal construction standards;

1 “(4) to encourage innovative and cost-effective
2 construction techniques;

3 “(5) to protect manufactured homeowners from
4 unreasonable risk of personal injury and property
5 damage;

6 “(6) to establish a balanced consensus process
7 for the development, revision, and interpretation of
8 Federal construction and safety standards for manu-
9 factured homes and related regulations for the en-
10 forcement of such standards;

11 “(7) to ensure uniform and effective enforce-
12 ment of Federal construction and safety standards
13 for manufactured homes; and

14 “(8) to ensure that the public interest in, and
15 need for, affordable manufactured housing is duly
16 considered in all determinations relating to the Fed-
17 eral standards and their enforcement.”.

18 **SEC. 3. DEFINITIONS.**

19 (a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is
20 amended—

21 (1) in paragraph (2), by striking “dealer” and
22 inserting “retailer”;

23 (2) in paragraph (12), by striking “and” at the
24 end;

1 (3) in paragraph (13), by striking the period at
2 the end and inserting a semicolon; and

3 (4) by adding at the end the following:

4 “(14) ‘administering organization’ means the
5 qualified technical or building code organization that
6 administers the consensus development process,
7 which—

8 “(A) with respect to the period during
9 which the agreement under section
10 604(a)(2)(A) is in force, shall be the Council of
11 American Building Officials; and

12 “(B) with respect to the period during
13 which a competitively procured contract under
14 section 604(a)(2)(B) is in force, shall be the or-
15 ganization selected by the Secretary;

16 “(15) ‘consensus committee’ means the commit-
17 tee established under section 604(a)(3);

18 “(16) ‘consensus standards development proc-
19 ess’ means the process by which additions, revisions,
20 and interpretations to the Federal manufactured
21 home construction and safety standards and enforce-
22 ment regulations are developed and recommended to
23 the Secretary by the consensus committee;

24 “(17) ‘primary inspection agency’ means a
25 State agency or private organization that has been

1 approved by the Secretary to act as a design ap-
2 proval primary inspection agency or a production in-
3 spection primary inspection agency, or both;

4 “(18) ‘design approval primary inspection agen-
5 cy’ means a State agency or private organization
6 that has been approved by the Secretary to evaluate
7 and either approve or disapprove manufactured
8 home designs and quality control procedures;

9 “(19) ‘production inspection primary inspection
10 agency’ means a State agency or private organiza-
11 tion that has been approved by the Secretary to
12 evaluate the ability of manufactured home manufac-
13 turing plants to comply with approved quality con-
14 trol procedures and with the Federal manufactured
15 home construction and safety standards promulgated
16 hereunder; and

17 “(20) ‘monitoring’—

18 “(A) means the process of periodic review
19 of the primary inspection agencies, by the Sec-
20 retary or by a State agency under an approved
21 State plan pursuant to section 623, in accord-
22 ance with regulations adopted by the consensus
23 committee and promulgated in accordance with
24 section 604(a)(4)(B), which process shall be for
25 the purpose of ensuring that the primary in-

1 specification agencies are discharging their duties
2 under this title; and

3 “(B) may include the periodic inspection of
4 retail locations for transit damage and label
5 tampering.”.

6 (b) CONFORMING AMENDMENTS.—The National
7 Manufactured Housing Construction and Safety Stand-
8 ards Act of 1974 is amended—

9 (1) in section 613 (42 U.S.C. 5412), by striking
10 “dealer” each place it appears and inserting “re-
11 tailer”;

12 (2) in section 614(f) (42 U.S.C. 5413(f)), by
13 striking “dealer” each place it appears and inserting
14 “retailer”;

15 (3) in section 615 (42 U.S.C. 5414)—

16 (A) in subsection (b)(1), by striking “deal-
17 er” and inserting “retailer”;

18 (B) in subsection (b)(3), by striking “deal-
19 er or dealers” and inserting “retailer or retail-
20 ers”; and

21 (C) in each of subsections (d) and (f), by
22 striking “dealers” each place it appears and in-
23 serting “retailers”;

24 (4) in section 616 (42 U.S.C. 5415), by striking
25 “dealer” and inserting “retailer”; and

1 (5) in section 623(c)(9), by striking “dealers”
 2 and inserting “retailers”.

3 **SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION**
 4 **AND SAFETY STANDARDS.**

5 Section 604 (42 U.S.C. 5304) is amended—

6 (1) by striking subsections (a) and (b) and in-
 7 serting the following:

8 “(a) ESTABLISHMENT.—

9 “(1) AUTHORITY.—The Secretary shall estab-
 10 lish, by order, appropriate Federal manufactured
 11 home construction and safety standards, each of
 12 which—

13 “(A) shall—

14 “(i) be reasonable and practical;

15 “(ii) meet high standards of protec-
 16 tion consistent with the enumerated pur-
 17 poses of this title; and

18 “(iii) as appropriate, be performance-
 19 based and stated objectively; and

20 “(B) except as provided in subsection (b),
 21 shall be established in accordance with the con-
 22 sensus standards development process.

23 “(2) CONSENSUS STANDARDS AND REGU-
 24 LATORY DEVELOPMENT PROCESS.—

25 “(A) INITIAL AGREEMENT.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 the Manufactured Housing Improvement
4 Act, the Secretary shall request the Coun-
5 cil of American Building Officials (or the
6 successor organization to such Council) to,
7 and if such organization consents, enter
8 into an agreement, which shall—

9 “(I) terminate on the date on
10 which a contract is entered into under
11 subparagraph (B); and

12 “(II) require the Council of
13 American Building Officials to—

14 “(aa) appoint the initial
15 members of the consensus com-
16 mittee under paragraph (3);

17 “(bb) administer the consen-
18 sus standards development proc-
19 ess until the termination of that
20 agreement; and

21 “(cc) administer the consen-
22 sus development and interpreta-
23 tion process for procedural and
24 enforcement regulations and reg-
25 ulations specifying the permis-

1 sible scope and conduct of mon-
2 itoring until the termination of
3 that agreement.

4 “(ii) DUTY OF SECRETARY.—If the
5 Council of American Building Officials (or
6 the successor organization to such Council)
7 declines to enter into the agreement as
8 provided in clause (i), the Secretary shall
9 enter into the agreement under this sub-
10 paragraph with an organization described
11 in subparagraph (B).

12 “(B) COMPETITIVELY PROCURED CON-
13 TRACT.—Upon the expiration of the 4-year pe-
14 riod beginning on the date on which all mem-
15 bers of the consensus committee are appointed
16 under paragraph (3), the Secretary shall, using
17 competitive procedures (as defined in section 4
18 of the Office of Federal Procurement Policy
19 Act), enter into a competitively awarded con-
20 tract with a qualified technical or building code
21 organization (which may be the Council of
22 American Building Officials) under which that
23 organization shall administer the consensus
24 process for the development and interpretation
25 of the Federal standards, the procedural and

1 enforcement regulations and regulations speci-
2 fying the permissible scope and conduct of mon-
3 itoring in accordance with this title.

4 “(C) PERFORMANCE REVIEW.—The Sec-
5 retary—

6 “(i) shall periodically review the per-
7 formance of the administering organiza-
8 tion; and

9 “(ii) may replace the administering
10 organization with another qualified tech-
11 nical or building code organization, pursu-
12 ant to competitive procedures, if the Sec-
13 retary determines in writing that the ad-
14 ministering organization is not fulfilling
15 the terms of the agreement or contract to
16 which the administering organization is
17 subject or upon the expiration of the
18 agreement or contract.

19 “(3) CONSENSUS COMMITTEE.—

20 “(A) PURPOSE.—There is established a
21 committee to be known as the ‘consensus com-
22 mittee’, which shall, in accordance with this
23 title—

24 “(i) provide periodic recommendations
25 to the Secretary to adopt, revise, and inter-

1 pret the Federal manufactured housing
2 construction and safety standards in ac-
3 cordance with this subsection;

4 “(ii) provide periodic recommenda-
5 tions to the Secretary to adopt, revise, and
6 interpret the procedural and enforcement
7 regulations, including regulations specify-
8 ing the permissible scope and conduct of
9 monitoring in accordance with this sub-
10 section; and

11 “(iii) be organized and carry out its
12 business in a manner that guarantees a
13 fair opportunity for the expression and
14 consideration of various positions and for
15 public participation.

16 “(B) MEMBERSHIP.—The consensus com-
17 mittee shall be composed of—

18 “(i) 25 voting members appointed,
19 subject to approval by the Secretary, by
20 the administering organization from among
21 individuals who are qualified by back-
22 ground and experience to participate in the
23 work of the consensus committee; and

24 “(ii) 1 member appointed by the Sec-
25 retary to represent the Secretary on the

1 consensus committee, who shall be a non-
2 voting member.

3 “(C) DISAPPROVAL.—The Secretary may
4 disapprove the appointment of an individual
5 under subparagraph (B)(i) only if the Secretary
6 makes a finding, in writing, that—

7 “(i) the appointment was not made in
8 accordance with subparagraph (D); or

9 “(ii) either—

10 “(I) the individual is not quali-
11 fied to represent the interest category
12 referred to in subparagraph (D) for
13 which the individual has been ap-
14 pointed; or

15 “(II) a member appointed under
16 clause (iii), (iv), or (v) of subpara-
17 graph (D) fails to meet the require-
18 ments of subparagraph (E).

19 “(D) SELECTION PROCEDURES AND RE-
20 QUIREMENTS.—Each member of the consensus
21 committee shall be appointed in accordance
22 with the selection procedures, which shall be es-
23 tablished by the Secretary and which shall be
24 based on the procedures for consensus commit-
25 tees promulgated by the American National

1 Standards Institute (or successor organization),
2 except that the American National Standards
3 Institute interest categories shall be modified
4 for purposes of this paragraph to ensure equal
5 representation on the consensus committee of
6 the following interest categories:

7 “(i) Manufacturers.

8 “(ii) Retailers, insurers, suppliers,
9 lenders, community owners, and private in-
10 spection agencies that have a financial in-
11 terest in the manufactured housing indus-
12 try.

13 “(iii) Homeowners and consumer rep-
14 resentatives.

15 “(iv) Public officials, including those
16 from State agencies or local building code
17 enforcement and inspection agencies.

18 “(v) General interest groups, includ-
19 ing academicians, researchers, architects,
20 engineers, private inspection agencies, and
21 others.

22 “(E) ADDITIONAL QUALIFICATIONS.—

23 “(i) FINANCIAL INTEREST.—No mem-
24 ber appointed under clause (iii), (iv), or (v)
25 of subparagraph (D) may have a signifi-

1 cant financial interest in the manufactured
2 housing industry, unless—

3 “(I) such member is a private in-
4 spection agency; or

5 “(II) such bar to participation is
6 waived by the Secretary in writing.

7 “(ii) LIMITATION ON PRIVATE INSPEC-
8 TION AGENCIES.—The number of members
9 appointed under subparagraph (D)(v) who
10 represent private inspection agencies shall
11 not constitute more than 20 percent of the
12 total number of members appointed under
13 subparagraph (D)(v).

14 “(F) MEETINGS.—The consensus commit-
15 tee shall provide advance notice of each meeting
16 of the consensus committee to the Secretary
17 and publish advance notice of each such meet-
18 ing in the Federal Register. All meetings of the
19 consensus committee shall be open to the pub-
20 lic.

21 “(G) INAPPLICABILITY OF OTHER LAWS.—

22 “(i) ADVISORY COMMITTEE ACT.—The
23 consensus committee shall not be consid-
24 ered to be an advisory committee for pur-

1 poses of the Federal Advisory Committee
2 Act.

3 “(ii) TITLE 18.—The members of the
4 consensus committee shall not be subject
5 to section 203, 205, 207, or 208 of title
6 18, United States Code, to the extent of
7 their proper participation as members of
8 the consensus committee.

9 “(iii) ETHICS IN GOVERNMENT ACT
10 OF 1978.—The Ethics in Government Act
11 of 1978 shall not apply to members of the
12 consensus committee to the extent of their
13 proper participation as members of the
14 consensus committee.

15 “(H) ADMINISTRATION.—The consensus
16 committee and the administering organization
17 shall—

18 “(i) operate in conformance with the
19 procedures established by the American
20 National Standards Institute for the devel-
21 opment and coordination of American Na-
22 tional Standards; and

23 “(ii) apply to the American National
24 Standards Institute and take such other
25 actions as may be necessary to obtain ac-

1 creditation from the American National
2 Standards Institute.

3 “(I) STAFF.—The administering organiza-
4 tion shall, upon the request of the consensus
5 committee, provide reasonable staff resources to
6 the consensus committee.

7 “(J) DATE OF INITIAL APPOINTMENTS.—
8 The initial appointments of all of the members
9 of the consensus committee shall be completed
10 not later than 90 days after the date on which
11 an administration agreement under paragraph
12 (2)(A) is completed with the Council of Amer-
13 ican Building Officials.

14 “(4) REVISIONS.—

15 “(A) IN GENERAL.—Beginning on the date
16 on which all initial members of the consensus
17 committee are appointed under paragraph (3),
18 the consensus committee shall, not less than
19 once during each 2-year period—

20 “(i) consider revisions to the Federal
21 manufactured home construction and safe-
22 ty standards and procedural and enforce-
23 ment regulations (including the adoption of
24 regulations specifying the permissible scope
25 and conduct of monitoring); and

1 “(ii) submit proposed revised stand-
2 ards and regulations to the Secretary.

3 “(B) PUBLICATION OF PROPOSED REVISED
4 STANDARDS AND REGULATIONS.—Before sub-
5 mitting any proposed revised standard or regu-
6 lation under subparagraph (A)(ii), the consen-
7 sus committee shall—

8 “(i) publish in the Federal Register a
9 notice of the proposed revised standard or
10 regulation and a description of the consid-
11 erations and decisions of the consensus
12 committee under subsection (e); and

13 “(ii) provide an opportunity for public
14 comment on such proposed revised stand-
15 ard or regulation.

16 “(C) PRESENTATION OF PUBLIC COM-
17 MENTS.—Any public comments, views, and ob-
18 jections to a proposed revised standard or regu-
19 lation published under subparagraph (B) shall
20 be presented to the consensus committee in ac-
21 cordance with procedures established by the
22 American National Standards Institute. The
23 consensus committee shall publish in the Fed-
24 eral Register a notice of the recommended revi-
25 sions of the consensus committee to the stand-

1 ard or regulation, a notice of the submission of
2 the recommended revisions to the Secretary,
3 and a description of the circumstances under
4 which the proposed revised standards or regula-
5 tions could become effective.

6 “(5) REVIEW BY THE SECRETARY.—

7 “(A) IN GENERAL.—The Secretary shall
8 either adopt, modify, or reject a standard or
9 regulation, as submitted by the consensus com-
10 mittee under paragraph (4)(A).

11 “(B) TIMING.—Not later than 12 months
12 after the date on which a standard or regula-
13 tion is submitted to the Secretary by the con-
14 sensus committee, the Secretary shall take ac-
15 tion regarding such standard or regulation
16 under subparagraph (C).

17 “(C) PROCEDURES.—If the Secretary—

18 “(i) adopts a standard or regulation
19 recommended by the consensus committee,
20 the Secretary shall—

21 “(I) issue a final order without
22 further rulemaking; and

23 “(II) cause the final order to be
24 published in the Federal Register;

1 “(ii) determines that any standard or
2 regulation should be rejected because the
3 implementation of such standard or regula-
4 tion would jeopardize public health or safe-
5 ty or is inconsistent with the purposes of
6 this title, the Secretary shall—

7 “(I) reject the standard or regu-
8 lation; and

9 “(II) publish in the Federal Reg-
10 ister a notice to that effect, together
11 with the reason or reasons for reject-
12 ing the proposed standard or regula-
13 tion; or

14 “(iii) determines that a standard or
15 regulation recommended by the consensus
16 committee should be modified because the
17 implementation of such standard or regula-
18 tion would jeopardize public health or safe-
19 ty or is inconsistent with the purposes of
20 this title, the Secretary shall—

21 “(I) cause the proposed modified
22 standard or regulation to be published
23 in the Federal Register, together with
24 an explanation of the reason or rea-

1 sons for the determination of the Sec-
2 retary; and

3 “(II) provide an opportunity for
4 public comment in accordance with
5 section 553 of title 5, United States
6 Code.

7 “(D) FINAL ORDER.—Any final standard
8 or regulation under this paragraph shall become
9 effective pursuant to subsection (c).

10 “(6) FAILURE TO ACT.—If the Secretary fails
11 to take final action under paragraph (5) and to pub-
12 lish notice of the action in the Federal Register be-
13 fore the expiration of the 12-month period beginning
14 on the date on which the proposed standard or regu-
15 lation is submitted to the Secretary under paragraph
16 (4)(A)—

17 “(A) the recommendations of the consen-
18 sus committee—

19 “(i) shall be considered to have been
20 adopted by the Secretary; and

21 “(ii) shall take effect upon the expira-
22 tion of the 180-day period that begins
23 upon the conclusion of such 12-month pe-
24 riod; and

1 “(B) not later than 10 days after the expi-
2 ration of such 12-month period, the Secretary
3 shall publish in the Federal Register a notice of
4 the failure of the Secretary to act, the revised
5 standard or regulation, and the effective date of
6 the revised standard or regulation, which notice
7 shall be deemed to be an order of the Secretary
8 approving the revised standards or regulations
9 proposed by the consensus committee.

10 “(7) INTERPRETIVE BULLETINS.—The Sec-
11 retary may issue interpretive bulletins to clarify the
12 meaning of any Federal manufactured home con-
13 struction and safety standard or procedural and en-
14 forcement regulation, subject to the following re-
15 quirements:

16 “(A) REVIEW BY CONSENSUS COMMIT-
17 TEE.—Before issuing an interpretive bulletin—

18 “(i) the Secretary shall—

19 “(I) submit the proposed bulletin
20 to the consensus committee; and

21 “(II) provide the consensus com-
22 mittee with a period of 90 days to
23 provide written comments on the pro-
24 posed bulletin to the Secretary;

1 “(ii) if the consensus committee fails
2 to provide written comments before the ex-
3 piration of the 90-day period described in
4 clause (i), or concurs with the interpretive
5 bulletin submitted under clause (i)(I), the
6 Secretary may issue the interpretive bul-
7 letin immediately; and

8 “(iii) if the Secretary rejects any sig-
9 nificant comment provided by the consen-
10 sus committee under clause (i), the Sec-
11 retary shall—

12 “(I) provide a written expla-
13 nation of the reasons for the rejection
14 to the consensus committee;

15 “(II) cause the proposed bulletin
16 and the consensus committee’s written
17 comments to be published in the Fed-
18 eral Register; and

19 “(III) provide an opportunity for
20 public comment in accordance with
21 section 553 of title 5, United States
22 Code.

23 “(B) PROPOSALS.—

24 “(i) IN GENERAL.—The consensus
25 committee may submit to the Secretary a

1 proposed interpretive bulletin under this
2 paragraph.

3 “(ii) AUTOMATIC APPROVAL.—If the
4 Secretary fails to issue or reject a proposed
5 interpretive bulletin submitted under
6 clause (i) before the expiration of the 90-
7 day period beginning on the date on which
8 the bulletin is submitted to the Secretary
9 under clause (i), the Secretary shall—

10 “(I) be considered to have ap-
11 proved the bulletin; and

12 “(II) immediately issue the bul-
13 letin.

14 “(b) OTHER ORDERS.—

15 “(1) IN GENERAL.—If the Secretary deter-
16 mines, in writing, that such action is necessary in
17 order to respond to a public health or safety emer-
18 gency, or to address an issue on which the Secretary
19 determines the consensus committee will not make a
20 timely recommendation, the Secretary may issue an
21 order that is not developed under the procedures set
22 forth in subsection (a), if the Secretary—

23 “(A) first submits the proposed order to
24 the consensus committee for review; and

1 “(B) in the case of an order addressing an
2 issue on which the Secretary determines that
3 the consensus committee will not make a timely
4 recommendation, affords the consensus commit-
5 tee 90 days to provide the views of the consen-
6 sus committee on the proposed order to the
7 Secretary.

8 “(2) EXPLANATION REQUIRED.—If the consen-
9 sus committee fails to act before the expiration of
10 the 90-day period described in paragraph (1)(B) or
11 if the Secretary rejects any significant change rec-
12 ommended by the consensus committee under such
13 paragraph, the public notice of an order issued
14 under paragraph (1) shall include an explanation of
15 the reasons for such failure or rejection.

16 “(3) RULEMAKING PROCEDURES.—The Sec-
17 retary may issue an order under this subsection only
18 in accordance with section 553 of title 5, United
19 States Code.”;

20 (2) in subsection (d), by adding at the end the
21 following: “Federal preemption under this subsection
22 shall be broadly and liberally construed. It shall be
23 the duty of the Secretary to ensure that disparate
24 State or local requirements or standards do not af-
25 fect the uniformity and comprehensiveness of the

1 standards promulgated hereunder. Nothing in the
2 preceding sentence shall affect any person’s right to
3 enforce this subsection in any court of competent ju-
4 risdiction. There is reserved to each State the right
5 to establish standards for the installation of manu-
6 factured homes sited within that State and the right
7 to enforce compliance with such standards, except
8 that such standards shall be consistent with the pur-
9 poses of this title and with the applicable manufac-
10 turers’ installation instructions.”;

11 (3) by striking subsection (e);

12 (4) in subsection (f), by striking the matter pre-
13 ceding paragraph (1) and inserting the following:

14 “(e) CONSIDERATIONS IN ESTABLISHING AND IN-
15 TERPRETING STANDARDS AND REGULATIONS.—The con-
16 sensus committee, in recommending standards, regula-
17 tions, and interpretations, and the Secretary, in establish-
18 ing standards or regulations, or issuing interpretations
19 under this section, shall—”;

20 (5) by striking subsection (g);

21 (6) in the first sentence of subsection (j), by
22 striking “subsection (f)” and inserting “subsection
23 (e)”; and

24 (7) by redesignating subsections (h), (i), and
25 (j), as subsections (f), (g), and (h), respectively.

1 **SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED**
2 **HOME ADVISORY COUNCIL.**

3 Section 605 (42 U.S.C. 5404) is repealed.

4 **SEC. 6. PUBLIC INFORMATION.**

5 Section 607 (42 U.S.C. 5406) is amended—

6 (1) in subsection (a)—

7 (A) by inserting “to the Secretary” after
8 “submit”; and

9 (B) by adding at the end the following:

10 “The Secretary shall submit such cost and
11 other information to the consensus committee
12 for evaluation.”;

13 (2) in subsection (d), by inserting “, the con-
14 sensus committee,” after “public”; and

15 (3) by striking subsection (c) and redesignating
16 subsections (d) and (e) as subsections (c) and (d),
17 respectively.

18 **SEC. 7. FEES.**

19 Section 620 (42 U.S.C. 5419) is amended to read as
20 follows:

21 **“SEC. 620. AUTHORITY TO ESTABLISH FEES.**

22 “(a) IN GENERAL.—In carrying out inspections
23 under this title, in developing standards and regulations
24 pursuant to section 604, and in promoting the afford-
25 ability and availability of manufactured housing, the Sec-
26 retary may—

1 “(1) establish and collect from manufactured
2 home manufacturers, distributors, and retailers such
3 reasonable fees as may be necessary to offset the ex-
4 penses incurred by the Secretary in connection
5 with—

6 “(A) conducting inspections, including in-
7 spections by States acting pursuant to an ap-
8 proved State plan under section 623;

9 “(B) administering the consensus commit-
10 tee as set forth in section 604;

11 “(C) providing the funding for a noncareer
12 administrator and Federal staff personnel for
13 the manufactured housing program; and

14 “(D) promoting the availability of afford-
15 able manufactured homes to increase home-
16 ownership for all Americans; and

17 “(2) use any fees collected under paragraph (1)
18 to pay expenses referred to in subparagraphs (A),
19 (B), (C), and (D) of paragraph (1), which shall be
20 exempt and separate from any limitations on the
21 Department of Housing and Urban Development re-
22 garding full-time equivalent positions and travel.

23 “(b) PROHIBITED USE.—Neither the Secretary, an
24 agent of the Secretary, or the States under section 623
25 of this title may use any fees collected under subsection

1 (a) for any purpose or activity not specifically authorized
2 by this title.

3 “(c) MODIFICATION.—Any fee established by the Sec-
4 retary under this section shall only be modified pursuant
5 to rulemaking in accordance with section 553 of title 5,
6 United States Code.

7 “(d) APPROPRIATION AND DEPOSIT OF FEES.—

8 “(1) IN GENERAL.—There is established in the
9 Treasury of the United States a fund to be known
10 as the ‘Manufactured Housing Fees Fund’ for de-
11 posit of all fees collected pursuant to subsection (a).

12 “(2) APPROPRIATION.—Fees deposited in the
13 fund established under subsection (a) shall be avail-
14 able for expenditure only to the extent as approved
15 in an annual appropriations Act.”.

16 **SEC. 8. ELIMINATION OF ANNUAL REPORT REQUIREMENT.**

17 The National Manufactured Housing Construction
18 and Safety Standards Act of 1974 is amended—

19 (1) by striking section 626 (42 U.S.C. 5425);

20 and

21 (2) by redesignating sections 627 and 628 (42
22 U.S.C. 5426, 5401 note) as sections 626 and 627,
23 respectively.

1 **SEC. 9. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date of enactment of this Act, except that the
4 amendments shall have no effect on any order or interpre-
5 tive bulletin that is published as a proposed rule pursuant
6 to section 553 of title 5, United States Code, on or before
7 such date.

8 **SEC. 10. SAVINGS PROVISION.**

9 The Federal manufactured home construction and
10 safety standards (as defined in section 603 of the National
11 Manufactured Housing Construction and Safety Stand-
12 ards Act of 1974) in effect immediately before the date
13 of enactment of this Act shall apply until the effective date
14 of the Federal manufactured home construction and safety
15 standards promulgated under subsection (a) or (b) of sec-
16 tion 604 of the National Manufactured Housing Construc-
17 tion and Safety Standards Act of 1974, as amended by
18 this Act.

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