

105TH CONGRESS
2D SESSION

H. R. 3634

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 HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. LAZIO of New York (for himself, Ms. HOOLEY of Oregon, Mr. CALVERT, Mr. ETHERIDGE, Mr. MCINTOSH, Mr. NEY, Mr. ROYCE, Mrs. KELLY, Mr. DOOLEY of California, Mr. BOSWELL, Mr. WELLER, Mr. GOODE, and Mr. MINGE) introduced the following bill; which was referred to the Committee on Banking and Financial Services

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,*

1 **SECTION 1. SHORT TITLE AND REFERENCES.**

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

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

10 **SEC. 2. FINDINGS AND PURPOSES.**

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

13 “FINDINGS AND PURPOSES

14 “SEC. 602. (a) FINDINGS.—The Congress finds
15 that—

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

18 “(2) manufactured homes provide a significant
19 resource for affordable home ownership and rental
20 housing accessible to all Americans.

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

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

24 “(2) to promote the availability of affordable
25 manufactured homes and to increase homeownership
26 for all Americans;

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

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

6 “(5) to protect manufactured homeowners from
7 unreasonable risk of personal injury and property
8 damage;

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

14 “(7) to ensure uniform and effective enforce-
15 ment of Federal construction and safety standards
16 for manufactured homes; and

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

21 **SEC. 3. DEFINITIONS.**

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

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

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

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

5 (4) by adding at the end the following new
6 paragraphs:

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

11 “(A) with respect to the period during
12 which the agreement under section
13 604(a)(2)(A) is in force, shall be the Council of
14 American Building Officials; and

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

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

21 “(16) ‘consensus standards development proc-
22 ess’ means the process by which additions, revisions,
23 and interpretations to the Federal manufactured
24 home construction and safety standards and enforce-
25 ment regulations shall be developed and rec-

1 ommended to the Secretary by the consensus com-
2 mittee;

3 “(17) ‘primary inspection agency’ means a
4 State agency or private organization that has been
5 approved by the Secretary to act as a design ap-
6 proval primary inspection agency or a production in-
7 spection primary inspection agency, or both;

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

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

21 “(20) ‘monitoring’ means the process of peri-
22 odic review of the primary inspection agencies, by
23 the Secretary or by a State agency under an ap-
24 proved State plan pursuant to section 623, in ac-
25 cordance with regulations adopted by the consensus

1 committee and promulgated in accordance with sec-
2 tion 604(a)(4)(B). Such monitoring shall be for the
3 purpose of ensuring that the primary inspection
4 agencies are discharging their duties as defined
5 herein.”.

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 subsections (d) and (f), by striking
22 “dealers” each place it appears and inserting
23 “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 new subsections:

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) where appropriate, be perform-
19 ance-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.—

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

9 “(i) terminate on the date on which a
10 contract is entered into under subpara-
11 graph (B); and

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

14 “(I) appoint the initial members
15 of the consensus committee under
16 paragraph (3);

17 “(II) administer the consensus
18 standards development process until
19 the termination of that agreement;
20 and

21 “(III) administer the consensus
22 development and interpretation proc-
23 ess for procedural and enforcement
24 regulations and regulations specifying
25 the permissible scope and conduct of

1 monitoring until the termination of
2 that agreement.

3 If the Council of American Building Officials
4 (or the successor organization to such Council)
5 declines to enter into the agreement as provided
6 in this subparagraph, the Secretary shall enter
7 into the agreement under this subparagraph
8 with an organization described in subparagraph
9 (B).

10 “(B) COMPETITIVELY PROCURED CON-
11 TRACT.—Upon the expiration of the 4-year pe-
12 riod beginning on the date on which all mem-
13 bers of the consensus committee are appointed
14 under paragraph (3), the Secretary shall, using
15 competitive procedures (as such term is defined
16 in section 4 of the Office of Federal Procure-
17 ment Policy Act), enter into a competitively
18 awarded contract with a qualified technical or
19 building code organization (which may be the
20 Council of American Building Officials) under
21 which the organization shall administer the con-
22 sensus process for the development and inter-
23 pretation of the Federal standards, the proce-
24 dural and enforcement regulations and regula-

1 tions specifying the permissible scope and con-
2 duct of monitoring in accordance with this title.

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

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

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

18 “(3) CONSENSUS COMMITTEE.—

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

23 “(i) provide periodic recommendations
24 to the Secretary to adopt, revise, and inter-
25 pret the Federal manufactured housing

1 construction and safety standards in ac-
2 cordance with this subsection;

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

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

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

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

23 “(ii) 1 member appointed by the Sec-
24 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) the individual is not qualified to
10 represent the interest category referred to
11 in subparagraph (D) for which the individ-
12 ual has been appointed.

13 “(D) SELECTION PROCEDURES AND RE-
14 QUIREMENTS.—Each member shall be ap-
15 pointed in accordance with the selection proce-
16 dures, which shall be established by the Sec-
17 retary and which shall be based on the proce-
18 dures for consensus committees promulgated by
19 the American National Standards Institute (or
20 successor organization), except that the Amer-
21 ican National Standards Institute interest cat-
22 egories shall be modified for purposes of this
23 paragraph to ensure equal representation on
24 the consensus committee of the following inter-
25 est categories:

1 “(i) Manufacturers.

2 “(ii) Retailers, insurers, suppliers,
3 lenders, community owners, and private in-
4 spection agencies that have a financial in-
5 terest in the manufactured housing indus-
6 try.

7 “(iii) Homeowners and consumer rep-
8 resentatives.

9 “(iv) Public officials, including those
10 from State agencies or local building code
11 enforcement and inspection agencies.

12 “(v) General interest groups, includ-
13 ing academicians, researchers, architects,
14 engineers, private inspection agencies, and
15 others.

16 “(E) ADDITIONAL QUALIFICATIONS.—

17 “(i) FINANCIAL INTEREST.—No mem-
18 ber appointed under clause (iii), (iv), or (v)
19 of subparagraph (D) may have a signifi-
20 cant financial interest in the manufactured
21 housing industry, unless—

22 “(I) such member is a private in-
23 spection agency; or

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

1 “(ii) LIMITATION ON PRIVATE INSPEC-
2 TION AGENCIES.—The number of members
3 appointed under subparagraph (D)(v) who
4 represent private inspection agencies shall
5 not constitute more than 20 percent of the
6 total number of members appointed under
7 subparagraph (D)(v).

8 “(F) MEETINGS.—The consensus commit-
9 tee shall provide advance notice of each meeting
10 of the consensus committee to the Secretary
11 and publish advance notice of each such meet-
12 ing in the Federal Register. All meetings of the
13 consensus committee shall be open to the pub-
14 lic.

15 “(G) INAPPLICABILITY OF OTHER LAWS.—

16 “(i) ADVISORY COMMITTEE ACT.—The
17 consensus committee shall not be consid-
18 ered to be an advisory committee for pur-
19 poses of the Federal Advisory Committee
20 Act.

21 “(ii) TITLE 18.—The members of the
22 consensus committee shall not be subject
23 to section 203, 205, 207, or 208 of title
24 18, United States Code, to the extent of

1 their proper participation as members of
2 the consensus committee.

3 “(iii) ETHICS IN GOVERNMENT ACT
4 OF 1978.—The Ethics in Government Act
5 of 1978 shall not apply to members of the
6 consensus committee to the extent of their
7 proper participation as members of the
8 consensus committee.

9 “(H) ADMINISTRATION.—The consensus
10 committee and the administering organization
11 shall—

12 “(i) operate in conformance with the
13 procedures established by the American
14 National Standards Institute for the devel-
15 opment and coordination of American Na-
16 tional Standards; and

17 “(ii) apply to the American National
18 Standards Institute and take such other
19 actions as may be necessary to obtain ac-
20 creditation from the American National
21 Standards Institute.

22 “(I) STAFF.—The administering organiza-
23 tion shall, upon the request of the consensus
24 committee, provide reasonable staff resources to
25 the consensus committee.

1 “(J) DATE OF INITIAL APPOINTMENTS.—

2 The initial appointments of all of the members
3 of the consensus committee shall be completed
4 not later than 90 days after the date on which
5 an administration agreement under paragraph
6 (2)(A) is completed with the Council of Amer-
7 ican Building Officials.

8 “(4) REVISIONS.—

9 “(A) IN GENERAL.—Beginning on the date
10 on which all members of the consensus commit-
11 tee are appointed under paragraph (3), the con-
12 sensus committee shall, not less than once dur-
13 ing each 2-year period—

14 “(i) consider revisions to the Federal
15 manufactured home construction and safe-
16 ty standards and procedural and enforce-
17 ment regulations (including the adoption of
18 regulations specifying the permissible scope
19 and conduct of monitoring); and

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

22 “(B) PUBLICATION OF PROPOSED REVISED
23 STANDARDS AND REGULATIONS.—Before sub-
24 mitting any proposed revised standard or regu-

1 lation under subparagraph (A)(ii), the consen-
2 sus committee shall—

3 “(i) cause to be published in the Fed-
4 eral Register a notice of the proposed re-
5 vised standard or regulation and a descrip-
6 tion of the considerations and decisions of
7 the consensus committee under subsection
8 (e); and

9 “(ii) provide an opportunity for public
10 comment on such proposed revised stand-
11 ard or regulation.

12 “(C) PRESENTATION OF PUBLIC COM-
13 MENTS.—Any public comments, views, and ob-
14 jections to a proposed revised standard or regu-
15 lation published under subparagraph (B) shall
16 be presented to the consensus committee in ac-
17 cordance with procedures established by the
18 American National Standards Institute. The
19 consensus committee shall cause to be published
20 in the Federal Register a notice of the rec-
21 ommended revisions of the consensus committee
22 to the standard or regulation, a notice of the
23 submission of the recommended revisions to the
24 Secretary, and a description of the cir-

1 cumstances under which the proposed revised
2 standards or regulations could become effective.

3 “(5) REVIEW BY THE SECRETARY.—

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

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

14 “(C) PROCEDURES.—If the Secretary—

15 “(i) adopts a standard or regulation
16 recommended by the consensus committee,
17 the Secretary shall—

18 “(I) issue a final order without
19 further rulemaking; and

20 “(II) cause the final order to be
21 published in the Federal Register;

22 “(ii) determines that any standard or
23 regulation should be rejected because the
24 implementation of such standard or regula-
25 tion would jeopardize public health or safe-

1 ty or is inconsistent with the purposes of
2 this title, the Secretary shall—

3 “(I) reject the standard or regu-
4 lation; and

5 “(II) cause to be published in the
6 Federal Register a notice to that ef-
7 fect, together with the reason or rea-
8 sons for rejecting the proposed stand-
9 ard or regulation; or

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

17 “(I) cause the proposed modified
18 standard or regulation to be published
19 in the Federal Register, together with
20 an explanation of the reason or rea-
21 sons for the determination of the Sec-
22 retary; and

23 “(II) provide an opportunity for
24 public comment in accordance with

1 section 553 of title 5, United States
2 Code.

3 “(D) FINAL ORDER.—Any final standard
4 or regulation under this paragraph shall become
5 effective pursuant to subsection (c).

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

13 “(A) the recommendations of the consen-
14 sus committee—

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

17 “(ii) shall take effect upon the expira-
18 tion of the 180-day period that begins
19 upon the conclusion of such 12-month pe-
20 riod; and

21 “(B) not later than 10 days after the expi-
22 ration of such 12-month period, the Secretary
23 shall cause to be published in the Federal Reg-
24 ister a notice of the failure of the Secretary to
25 act, the revised standard or regulation, and the

1 effective date of the revised standard or regula-
2 tion, which notice shall be deemed to be an
3 order of the Secretary approving the revised
4 standards or regulations proposed by the con-
5 sensus committee.

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

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

14 “(i) the Secretary shall—

15 “(I) submit the proposed bulletin
16 to the consensus committee; and

17 “(II) provide the consensus com-
18 mittee with a period of 90 days to
19 provide written comments on the pro-
20 posed bulletin to the Secretary; and

21 “(ii) if the Secretary rejects any sig-
22 nificant comment provided by the consen-
23 sus committee under clause (i), the Sec-
24 retary shall—

1 “(I) provide a written expla-
2 nation of the reasons for the rejection
3 to the consensus committee;

4 “(II) cause the proposed bulletin
5 and the consensus committee’s written
6 comments to be published in the Fed-
7 eral Register; and

8 “(III) provide an opportunity for
9 public comment in accordance with
10 section 553 of title 5, United States
11 Code.

12 “(B) PROPOSALS.—

13 “(i) IN GENERAL.—The consensus
14 committee may submit to the Secretary a
15 proposed interpretive bulletin under this
16 paragraph.

17 “(ii) AUTOMATIC APPROVAL.—If the
18 Secretary fails to issue or rejects a pro-
19 posed interpretive bulletin submitted under
20 clause (i) before the expiration of the 90-
21 day period beginning on the date on which
22 the bulletin is submitted to the Secretary
23 under clause (i), the Secretary shall—

24 “(I) be considered to have ap-
25 proved the bulletin; and

1 “(II) immediately issue the bul-
2 letin.

3 “(b) OTHER ORDERS.—

4 “(1) IN GENERAL.—If the Secretary deter-
5 mines, in writing, that such action is necessary in
6 order to respond to a public health or safety emer-
7 gency, or to address an issue on which the Secretary
8 determines the consensus committee will not make a
9 timely recommendation, the Secretary may issue an
10 order that is not developed under the procedures set
11 forth in subsection (a), if the Secretary—

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

14 “(B) in the case of an order addressing an
15 issue on which the Secretary determines that
16 the consensus committee will not make a timely
17 recommendation, affords the consensus commit-
18 tee 90 days to provide the views of the consen-
19 sus committee on the proposed order to the
20 Secretary.

21 “(2) EXPLANATION REQUIRED.—If the consen-
22 sus committee fails to act before the expiration of
23 the 90-day period described in paragraph (1)(B) or
24 if the Secretary rejects any significant change rec-
25 ommended by the consensus committee under such

1 paragraph, the public notice of an order issued
2 under paragraph (1) shall include an explanation of
3 the reasons for such failure or rejection.

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

8 (2) in subsection (d), by adding at the end the
9 following: “Federal preemption under this subsection
10 shall be broadly and liberally construed. It shall be
11 the duty of the Secretary to ensure that disparate
12 State or local requirements or standards do not af-
13 fect the uniformity and comprehensiveness of the
14 standards promulgated hereunder. Nothing in the
15 preceding sentence shall affect any person’s right to
16 enforce the provisions of this subsection in any court
17 of competent jurisdiction. There is reserved to each
18 State the right to establish standards for the instal-
19 lation of manufactured homes sited within that
20 State and the right to enforce compliance with such
21 standards: *Provided*, That such standards shall be
22 consistent with the purposes of this title and with
23 the applicable manufacturers’ installation instruc-
24 tions.”;

25 (3) by striking subsection (e);

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

3 “(e) CONSIDERATIONS IN ESTABLISHING AND IN-
4 TERPRETING STANDARDS AND REGULATIONS.—The con-
5 sensus committee, in recommending standards, regula-
6 tions, and interpretations, and the Secretary, in establish-
7 ing standards or regulations, or issuing interpretations
8 under this section, shall—”;

9 (5) by striking subsection (g);

10 (6) in the first sentence of subsection (j), by
11 striking “subsection (f)” and inserting “subsection
12 (e)”; and

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

15 **SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED**
16 **HOME ADVISORY COUNCIL.**

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

18 **SEC. 6. PUBLIC INFORMATION.**

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

20 (1) in subsection (a)—

21 (A) by inserting “to the Secretary” after
22 “submit”; and

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

24 “The Secretary shall submit such cost and

1 other information to the consensus committee
2 for evaluation.”;

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

5 (3) by striking subsection (c) and redesignating
6 subsections (d) and (e) as subsections (c) and (d),
7 respectively.

8 **SEC. 7. FEES.**

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

11 “AUTHORITY TO ESTABLISH FEES

12 “SEC. 620. (a) IN GENERAL.—In carrying out in-
13 spections under this title, in developing standards and reg-
14 ulations pursuant to section 604, and in promoting the
15 affordability and availability of manufactured housing, the
16 Secretary may—

17 “(1) establish and collect from manufactured
18 home manufacturers, distributors, and retailers such
19 reasonable fees as may be necessary to offset the ex-
20 penses incurred by the Secretary in connection
21 with—

22 “(A) conducting those inspections;

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

1 “(C) providing the funding for a noncareer
2 administrator for the manufactured housing
3 program; and

4 “(D) promoting the availability of afford-
5 able manufactured homes to increase home-
6 ownership for all Americans; and

7 “(2) use any fees collected under paragraph (1)
8 to pay expenses referred to in subparagraphs (A),
9 (B), (C), and (D) of paragraph (1), which shall be
10 exempt and separate from any limitations on the
11 Department of Housing and Urban Development re-
12 garding full-time equivalent positions and travel.

13 “(b) PROHIBITED USE.—Neither the Secretary, an
14 agent of the Secretary, or the States under section 623
15 of this title may use any fees collected under subsection
16 (a) for any purpose or activities not specifically authorized
17 by this title.

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

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

23 “(1) IN GENERAL.—There is established in the
24 Treasury of the United States a fund to be known

1 as the ‘Manufactured Housing Fees Fund’ for de-
2 posit of all fees collected pursuant to subsection (a).

3 “(2) APPROPRIATION.—Such fees shall be avail-
4 able for expenditure only to the extent as approved
5 in an annual appropriations Act.”.

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

7 The National Manufactured Housing Construction
8 and Safety Standards Act of 1974 is amended—

9 (1) by striking section 626 (42 U.S.C. 5425);
10 and

11 (2) by redesignating sections 627 and 628 (42
12 U.S.C. 5426, 5401 note) as sections 626 and 627,
13 respectively.

14 **SEC. 9. EFFECTIVE DATE.**

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

21 **SEC. 10. SAVINGS PROVISION.**

22 The Federal manufactured home construction and
23 safety standards (as such term is defined in section 603
24 of the National Manufactured Housing Construction and
25 Safety Standards Act of 1974) in effect immediately be-

1 fore the date of the enactment of this Act shall apply until
2 the effective date of the Federal manufactured home con-
3 struction and safety standards promulgated under sub-
4 section (a) or (b) of section 604 of the National Manufac-
5 tured Housing Construction and Safety Standards Act of
6 1974, as amended by this Act.

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