

**Calendar No. 517**

106TH CONGRESS  
2D SESSION

**S. 1452**

**[Report No. 106-274]**

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**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.

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APRIL 13, 2000

Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

JULY 28, 1999

Mr. SHELBY (for himself, Mr. BAYH, Mr. BRYAN, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. CRAIG, Mr. INHOFE, Mr. BURNS, Mr. LOTT, Ms. SNOWE, Mr. SANTORUM, Mr. MACK, Mr. SMITH of Oregon, Mr. COCHRAN, Mr. HELMS, Mr. BUNNING, Mr. LUGAR, Mr. CRAPO, Ms. COLLINS, Mr. SESSIONS, Mr. ROBERTS, Mr. JOHNSON, Mr. HAGEL, Mr. HOLLINGS, Mr. CLELAND, Mr. ABRAHAM, Mr. BENNETT, Mr. COVERDELL, Mr. DASCHLE, Mrs. LINCOLN, Mr. EDWARDS, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

APRIL 13, 2000

Reported by Mr. GRAMM, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## 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 AND REFERENCES.**

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

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

12 **SEC. 2. FINDINGS AND PURPOSES.**

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

15 **“FINDINGS AND PURPOSES**

16 **“SEC. 602. (a) FINDINGS.**—Congress finds that—

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

19 **“(2)** manufactured homes provide a significant  
 20 resource for affordable homeownership and rental  
 21 housing accessible to all Americans.

22 **“(b) PURPOSES.**—The purposes of this Act are—

1           “(1) to facilitate the acceptance of the quality,  
2           durability, safety, and affordability of manufactured  
3           housing within the Department of Housing and  
4           Urban Development;

5           “(2) to facilitate the availability of affordable  
6           manufactured homes and to increase homeownership  
7           for all Americans;

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

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

13          “(5) to protect owners of manufactured homes  
14          from unreasonable risk of personal injury and prop-  
15          erty damage;

16          “(6) to establish a balanced consensus process  
17          for the development, revision, and interpretation of  
18          Federal construction and safety standards for manu-  
19          factured homes and related regulations for the en-  
20          forcement of such standards;

21          “(7) to ensure uniform and effective enforce-  
22          ment of Federal construction and safety standards  
23          for manufactured homes; and

24          “(8) to ensure that the public interest in, and  
25          need for, affordable manufactured housing is duly

1 considered in all determinations relating to the Fed-  
2 eral standards and their enforcement.”.

3 **SEC. 3. DEFINITIONS.**

4 (a) ~~IN GENERAL.~~—Section 603 (42 U.S.C. 5402) is  
5 amended—

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

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

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

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

13 “(14) ‘administering organization’ means the  
14 recognized, voluntary, private sector, unitary con-  
15 sensus standards body with specific experience in de-  
16 veloping model residential building codes and stand-  
17 ards involving all disciplines regarding construction  
18 and safety that administers the consensus standards  
19 through a unitary development process;

20 “(15) ‘consensus committee’ means the com-  
21 mittee established under section 604(a)(3);

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

1       ment regulations shall be developed and rec-  
2       ommended to the Secretary by a unitary consensus  
3       committee, which shall function as a single com-  
4       mittee;

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

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

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

23          “(20) ‘monitoring’—

24           “(A) means the process of periodic review  
25       of the primary inspection agencies; by the Sec-

1           retary or by a State agency under an approved  
 2           State plan pursuant to section 623, in accord-  
 3           ance with regulations recommended by the con-  
 4           sensus committee and promulgated in accord-  
 5           ance with section 604(b), which process shall be  
 6           for the purpose of ensuring that the primary in-  
 7           spection agencies are discharging their duties  
 8           under this title; and

9           “(B) may include the periodic inspection of  
 10          retail locations for transit damage, label tam-  
 11          pering, and retailer compliance with this title.”.

12          (b) CONFORMING AMENDMENTS.—The National  
 13          Manufactured Housing Construction and Safety Stand-  
 14          ards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

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

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

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

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

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

4           (C) in subsections (d) and (f), by striking  
5           “dealers” each place it appears and inserting  
6           “retailers”;

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

9           (5) in section 623(e)(9), by striking “dealers”  
10          and inserting “retailers”.

11 **SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION**  
12 **AND SAFETY STANDARDS.**

13          Section 604 (42 U.S.C. 5403) is amended—

14           (1) by striking subsections (a) and (b) and in-  
15          serting the following:

16          “(a) ESTABLISHMENT.—

17           “(1) AUTHORITY.—The Secretary shall estab-  
18          lish, by order, appropriate Federal manufactured  
19          home construction and safety standards, each of  
20          which—

21           “(A) shall—

22           “(i) be reasonable and practical;

23           “(ii) meet high standards of protec-  
24          tion consistent with the enumerated pur-  
25          poses of this title; and

1           ~~“(iii) be performance-based and objec-~~  
 2           ~~tively stated, unless clearly inappropriate;~~  
 3           ~~and~~

4           ~~“(B) except as provided in subsection (b),~~  
 5           ~~shall be established in accordance with the con-~~  
 6           ~~sensus standards development process.~~

7           ~~“(2) CONSENSUS STANDARDS AND REGU-~~  
 8           ~~LATORY DEVELOPMENT PROCESS.—~~

9           ~~“(A) INITIAL AGREEMENT.—Not later~~  
 10          ~~than 180 days after the date of enactment of~~  
 11          ~~the Manufactured Housing Improvement Act,~~  
 12          ~~the Secretary shall enter into a contract with~~  
 13          ~~an administering organization. The contractual~~  
 14          ~~agreement shall—~~

15                 ~~“(i) terminate on the date on which a~~  
 16                 ~~contract is entered into under subpara-~~  
 17                 ~~graph (B); and~~

18                 ~~“(ii) require the administering organi-~~  
 19                 ~~zation to—~~

20                         ~~“(I) appoint the initial members~~  
 21                         ~~of the consensus committee under~~  
 22                         ~~paragraph (3);~~

23                         ~~“(II) administer the consensus~~  
 24                         ~~standards development process until~~

1 the termination of that agreement;  
2 and

3 “(III) administer the consensus  
4 development and interpretation pro-  
5 cess for procedural and enforcement  
6 regulations and regulations specifying  
7 the permissible scope and conduct of  
8 monitoring until the termination of  
9 that agreement.

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 an administering organi-  
19 zation. The administering organization shall ad-  
20 minister the consensus process for the develop-  
21 ment and interpretation of the Federal stand-  
22 ards, the procedural and enforcement regula-  
23 tions, and regulations specifying the permissible  
24 scope and conduct of monitoring in accordance  
25 with this title.

1           “(C) PERFORMANCE REVIEW.—The  
2 Secretary—

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

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

16           “(3) CONSENSUS COMMITTEE.—

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

21           “(i) provide periodic recommendations  
22 to the Secretary to adopt, revise, and inter-  
23 pret the Federal manufactured housing  
24 construction and safety standards in ac-  
25 cordance with this subsection;

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

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

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

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

21               “(ii) 1 member appointed by the Sec-  
22               retary to represent the Secretary on the  
23               consensus committee, who shall be a non-  
24               voting member.

1           “(C) DISAPPROVAL.—The Secretary may  
2 disapprove, in writing with the reasons set  
3 forth, the appointment of an individual under  
4 subparagraph (B)(i).

5           “(D) SELECTION PROCEDURES AND RE-  
6 QUIREMENTS.—Each member shall be ap-  
7 pointed in accordance with selection procedures,  
8 which shall be based on the procedures for con-  
9 sensus committees promulgated by the Amer-  
10 ican National Standards Institute (or successor  
11 organization), except that the American Na-  
12 tional Standards Institute interest categories  
13 shall be modified for purposes of this paragraph  
14 to ensure equal representation on the consensus  
15 committee of the following interest categories:

16           “(i) HOME PRODUCERS.—Five per-  
17 sons representing manufacturers of manu-  
18 factured homes.

19           “(ii) OTHER BUSINESS INTERESTS.—  
20 Five persons representing other business  
21 interests involved in the manufactured  
22 housing industry such as retailers, install-  
23 ers, lenders, insurers, suppliers of prod-  
24 ucts, and community owners. The business  
25 interests represented in this category shall

1 not be owned or controlled by manufactur-  
2 ers represented under clause (i).

3 “(iii) CONSUMERS.—Five persons rep-  
4 resenting homeowners and consumer inter-  
5 ests, such as consumer organizations, com-  
6 munity organizations, recognized consumer  
7 leaders, and owners and occupants of man-  
8 ufactured homes.

9 “(iv) PUBLIC OFFICIALS.—Five per-  
10 sons who are State or local officials such  
11 as building code enforcement or inspection  
12 officials, fire marshals, and including rep-  
13 resentatives of State administrative agen-  
14 cies.

15 “(v) GENERAL INTEREST.—Five per-  
16 sons representing the public such as archi-  
17 tects, engineers, homebuilders, academi-  
18 cians, and developers.

19 “(E) ADDITIONAL QUALIFICATIONS.—An  
20 individual appointed under clause (iii), (iv), or  
21 (v) of subparagraph (D) shall not have—

22 “(i) a significant financial interest in  
23 any segment of the manufactured housing  
24 industry; or

1           “(ii) a significant relationship to any  
2 person engaged in the manufactured hous-  
3 ing industry.

4           “(F) MEETINGS.—

5           “(i) NOTICE; OPEN TO PUBLIC.—The  
6 consensus committee shall provide advance  
7 notice of each meeting of the consensus  
8 committee to the Secretary and publish ad-  
9 vance notice of each such meeting in the  
10 Federal Register. All meetings of the con-  
11 sensus committee shall be open to the pub-  
12 lic.

13           “(ii) REIMBURSEMENT.—Members of  
14 the consensus committee in attendance at  
15 the meetings shall be reimbursed for their  
16 actual expenses as authorized by section  
17 5703 of title 5, United States Code, for  
18 persons employed intermittently in Govern-  
19 ment service.

20           “(G) INAPPLICABILITY OF OTHER LAWS.—

21           “(i) ADVISORY COMMITTEE ACT.—The  
22 consensus committee shall not be consid-  
23 ered to be an advisory committee for pur-  
24 poses of the Federal Advisory Committee  
25 Act.

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

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

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

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

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

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

5           “(J) DATE OF INITIAL APPOINTMENTS.—  
 6           The initial appointments of all of the members  
 7           of the consensus committee shall be completed  
 8           not later than 90 days after the date on which  
 9           an administration agreement under paragraph  
 10          (2)(A) is completed with the administering or-  
 11          ganization.

12          “(4) REVISIONS OF STANDARDS AND REGULA-  
 13          TIONS.—

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

19                         “(i) consider revisions to the Federal  
 20                         manufactured home construction and safe-  
 21                         ty standards and regulations; and

22                         “(ii) submit proposed revised stand-  
 23                         ards and regulations if approved by a  $\frac{2}{3}$   
 24                         majority vote to the Secretary in the form

1 of a proposed rule, including an economic  
2 analysis.

3 ~~“(B) PUBLICATION OF PROPOSED REVISED~~  
4 ~~STANDARDS AND REGULATIONS.—~~

5 ~~“(i) PUBLICATION BY SECRETARY.—~~

6 The consensus committee shall provide a  
7 proposed revised standard or regulation  
8 under subparagraph (A)(ii) to the Sec-  
9 retary who shall, not later than 30 days  
10 after receipt, publish such proposed revised  
11 standard or regulation in the Federal Reg-  
12 ister for notice and comment. Unless  
13 clause (ii) applies, the Secretary shall pro-  
14 vide an opportunity for public comment on  
15 such proposed revised standard or regula-  
16 tion and any such comments shall be sub-  
17 mitted directly to the consensus committee  
18 without delay.

19 ~~“(ii) PUBLICATION OF REJECTED~~  
20 ~~PROPOSED REVISED STANDARDS AND REG-~~  
21 ~~ULATIONS.—~~If the Secretary rejects the  
22 proposed revised standard or regulation,  
23 the Secretary shall publish the rejected  
24 proposed revised standard or regulation in  
25 the Federal Register with the reasons for

1 rejection and any recommended modifica-  
2 tions set forth.

3 “(C) PRESENTATION OF PUBLIC COM-  
4 MENTS; PUBLICATION OF RECOMMENDED REVI-  
5 SIONS.—

6 “(i) PRESENTATION.—Any public  
7 comments, views, and objections to a pro-  
8 posed revised standard or regulation pub-  
9 lished under subparagraph (B) shall be  
10 presented by the Secretary to the con-  
11 sensus committee upon their receipt and in  
12 the manner received, in accordance with  
13 procedures established by the American  
14 National Standards Institute.

15 “(ii) PUBLICATION BY THE SEC-  
16 RETARY.—The consensus committee shall  
17 provide to the Secretary any revisions pro-  
18 posed by the consensus committee, which  
19 the Secretary shall, not later than 7 cal-  
20 endar days after receipt, cause to be pub-  
21 lished in the Federal Register as a notice  
22 of the recommended revisions of the con-  
23 sensus committee to the standards or regu-  
24 lations; a notice of the submission of the  
25 recommended revisions to the Secretary,

1 and a description of the circumstances  
2 under which the proposed revised stand-  
3 ards or regulations could become effective.

4 “(iii) PUBLICATION OF REJECTED  
5 PROPOSED REVISED STANDARDS AND REG-  
6 ULATIONS.—If the Secretary rejects the  
7 proposed revised standard or regulation,  
8 the Secretary shall publish the rejected  
9 proposed revised standard or regulation in  
10 the Federal Register with the reasons for  
11 rejection and any recommended modifica-  
12 tions set forth.

13 “(5) REVIEW BY THE SECRETARY.—

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

18 “(B) TIMING.—Not later than 12 months  
19 after the date on which a standard or regula-  
20 tion is submitted to the Secretary by the con-  
21 sensus committee, the Secretary shall take ac-  
22 tion regarding such standard or regulation  
23 under subparagraph (C).

24 “(C) PROCEDURES.—If the Secretary—

1           “(i) adopts a standard or regulation  
2 recommended by the consensus committee;  
3 the Secretary shall—

4           “(I) issue a final order without  
5 further rulemaking; and

6           “(II) cause the final order to be  
7 published in the Federal Register;

8           “(ii) determines that any standard or  
9 regulation should be rejected, the Secretary  
10 shall—

11           “(I) reject the standard or regu-  
12 lation; and

13           “(II) cause to be published in the  
14 Federal Register a notice to that ef-  
15 fect, together with the reason or rea-  
16 sons for rejecting the proposed stand-  
17 ard or regulation; or

18           “(iii) determines that a standard or  
19 regulation recommended by the consensus  
20 committee should be modified, the Sec-  
21 retary shall—

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

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

3                   “(H) 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 con-  
18                         sensus 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 cause to be published in the Federal Reg-  
4           ister a notice of the failure of the Secretary to  
5           act, the revised standard or regulation, and the  
6           effective date of the revised standard or regula-  
7           tion, which notice shall be deemed to be an  
8           order of the Secretary approving the revised  
9           standards or regulations proposed by the con-  
10          sensus committee.

11          “(b) OTHER ORDERS.—

12           “(1) INTERPRETATIVE BULLETINS.—The Sec-  
13          retary may issue interpretative bulletins to clarify  
14          the meaning of any Federal manufactured home  
15          construction and safety standard or procedural and  
16          enforcement regulation. The consensus committee  
17          may submit to the Secretary proposed interpretative  
18          bulletins to clarify the meaning of any Federal man-  
19          ufactured home construction and safety standard or  
20          procedural and enforcement regulation.

21           “(2) REVIEW BY CONSENSUS COMMITTEE.—Be-  
22          fore issuing a procedural or enforcement regulation  
23          or an interpretative bulletin—

24           “(A) the Secretary shall—

1           “(i) submit the proposed procedural  
2           or enforcement regulation or interpretative  
3           bulletin to the consensus committee; and

4           “(ii) provide the consensus committee  
5           with a period of 120 days to submit writ-  
6           ten comments to the Secretary on the pro-  
7           posed procedural or enforcement regulation  
8           or the interpretative bulletin;

9           “(B) if the Secretary rejects any signifi-  
10          cant comment provided by the consensus com-  
11          mittee under subparagraph (A), the Secretary  
12          shall provide a written explanation of the rea-  
13          sons for the rejection to the consensus com-  
14          mittee; and

15          “(C) following compliance with subpara-  
16          graphs (A) and (B), the Secretary shall—

17               “(i) cause the proposed regulation or  
18               interpretative bulletin and the consensus  
19               committee’s written comments along with  
20               the Secretary’s response thereto to be pub-  
21               lished in the Federal Register; and

22               “(ii) provide an opportunity for public  
23               comment in accordance with section 553 of  
24               title 5, United States Code.

1           “(3) **REQUIRED ACTION.**—The Secretary shall  
2           act on any proposed regulation or interpretative bul-  
3           letin submitted by the consensus committee by ap-  
4           proving or rejecting the proposal within 120 days  
5           from the date the proposal is received by the Sec-  
6           retary. The Secretary shall either—

7                   “(A) approve the proposal and cause the  
8                   proposed regulation or interpretative bulletin to  
9                   be published for public comment in accordance  
10                  with section 552 of title 5, United States Code;  
11                  or

12                  “(B) reject the proposed regulation or in-  
13                  terpretative bulletin and—

14                   “(i) provide a written explanation of  
15                   the reasons for rejection to the consensus  
16                   committee; and

17                   “(ii) cause the proposed regulation  
18                   and the written explanation for the rejec-  
19                   tion to be published in the Federal Reg-  
20                   ister.

21           “(4) **EMERGENCY ORDERS.**—If the Secretary  
22           determines, in writing, that such action is necessary  
23           in order to respond to an emergency which jeopard-  
24           izes the public health or safety, or to address an  
25           issue on which the Secretary determines that the

1 consensus committee has not made a timely rec-  
2 ommendation, following a request by the Secretary,  
3 the Secretary may issue an order that is not devel-  
4 oped under the procedures set forth in subsection  
5 (a) or in this subsection, if the Secretary—

6 “(A) provides to the consensus committee  
7 a written description and sets forth the reasons  
8 why emergency actions is necessary and all sup-  
9 porting documentation; and

10 “(B) issues and publishes the order in the  
11 Federal Register.

12 “(5) CHANGES.—Any statement of policies,  
13 practices, or procedures relating to construction and  
14 safety standards, regulations, inspections, moni-  
15 toring, or other enforcement activities which con-  
16 stitutes a statement of general or particular applica-  
17 bility to implement, interpret, or prescribe law or  
18 policy by the Secretary is subject to the provisions  
19 of subsection (a) or (b) of this subsection. Any  
20 change adopted in violation of the provisions of sub-  
21 section (a) or (b) of this subsection is void.”;

22 (2) in subsection (d), by adding at the end the  
23 following: “Federal preemption under this subsection  
24 shall be broadly and liberally construed to ensure  
25 that disparate State or local requirements or stand-

1 ards do not affect the uniformity and comprehen-  
 2 siveness of the standards promulgated hereunder nor  
 3 the Federal superintendence of the manufactured  
 4 housing industry as established by this title. There  
 5 is reserved to each State the right to establish  
 6 standards for the stabilizing and support systems of  
 7 manufactured homes sited within that State, and for  
 8 the foundations on which manufactured homes sited  
 9 within that State are installed, and the right to en-  
 10 force compliance with such standards, except that  
 11 such standards shall be consistent with the purposes  
 12 of this title and shall be consistent with the design  
 13 of the manufacturer.”;

14 (3) by striking subsection (e);

15 (4) in subsection (f), by striking the subsection  
 16 designation and all of the matter that precedes para-  
 17 graph (1) and inserting the following:

18 “(e) CONSIDERATIONS IN ESTABLISHING AND IN-  
 19 TERPRETING STANDARDS AND REGULATIONS.—The con-  
 20 sensus committee, in recommending standards, regula-  
 21 tions, and interpretations, and the Secretary, in estab-  
 22 lishing standards or regulations, or issuing interpretations  
 23 under this section, shall—”;

24 (5) by striking subsection (g);

1           (6) in the first sentence of subsection (j), by  
2 striking “subsection (f)” and inserting “subsection  
3 (e)”; and

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

6 **SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED**  
7 **HOME ADVISORY COUNCIL.**

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

9 **SEC. 6. PUBLIC INFORMATION.**

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

11           (1) in subsection (a)—

12                 (A) by inserting “to the Secretary” after  
13 “submit”; and

14                 (B) by adding at the end the following:  
15 “The Secretary shall submit such cost and  
16 other information to the consensus committee  
17 for evaluation.”;

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

20           (3) by striking subsection (e) and redesignating  
21 subsections (d) and (e) as subsections (e) and (d),  
22 respectively.

1 **SEC. 7. RESEARCH, TESTING, DEVELOPMENT, AND TRAIN-**  
2 **ING.**

3 (a) **IN GENERAL.**—Section 608(a) (42 U.S.C.  
4 5407(a)) is amended—

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

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

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

10 “(4) encouraging the government-sponsored  
11 housing entities to actively develop and implement  
12 secondary market securitization programs for the  
13 FHA manufactured home loans and those of other  
14 loan programs, as appropriate, thereby promoting  
15 the availability of affordable manufactured homes to  
16 increase homeownership for all people in the United  
17 States; and

18 “(5) reviewing the programs for FHA manufac-  
19 tured home loans and developing any changes to  
20 such programs to promote the affordability of manu-  
21 factured homes, including changes in loan terms,  
22 amortization periods, regulations, and procedures.”.

23 (b) **DEFINITIONS.**—Section 608 (42 U.S.C. 5407) is  
24 amended by adding at the end the following:

25 “(c) **DEFINITIONS.**—For purposes of this section, the  
26 following definitions shall apply:

1           “(1) GOVERNMENT-SPONSORED HOUSING ENTI-  
2           TIES.—The term ‘government-sponsored housing en-  
3           tities’ means the Government National Mortgage As-  
4           sociation of the Department of Housing and Urban  
5           Development, the Federal National Mortgage Asso-  
6           ciation, and the Federal Home Loan Mortgage Cor-  
7           poration.

8           “(2) FHA MANUFACTURED HOME LOAN.—The  
9           term ‘FHA manufactured home loan’ means a loan  
10          that—

11                 “(A) is insured under title I of the Na-  
12                 tional Housing Act and is made for the purpose  
13                 of financing alterations, repairs, or improve-  
14                 ments on or in connection with an existing  
15                 manufactured home, the purchase of a manu-  
16                 factured home, the purchase of a manufactured  
17                 home and a lot on which to place the home, or  
18                 the purchase only of a lot on which to place a  
19                 manufactured home; or

20                 “(B) otherwise insured under the National  
21                 Housing Act and made for or in connection  
22                 with a manufactured home.”.

23 **SEC. 8. FEES.**

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

## 1                   “AUTHORITY TO COLLECT FEE

2           “SEC. 620. (a) IN GENERAL.—In carrying out in-  
3   spections under this title, in developing standards and reg-  
4   ulations pursuant to section 604, and in facilitating the  
5   acceptance of the affordability and availability of manufac-  
6   tured housing within the Department, the Secretary  
7   may—

8           “(1) establish and collect from manufactured  
9   home manufacturers a reasonable fee, as may be  
10   necessary to offset the expenses incurred by the Sec-  
11   retary in connection with carrying out the respon-  
12   sibilities of the Secretary under this title,  
13   including—

14           “(A) conducting inspections and moni-  
15   toring;

16           “(B) providing funding to States for the  
17   administration and implementation of approved  
18   State plans under section 623, including rea-  
19   sonable funding for cooperative educational and  
20   training programs designed to facilitate uniform  
21   enforcement under this title, which funds may  
22   be paid directly to the States or may be paid  
23   or provided to any person or entity designated  
24   to receive and disburse such funds by coopera-  
25   tive agreements among participating States;

1 provided that such person or entity is not other-  
2 wise an agent of the Secretary under this title;

3 “(C) providing the funding for a noncareer  
4 administrator;

5 “(D) providing the funding for Federal  
6 staff personnel for the manufactured housing  
7 program, subject to subsection (c);

8 “(E) administering the consensus com-  
9 mittee as set forth in section 604; and

10 “(F) facilitating the acceptance of the  
11 quality, durability, safety, and affordability of  
12 manufactured housing within the Department;  
13 and

14 “(2) use amounts from any fee collected under  
15 paragraph (1) to pay expenses referred to in para-  
16 graph (1), which shall be exempt and separate from  
17 any limitations on the Department of Housing and  
18 Urban Development regarding full-time equivalent  
19 positions and travel.

20 “(b) CONTRACTORS.—In using amounts from any fee  
21 collected under this section, the Secretary shall ensure  
22 that separate and independent contractors are retained to  
23 carry out monitoring and inspection work and any other  
24 work that may be delegated to a contractor under this  
25 title.

1       “(c) PROHIBITED USE.—Amounts from any fee col-  
 2 lected under this section may not be used for any purpose  
 3 or activity not specifically authorized by this title, unless  
 4 such activity was already engaged in by the Secretary  
 5 prior to the date of enactment of this title.

6       “(d) MODIFICATION.—Beginning on the date of en-  
 7 actment of the Manufactured Housing Improvement Act,  
 8 the amount of any fee collected under this section may  
 9 only be modified—

10           “(1) as specifically authorized in advance in an  
 11 annual appropriations Act; and

12           “(2) pursuant to rulemaking in accordance with  
 13 section 553 of title 5, United States Code.

14       “(e) APPROPRIATION AND DEPOSIT OF FEES.—

15           “(1) IN GENERAL.—There is established in the  
 16 Treasury of the United States a fund to be known  
 17 as the ‘Manufactured Housing Fees Trust Fund’ for  
 18 deposit of amounts from any fee collected under this  
 19 section. Such amounts shall be held in trust for use  
 20 only as provided in this title.

21           “(2) APPROPRIATION.—Amounts from any fee  
 22 collected under this section shall be available for ex-  
 23 penditure only to the extent approved in advance in  
 24 an annual appropriations Act. Any change in the ex-  
 25 penditure of such amounts shall be specifically au-

1       thorized in advance in an annual appropriations  
2       Act.”.

3 **SEC. 9. ELIMINATION OF ANNUAL REPORT REQUIREMENT.**

4       The National Manufactured Housing Construction  
5 and Safety Standards Act of 1974 (42 U.S.C. 5401 et  
6 seq.) is amended—

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

8       and

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

12 **SEC. 10. EFFECTIVE DATE.**

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

19 **SEC. 11. SAVINGS PROVISION.**

20       (a) **STANDARDS AND REGULATIONS.**—The Federal  
21 manufactured home construction and safety standards (as  
22 such term is defined in section 603 of the National Manu-  
23 factured Housing Construction and Safety Standards Act  
24 of 1974) and all regulations pertaining thereto in effect  
25 immediately before the date of enactment of this Act shall

1 apply until the effective date of a standard or regulation  
 2 modifying or superseding the existing standard or regula-  
 3 tion which is promulgated under subsection (a) or (b) of  
 4 section 604 of the National Manufactured Housing Con-  
 5 struction and Safety Standards Act of 1974, as amended  
 6 by this Act.

7 (b) **CONTRACTS.**—Any contract awarded pursuant to  
 8 a Request for Proposal issued before the date of enact-  
 9 ment of this Act shall remain in effect for a period of 2  
 10 years from the date of enactment of this Act or for the  
 11 remainder of the contract term, whichever period is short-  
 12 er.

13 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**  
 14 **ERENCES.**

15 (a) **SHORT TITLE.**—*This Act may be cited as the*  
 16 *“Manufactured Housing Improvement Act of 2000”.*

17 (b) **TABLE OF CONTENTS.**—*The table of contents for*  
 18 *this Act is as follows:*

- Sec. 1. Short title; table of contents; references.*
- Sec. 2. Findings and purposes.*
- Sec. 3. Definitions.*
- Sec. 4. Federal manufactured home construction and safety standards.*
- Sec. 5. Abolishment of National Manufactured Home Advisory Council; manufac-*  
*tured home installation.*
- Sec. 6. Public information.*
- Sec. 7. Research, testing, development, and training.*
- Sec. 8. Fees.*
- Sec. 9. Dispute resolution.*
- Sec. 10. Elimination of annual reporting requirement.*
- Sec. 11. Effective date.*
- Sec. 12. Savings provisions.*

1       (c) *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 consid-  
4 ered to be made to that section or other provision of the  
5 *National Manufactured Housing Construction and Safety*  
6 *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 homeownership and rental*  
16 *housing accessible to all Americans.*

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

18               “(1) *to facilitate the acceptance of the quality,*  
19 *durability, safety, and affordability of manufactured*  
20 *housing within the Department of Housing and*  
21 *Urban Development;*

22               “(2) *to facilitate the availability of affordable*  
23 *manufactured homes and to increase homeownership*  
24 *for all Americans;*

1           “(3) to provide for the establishment of practical,  
2           uniform, and, to the extent possible, performance-  
3           based Federal construction standards for manufac-  
4           tured homes;

5           “(4) to encourage innovative and cost-effective  
6           construction techniques for manufactured homes;

7           “(5) to protect owners of manufactured homes  
8           from unreasonable risk of personal injury and prop-  
9           erty damage;

10           “(6) to establish a balanced consensus process for  
11           the development, revision, and interpretation of Fed-  
12           eral construction and safety standards for manufac-  
13           tured homes and related regulations for the enforce-  
14           ment of such standards;

15           “(7) to ensure uniform and effective enforcement  
16           of Federal construction and safety standards for man-  
17           ufactured homes; and

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

22 **SEC. 3. DEFINITIONS.**

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

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

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

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

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

8           “(14) ‘administering organization’ means the  
9           recognized, voluntary, private sector, consensus stand-  
10          ards body with specific experience in developing  
11          model residential building codes and standards in-  
12          volving all disciplines regarding construction and  
13          safety that administers the consensus standards  
14          through a development process;

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

17          “(16) ‘consensus standards development process’  
18          means the process by which additions, revisions, and  
19          interpretations to the Federal manufactured home  
20          construction and safety standards and enforcement  
21          regulations shall be developed and recommended to the  
22          Secretary by the consensus committee;

23          “(17) ‘primary inspection agency’ means a State  
24          agency or private organization that has been ap-  
25          proved by the Secretary to act as a design approval

1        *primary inspection agency or a production inspection*  
2        *primary inspection agency, or both;*

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

8                “(19) ‘*installation standards*’ means reasonable  
9        *specifications for the installation of a manufactured*  
10        *home, at the place of occupancy, to ensure proper*  
11        *siting, the joining of all sections of the home, and the*  
12        *installation of stabilization, support, or anchoring*  
13        *systems;*

14                “(20) ‘*monitoring*’—

15                        “(A) means the process of periodic review of  
16        *the primary inspection agencies, by the Sec-*  
17        *retary or by a State agency under an approved*  
18        *State plan pursuant to section 623, in accord-*  
19        *ance with regulations recommended by the con-*  
20        *sensus committee and promulgated in accordance*  
21        *with section 604(b), which process shall be for*  
22        *the purpose of ensuring that the primary inspec-*  
23        *tion agencies are discharging their duties under*  
24        *this title; and*

1           “(B) may include the periodic inspection of  
2           retail locations for transit damage, label tam-  
3           pering, and retailer compliance with this title;  
4           and

5           “(21) ‘production inspection primary inspection  
6           agency’ means a State agency or private organization  
7           that has been approved by the Secretary to evaluate  
8           the ability of manufactured home manufacturing  
9           plants to comply with approved quality control proce-  
10          dures and with the Federal manufactured home con-  
11          struction and safety standards promulgated under  
12          this title.”.

13          (b) CONFORMING AMENDMENTS.—The National Manu-  
14          factured Housing Construction and Safety Standards Act  
15          of 1974 (42 U.S.C. 5401 et seq.) is amended—

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

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

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

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

1           (B) in subsection (b)(3), by striking “dealer  
2           or dealers” and inserting “retailer or retailers”;  
3           and

4           (C) in subsections (d) and (f), by striking  
5           “dealers” each place it appears and inserting  
6           “retailers”;

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

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

11 **SEC. 4. FEDERAL MANUFACTURED HOME CONSTRUCTION**  
12 **AND SAFETY STANDARDS.**

13          Section 604 (42 U.S.C. 5403) is amended—

14           (1) by striking subsections (a) and (b) and in-  
15          serting the following:

16          “(a) *ESTABLISHMENT.*—

17           “(1) *AUTHORITY.*—The Secretary shall establish,  
18          by order, appropriate Federal manufactured home  
19          construction and safety standards, each of which—

20           “(A) shall—

21           “(i) be reasonable and practical;

22           “(ii) meet high standards of protection  
23          consistent with the purposes of this title;

24          and

1           “(iii) be performance-based and objec-  
2           tively stated, unless clearly inappropriate;  
3           and

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

7           “(2) CONSENSUS STANDARDS AND REGULATORY  
8           DEVELOPMENT PROCESS.—

9           “(A) INITIAL AGREEMENT.—Not later than  
10           180 days after the date of enactment of the Man-  
11           ufactured Housing Improvement Act of 2000, the  
12           Secretary shall enter into a contract with an ad-  
13           ministering organization. The contractual agree-  
14           ment shall—

15           “(i) terminate on the date on which a  
16           contract is entered into under subparagraph  
17           (B); and

18           “(ii) require the administering organi-  
19           zation to—

20           “(I) appoint the initial members  
21           of the consensus committee under para-  
22           graph (3);

23           “(II) administer the consensus  
24           standards development process until  
25           the termination of that agreement; and

1                   “(III) *administer the consensus*  
2                   *development and interpretation process*  
3                   *for procedural and enforcement regula-*  
4                   *tions and regulations specifying the*  
5                   *permissible scope and conduct of moni-*  
6                   *toring until the termination of that*  
7                   *agreement.*

8                   “(B) *COMPETITIVELY PROCURED CON-*  
9                   *TRACT.—Upon the expiration of the 4-year pe-*  
10                  *riod beginning on the date on which all members*  
11                  *of the consensus committee are appointed under*  
12                  *paragraph (3), the Secretary shall, using com-*  
13                  *petitive procedures (as such term is defined in*  
14                  *section 4 of the Office of Federal Procurement*  
15                  *Policy Act), enter into a competitively awarded*  
16                  *contract with an administering organization.*  
17                  *The administering organization shall administer*  
18                  *the consensus process for the development and in-*  
19                  *terpretation of the Federal standards, the proce-*  
20                  *dural and enforcement regulations, and regula-*  
21                  *tions specifying the permissible scope and con-*  
22                  *duct of monitoring, in accordance with this title.*

23                  “(C) *PERFORMANCE REVIEW.—The*  
24                  *Secretary—*

1           “(i) shall periodically review the per-  
2           formance of the administering organization;  
3           and

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

14          “(3) CONSENSUS COMMITTEE.—

15                 “(A) PURPOSE.—There is established a  
16                 committee to be known as the ‘consensus com-  
17                 mittee’, which shall function as a single com-  
18                 mittee, and which shall, in accordance with this  
19                 title—

20                         “(i) provide periodic recommendations  
21                         to the Secretary to adopt, revise, and inter-  
22                         pret the Federal manufactured housing con-  
23                         struction and safety standards in accord-  
24                         ance with this subsection;

1           “(ii) provide periodic recommendations  
2           to the Secretary to adopt, revise, and inter-  
3           pret the procedural and enforcement regula-  
4           tions, including regulations specifying the  
5           permissible scope and conduct of monitoring  
6           in accordance with this subsection; and

7           “(iii) be organized and carry out its  
8           business in a manner that guarantees a fair  
9           opportunity for the expression and consider-  
10          ation of various positions and for public  
11          participation.

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

14               “(i) 21 voting members appointed, sub-  
15               ject to approval by the Secretary, by the ad-  
16               ministering organization from among indi-  
17               viduals who are qualified by background  
18               and experience to participate in the work of  
19               the consensus committee; and

20               “(ii) 1 nonvoting member appointed by  
21               the Secretary to represent the Secretary on  
22               the consensus committee.

23          “(C) DISAPPROVAL.—The Secretary may  
24          disapprove, in writing with the reasons set forth,

1           *the appointment of an individual under sub-*  
2           *paragraph (B)(i).*

3           “(D) *SELECTION PROCEDURES AND RE-*  
4           *QUIREMENTS.—Each member of the consensus*  
5           *committee shall be appointed in accordance with*  
6           *selection procedures, which shall be based on the*  
7           *procedures for consensus committees promulgated*  
8           *by the American National Standards Institute*  
9           *(or successor organization), except that the*  
10           *American National Standards Institute interest*  
11           *categories shall be modified for purposes of this*  
12           *paragraph to ensure equal representation on the*  
13           *consensus committee of the following interest cat-*  
14           *egories:*

15                   “(i) *PRODUCERS.—Seven producers or*  
16                   *retailers of manufactured housing.*

17                   “(ii) *USERS.—Seven persons rep-*  
18                   *resenting consumer interests, such as con-*  
19                   *sumer organizations, recognized consumer*  
20                   *leaders, and owners who are residents of*  
21                   *manufactured homes.*

22                   “(iii) *GENERAL INTEREST AND PUBLIC*  
23                   *OFFICIALS.—Seven general interest and*  
24                   *public official members.*

25                   “(E) *BALANCING OF INTERESTS.—*

1           “(i) *IN GENERAL.*—*In order to achieve*  
2           *a proper balance of interests on the con-*  
3           *sensus committee—*

4                     “(I) *the administering organiza-*  
5                     *tion in its appointments shall ensure*  
6                     *that all directly and materially af-*  
7                     *ected interests have the opportunity*  
8                     *for fair and equitable participation*  
9                     *without dominance by any single in-*  
10                    *terest; and*

11                   “(II) *the Secretary may reject the*  
12                   *appointment of any 1 or more individ-*  
13                   *uals in order to ensure that there is*  
14                   *not dominance by any single interest.*

15                   “(ii) *DOMINANCE DEFINED.*—*In this*  
16                   *subparagraph, the term ‘dominance’ means*  
17                   *a position or exercise of dominant author-*  
18                   *ity, leadership, or influence by reason of su-*  
19                   *perior leverage, strength, or representation.*

20                   “(F) *ADDITIONAL QUALIFICATIONS.*—

21                   “(i) *FINANCIAL INDEPENDENCE.*—*An*  
22                   *individual appointed under subparagraph*  
23                   *(D)(ii) may not have—*

1           “(I) a significant financial inter-  
2           est in any segment of the manufac-  
3           tured housing industry; or

4           “(II) a significant relationship to  
5           any person engaged in the manufac-  
6           tured housing industry.

7           “(ii) *POST-EMPLOYMENT BAN.*—An in-  
8           dividual appointed under clause (ii) or (iii)  
9           of subparagraph (D) shall be subject to a  
10          ban disallowing compensation from the  
11          manufactured housing industry during the  
12          1-year period beginning on the last day of  
13          membership of that individual on the con-  
14          sensus committee.

15          “(G) *MEETINGS.*—

16          “(i) *NOTICE; OPEN TO PUBLIC.*—The  
17          consensus committee shall provide advance  
18          notice of each meeting of the consensus com-  
19          mittee to the Secretary and cause to be pub-  
20          lished in the *Federal Register* advance no-  
21          tice of each such meeting. All meetings of  
22          the consensus committee shall be open to the  
23          public.

24          “(ii) *REIMBURSEMENT.*—Members of  
25          the consensus committee in attendance at

1            *meetings of the consensus committee shall be*  
2            *reimbursed for their actual expenses as au-*  
3            *thorized by section 5703 of title 5, United*  
4            *States Code, for persons employed intermit-*  
5            *tently in Government service.*

6            *“(H) INAPPLICABILITY OF OTHER LAWS.—*

7                    *“(i) ADVISORY COMMITTEE ACT.—The*  
8            *consensus committee shall not be considered*  
9            *to be an advisory committee for purposes of*  
10           *the Federal Advisory Committee Act.*

11                   *“(ii) TITLE 18.—The members of the*  
12           *consensus committee shall not be subject to*  
13           *section 203, 205, 207, or 208 of title 18,*  
14           *United States Code, to the extent of their*  
15           *proper participation as members of the con-*  
16           *sensus committee.*

17                   *“(iii) ETHICS IN GOVERNMENT ACT OF*  
18           *1978.—The Ethics in Government Act of*  
19           *1978 shall not apply to members of the con-*  
20           *sensus committee to the extent of their prop-*  
21           *er participation as members of the con-*  
22           *sensus committee.*

23                   *“(I) ADMINISTRATION.—The consensus com-*  
24           *mittee and the administering organization*  
25           *shall—*

1           “(i) operate in conformance with the  
2           procedures established by the American Na-  
3           tional Standards Institute for the develop-  
4           ment and coordination of American Na-  
5           tional Standards; and

6           “(ii) apply to the American National  
7           Standards Institute and take such other ac-  
8           tions as may be necessary to obtain accredi-  
9           tation from the American National Stand-  
10          ards Institute.

11          “(J) *STAFF AND TECHNICAL SUPPORT.*—  
12          The administering organization shall, upon the  
13          request of the consensus committee—

14               “(i) provide reasonable staff resources  
15               to the consensus committee; and

16               “(ii) furnish technical support in a  
17               timely manner to any of the interest cat-  
18               egories described in subparagraph (D) rep-  
19               resented on the consensus committee, if—

20                       “(I) the support is necessary to  
21                       ensure the informed participation of  
22                       the consensus committee members; and

23                       “(II) the costs of providing the  
24                       support are reasonable.

1           “(K) *DATE OF INITIAL APPOINTMENTS.*—  
2           *The initial appointments of all of the members*  
3           *of the consensus committee shall be completed not*  
4           *later than 90 days after the date on which an*  
5           *administration agreement under paragraph*  
6           *(2)(A) is completed with the administering orga-*  
7           *nization.*

8           “(4) *REVISIONS OF STANDARDS AND REGULA-*  
9           *TIONS.*—

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

15                   “(i) *consider revisions to the Federal*  
16                   *manufactured home construction and safety*  
17                   *standards and regulations; and*

18                   “(ii) *submit to the Secretary in the*  
19                   *form of a proposed rule (including an eco-*  
20                   *nomical analysis), any proposed revised*  
21                   *standard or regulation approved by a  $\frac{2}{3}$*   
22                   *majority vote of the consensus committee.*

23           “(B) *PUBLICATION OF PROPOSED REVISED*  
24           *STANDARDS AND REGULATIONS.*—

1           “(i) *PUBLICATION BY SECRETARY.*—  
2           *The consensus committee shall provide a*  
3           *proposed revised standard or regulation*  
4           *under subparagraph (A)(ii) to the Secretary*  
5           *who shall, not later than 30 days after re-*  
6           *ceipt, publish such proposed revised stand-*  
7           *ard or regulation in the Federal Register for*  
8           *notice and comment. Unless clause (ii) ap-*  
9           *plies, the Secretary shall provide an oppor-*  
10           *tunity for public comment on such proposed*  
11           *revised standard or regulation and any*  
12           *such comments shall be submitted directly*  
13           *to the consensus committee, without delay.*

14           “(ii) *PUBLICATION OF REJECTED PRO-*  
15           *POSED REVISED STANDARDS AND REGULA-*  
16           *TIONS.*—*If the Secretary rejects the pro-*  
17           *posed revised standard or regulation, the*  
18           *Secretary shall publish in the Federal Reg-*  
19           *ister the rejected proposed revised standard*  
20           *or regulation, the reasons for rejection, and*  
21           *any recommended modifications set forth.*

22           “(C) *PRESENTATION OF PUBLIC COMMENTS;*  
23           *PUBLICATION OF RECOMMENDED REVISIONS.*—

24           “(i) *PRESENTATION.*—*Any public com-*  
25           *ments, views, and objections to a proposed*

1            *revised standard or regulation published*  
2            *under subparagraph (B) shall be presented*  
3            *by the Secretary to the consensus committee*  
4            *upon their receipt and in the manner re-*  
5            *ceived, in accordance with procedures estab-*  
6            *lished by the American National Standards*  
7            *Institute.*

8            “(ii) *PUBLICATION BY THE SEC-*  
9            *RETARY.—The consensus committee shall*  
10           *provide to the Secretary any revisions pro-*  
11           *posed by the consensus committee, which the*  
12           *Secretary shall, not later than 7 calendar*  
13           *days after receipt, publish in the Federal*  
14           *Register a notice of the recommended revi-*  
15           *sions of the consensus committee to the*  
16           *standards or regulations, a notice of the*  
17           *submission of the recommended revisions to*  
18           *the Secretary, and a description of the cir-*  
19           *cumstances under which the proposed re-*  
20           *vised standards or regulations could become*  
21           *effective.*

22           “(iii) *PUBLICATION OF REJECTED PRO-*  
23           *POSED REVISED STANDARDS AND REGULA-*  
24           *TIONS.—If the Secretary rejects the pro-*  
25           *posed revised standard or regulation, the*

1            *Secretary shall publish in the Federal Reg-*  
2            *ister the rejected proposed revised standard*  
3            *or regulation, the reasons for rejection, and*  
4            *any recommended modifications set forth.*

5            *“(5) REVIEW BY THE SECRETARY.—*

6            *“(A) IN GENERAL.—The Secretary shall ei-*  
7            *ther adopt, modify, or reject a standard or regu-*  
8            *lation, as submitted by the consensus committee*  
9            *under paragraph (4)(A).*

10           *“(B) TIMING.—Not later than 12 months*  
11           *after the date on which a standard or regulation*  
12           *is submitted to the Secretary by the consensus*  
13           *committee, the Secretary shall take action re-*  
14           *garding such standard or regulation under sub-*  
15           *paragraph (C).*

16           *“(C) PROCEDURES.—If the Secretary—*

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

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

22           *“(II) publish the final order in*  
23           *the Federal Register;*

1           “(ii) determines that any standard or  
2 regulation should be rejected, the Secretary  
3 shall—

4                   “(I) reject the standard or regula-  
5 tion; and

6                   “(II) publish in the Federal Reg-  
7 ister a notice to that effect, together  
8 with the reason or reasons for rejecting  
9 the proposed standard or regulation; or

10           “(iii) determines that a standard or  
11 regulation recommended by the consensus  
12 committee should be modified, the Secretary  
13 shall—

14                   “(I) publish in the Federal Reg-  
15 ister the proposed modified standard or  
16 regulation, together with an expla-  
17 nation of the reason or reasons for the  
18 determination of the Secretary; and

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

23           “(D) FINAL ORDER.—Any final standard or  
24 regulation under this paragraph shall become ef-  
25 fective pursuant to subsection (c).

1           “(6) *FAILURE TO ACT.*—*If the Secretary fails to*  
2           *take final action under paragraph (5) and to publish*  
3           *notice of the action in the Federal Register before the*  
4           *expiration of the 12-month period beginning on the*  
5           *date on which the proposed standard or regulation is*  
6           *submitted to the Secretary under paragraph (4)(A)—*

7                   “(A) *the recommendations of the consensus*  
8                   *committee—*

9                           “(i) *shall be considered to have been*  
10                           *adopted by the Secretary; and*

11                           “(ii) *shall take effect upon the expira-*  
12                           *tion of the 180-day period that begins upon*  
13                           *the conclusion of such 12-month period; and*

14                   “(B) *not later than 10 days after the expi-*  
15                   *ration of such 12-month period, the Secretary*  
16                   *publish in the Federal Register a notice of the*  
17                   *failure of the Secretary to act, the revised stand-*  
18                   *ard or regulation, and the effective date of the re-*  
19                   *vised standard or regulation, which notice shall*  
20                   *be deemed to be an order of the Secretary ap-*  
21                   *proving the revised standards or regulations pro-*  
22                   *posed by the consensus committee.*

23           “(b) *OTHER ORDERS.*—

24                   “(1) *INTERPRETATIVE BULLETINS.*—*The Sec-*  
25                   *retary may issue interpretative bulletins to clarify the*

1        *meaning of any Federal manufactured home construc-*  
2        *tion and safety standard or procedural and enforce-*  
3        *ment regulation. The consensus committee may sub-*  
4        *mit to the Secretary proposed interpretative bulletins*  
5        *to clarify the meaning of any Federal manufactured*  
6        *home construction and safety standard or procedural*  
7        *and enforcement regulation.*

8            *“(2) REVIEW BY CONSENSUS COMMITTEE.—Be-*  
9        *fore issuing a procedural or enforcement regulation or*  
10       *an interpretative bulletin—*

11            *“(A) the Secretary shall—*

12            *“(i) submit the proposed procedural or*  
13        *enforcement regulation or interpretative*  
14        *bulletin to the consensus committee; and*

15            *“(ii) provide the consensus committee*  
16        *with a period of 120 days to submit written*  
17        *comments to the Secretary on the proposed*  
18        *procedural or enforcement regulation or the*  
19        *interpretative bulletin;*

20            *“(B) if the Secretary rejects any significant*  
21        *comment provided by the consensus committee*  
22        *under subparagraph (A), the Secretary shall pro-*  
23        *vide a written explanation of the reasons for the*  
24        *rejection to the consensus committee; and*

1           “(C) following compliance with subpara-  
2           graphs (A) and (B), the Secretary shall—

3                   “(i) publish in the *Federal Register* the  
4                   proposed regulation or interpretative bul-  
5                   letin and the written comments of the con-  
6                   sensus committee, along with the response of  
7                   the Secretary to those comments; and

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

11           “(3) *REQUIRED ACTION*.—Not later than 120  
12           days after the date on which the Secretary receives a  
13           proposed regulation or interpretative bulletin sub-  
14           mitted by the consensus committee, the Secretary  
15           shall—

16                   “(A) approve the proposal and publish the  
17                   proposed regulation or interpretative bulletin for  
18                   public comment in accordance with section 553  
19                   of title 5, *United States Code*; or

20                   “(B) reject the proposed regulation or inter-  
21                   pretative bulletin and—

22                   “(i) provide to the consensus committee  
23                   a written explanation of the reasons for re-  
24                   jection; and

1                   “(ii) publish in the Federal Register  
2                   the proposed regulation and the written ex-  
3                   planation for the rejection.

4                   “(4) *EMERGENCY ORDERS.*—If the Secretary de-  
5                   termines, in writing, that such action is necessary in  
6                   order to respond to an emergency that jeopardizes the  
7                   public health or safety, or to address an issue on  
8                   which the Secretary determines that the consensus  
9                   committee has not made a timely recommendation,  
10                  following a request by the Secretary, the Secretary  
11                  may issue an order that is not developed under the  
12                  procedures set forth in subsection (a) or in this sub-  
13                  section, if the Secretary—

14                  “(A) provides to the consensus committee a  
15                  written description and sets forth the reasons  
16                  why emergency action is necessary and all sup-  
17                  porting documentation; and

18                  “(B) issues the order and publishes the  
19                  order in the Federal Register.

20                  “(5) *CHANGES.*—Any statement of policies, prac-  
21                  tices, or procedures relating to construction and safety  
22                  standards, regulations, inspections, monitoring, or  
23                  other enforcement activities that constitutes a state-  
24                  ment of general or particular applicability to imple-  
25                  ment, interpret, or prescribe law or policy by the Sec-

1        *retary is subject to subsection (a) or this subsection.*  
2        *Any change adopted in violation of subsection (a) or*  
3        *this subsection is void.”;*

4            (2) *in subsection (d), by adding at the end the*  
5        *following: “Federal preemption under this subsection*  
6        *shall be broadly and liberally construed to ensure that*  
7        *disparate State or local requirements or standards do*  
8        *not affect the uniformity and comprehensiveness of the*  
9        *standards promulgated under this section nor the*  
10       *Federal superintendence of the manufactured housing*  
11       *industry as established by this title. Subject to section*  
12       *605, there is reserved to each State the right to estab-*  
13       *lish standards for the stabilizing and support systems*  
14       *of manufactured homes sited within that State, and*  
15       *for the foundations on which manufactured homes*  
16       *sited within that State are installed, and the right to*  
17       *enforce compliance with such standards.”;*

18            (3) *by striking subsection (e);*

19            (4) *in subsection (f), by striking the subsection*  
20        *designation and all of the matter that precedes para-*  
21        *graph (1) and inserting the following:*

22        *“(e) CONSIDERATIONS IN ESTABLISHING AND INTER-*  
23        *PRETING STANDARDS AND REGULATIONS.—The consensus*  
24        *committee, in recommending standards, regulations, and*  
25        *interpretations, and the Secretary, in establishing stand-*

1 *ards or regulations or issuing interpretations under this*  
 2 *section, shall—”;*

3 *(5) by striking subsection (g);*

4 *(6) in the first sentence of subsection (j), by*  
 5 *striking “subsection (f)” and inserting “subsection*  
 6 *(e)”;* *and*

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

9 **SEC. 5. ABOLISHMENT OF NATIONAL MANUFACTURED**  
 10 **HOME ADVISORY COUNCIL; MANUFACTURED**  
 11 **HOME INSTALLATION.**

12 *(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is*  
 13 *amended to read as follows:*

14 **“SEC. 605. MANUFACTURED HOME INSTALLATION.**

15 *“(a) PROVISION OF INSTALLATION DESIGN AND IN-*  
 16 *STRUCTIONS.—A manufacturer shall provide with each*  
 17 *manufactured home, design and instructions for the instal-*  
 18 *lation of the manufactured home that have been approved*  
 19 *by a design approval primary inspection agency.*

20 *“(b) MODEL MANUFACTURED HOME INSTALLATION*  
 21 *STANDARDS.—*

22 *“(1) PROPOSED MODEL STANDARDS.—Not later*  
 23 *than 18 months after the date on which the initial*  
 24 *appointments of all of the members of the consensus*  
 25 *committee are completed, the consensus committee*

1       *shall develop and submit to the Secretary proposed*  
2       *model manufactured home installation standards,*  
3       *which shall be consistent with—*

4               “(A) *the manufactured home designs that*  
5               *have been approved by a design approval pri-*  
6               *mary inspection agency; and*

7               “(B) *the designs and instructions for the in-*  
8               *stallation of manufactured homes provided by*  
9               *manufacturers under subsection (a).*

10              “(2) *ESTABLISHMENT OF MODEL STANDARDS.—*  
11       *Not later than 12 months after receiving the proposed*  
12       *model standards submitted under paragraph (1), the*  
13       *Secretary shall develop and establish model manufac-*  
14       *tured home installation standards, which shall be con-*  
15       *sistent with—*

16              “(A) *the manufactured home designs that*  
17              *have been approved by a design approval pri-*  
18              *mary inspection agency; and*

19              “(B) *the designs and instructions for the in-*  
20              *stallation of manufactured homes provided by*  
21              *manufacturers under subsection (a).*

22              “(3) *FACTOR FOR CONSIDERATION.—*

23              “(A) *CONSENSUS COMMITTEE.—In devel-*  
24              *oping the proposed model standards under para-*

1           *graph (1), the consensus committee shall consider*  
2           *the factor described in section 604(e)(4).*

3           “(B) *SECRETARY.*—*In developing and es-*  
4           *ablishing the model standards under paragraph*  
5           *(2), the Secretary shall consider the factor de-*  
6           *scribed in section 604(e)(4).*

7           “(c) *MANUFACTURED HOME INSTALLATION PRO-*  
8           *GRAMS.*—

9           “(1) *PROTECTION OF MANUFACTURED HOUSING*  
10           *RESIDENTS DURING INITIAL PERIOD.*—*During the 5-*  
11           *year period beginning on the date of enactment of the*  
12           *Manufactured Housing Improvement Act of 2000, no*  
13           *State or manufacturer may establish or implement*  
14           *any installation standards that, in the determination*  
15           *of the Secretary, provide less protection to the resi-*  
16           *dents of manufactured homes than the protection pro-*  
17           *vided by the installation standards in effect with re-*  
18           *spect to the State or manufacturer, as applicable, on*  
19           *the date of enactment of the Manufactured Housing*  
20           *Improvement Act of 2000.*

21           “(2) *ENFORCEMENT OF INSTALLATION STAND-*  
22           *ARDS.*—

23           “(A) *ESTABLISHMENT OF INSTALLATION*  
24           *PROGRAM.*—*Not later than the expiration of the*  
25           *5-year period described in paragraph (1), the*

1           *Secretary shall establish an installation program*  
2           *that meets the requirements of paragraph (3) for*  
3           *the enforcement of installation standards in each*  
4           *State described in subparagraph (B) of this*  
5           *paragraph.*

6           “(B) *IMPLEMENTATION OF INSTALLATION*  
7           *PROGRAM.—Beginning on the expiration of the*  
8           *5-year period described in paragraph (1), the*  
9           *Secretary shall implement the installation pro-*  
10          *gram established under subparagraph (A) in*  
11          *each State that does not have an installation*  
12          *program established by State law that meets the*  
13          *requirements of paragraph (3).*

14          “(C) *CONTRACTING OUT OF IMPLEMENTA-*  
15          *TION.—In carrying out subparagraph (B), the*  
16          *Secretary may contract with an appropriate*  
17          *agent to implement the installation program es-*  
18          *tablished under that subparagraph, except that*  
19          *such agent shall not be a person or entity other*  
20          *than a government, nor an affiliate or sub-*  
21          *subsidiary of such a person or entity, that has en-*  
22          *tered into a contract with the Secretary to im-*  
23          *plement any other regulatory program under*  
24          *this title.*

1           “(3) *REQUIREMENTS.*—*An installation program*  
2           *meets the requirements of this paragraph if it is a*  
3           *program regulating the installation of manufactured*  
4           *homes that includes—*

5                   “(A) *installation standards that, in the de-*  
6                   *termination of the Secretary, provide protection*  
7                   *to the residents of manufactured homes that*  
8                   *equals or exceeds the protection provided to those*  
9                   *residents by—*

10                           “(i) *the model manufactured home in-*  
11                           *stallation standards established by the Sec-*  
12                           *retary under subsection (b)(2); or*

13                           “(ii) *the designs and instructions pro-*  
14                           *vided by manufacturers under subsection*  
15                           *(a), if the Secretary determines that such*  
16                           *designs and instructions provide protection*  
17                           *to the residents of manufactured homes that*  
18                           *equals or exceeds the protection provided by*  
19                           *the model manufactured home installation*  
20                           *standards established by the Secretary*  
21                           *under subsection (b)(2);*

22                           “(B) *the training and licensing of manufac-*  
23                           *tured home installers; and*

24                           “(C) *inspection of the installation of manu-*  
25                           *factured homes.”.*

1       (b) *CONFORMING AMENDMENTS.*—Section 623(c) (42  
2 *U.S.C. 5422(c)*) is amended—

3           (1) *in paragraph (10), by striking “and” at the*  
4 *end;*

5           (2) *by redesignating paragraph (11) as para-*  
6 *graph (13); and*

7           (3) *by inserting after paragraph (10) the fol-*  
8 *lowing:*

9           “(11) *with respect to any State plan submitted*  
10 *on or after the expiration of the 5-year period begin-*  
11 *ning on the date of enactment of the Manufactured*  
12 *Housing Improvement Act of 2000, provides for an*  
13 *installation program established by State law that*  
14 *meets the requirements of section 605(c)(3);”.*

15 **SEC. 6. PUBLIC INFORMATION.**

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

17           (1) *in subsection (a)—*

18               (A) *by inserting “to the Secretary” after*  
19 *“submit”; and*

20               (B) *by adding at the end the following:*

21               “*The Secretary shall submit such cost and other*  
22 *information to the consensus committee for eval-*  
23 *uation.”;*

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

1           (3) by striking subsection (c) and redesignating  
2           subsections (d) and (e) as subsections (c) and (d), re-  
3           spectively.

4 **SEC. 7. RESEARCH, TESTING, DEVELOPMENT, AND TRAIN-**  
5 **ING.**

6           (a) *IN GENERAL.*—Section 608(a) (42 U.S.C. 5407(a))  
7 is amended—

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

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

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

13           “(4) encouraging the government-sponsored hous-  
14           ing entities to actively develop and implement sec-  
15           ondary market securitization programs for the FHA  
16           manufactured home loans and those of other loan pro-  
17           grams, as appropriate, thereby promoting the avail-  
18           ability of affordable manufactured homes to increase  
19           homeownership for all people in the United States;  
20           and

21           “(5) reviewing the programs for FHA manufac-  
22           tured home loans and developing any changes to such  
23           programs to promote the affordability of manufac-  
24           tured homes, including changes in loan terms, amor-  
25           tization periods, regulations, and procedures.”.

1       (b) *DEFINITIONS.*—Section 608 (42 U.S.C. 5407) is  
2 amended by adding at the end the following:

3       “(c) *DEFINITIONS.*—In this section:

4               “(1) *GOVERNMENT-SPONSORED HOUSING ENTI-*  
5 *TIES.*—The term ‘government-sponsored housing enti-  
6 *ties’ means the Government National Mortgage Asso-*  
7 *ciation of the Department of Housing and Urban De-*  
8 *velopment, the Federal National Mortgage Associa-*  
9 *tion, and the Federal Home Loan Mortgage Corpora-*  
10 *tion.*

11              “(2) *FHA MANUFACTURED HOME LOAN.*—The  
12 term ‘FHA manufactured home loan’ means a loan  
13 that—

14                      “(A) is insured under title I of the National  
15 *Housing Act and is made for the purpose of fi-*  
16 *nancing alterations, repairs, or improvements on*  
17 *or in connection with an existing manufactured*  
18 *home, the purchase of a manufactured home, the*  
19 *purchase of a manufactured home and a lot on*  
20 *which to place the home, or the purchase only of*  
21 *a lot on which to place a manufactured home; or*

22                      “(B) is otherwise insured under the Na-  
23 *tional Housing Act and made for or in connec-*  
24 *tion with a manufactured home.”.*

1 **SEC. 8. FEES.**

2 *Section 620 (42 U.S.C. 5419) is amended to read as*  
3 *follows:*

4 **“SEC. 620. AUTHORITY TO COLLECT FEE.**

5 *“(a) IN GENERAL.—In carrying out inspections under*  
6 *this title, in developing standards and regulations pursuant*  
7 *to section 604, and in facilitating the acceptance of the af-*  
8 *fordability and availability of manufactured housing with-*  
9 *in the Department, the Secretary may—*

10 *“(1) establish and collect from manufactured*  
11 *home manufacturers a reasonable fee, as may be nec-*  
12 *essary to offset the expenses incurred by the Secretary*  
13 *in connection with carrying out the responsibilities of*  
14 *the Secretary under this title, including—*

15 *“(A) conducting inspections and moni-*  
16 *toring;*

17 *“(B) providing funding to States for the ad-*  
18 *ministration and implementation of approved*  
19 *State plans under section 623, including reason-*  
20 *able funding for cooperative educational and*  
21 *training programs designed to facilitate uniform*  
22 *enforcement under this title, which funds may be*  
23 *paid directly to the States or may be paid or*  
24 *provided to any person or entity designated to*  
25 *receive and disburse such funds by cooperative*  
26 *agreements among participating States, provided*

1           *that such person or entity is not otherwise an*  
2           *agent of the Secretary under this title;*

3           “(C) *providing the funding for a noncareer*  
4           *administrator within the Department to admin-*  
5           *ister the manufactured housing program;*

6           “(D) *providing the funding for salaries and*  
7           *expenses of employees of the Department to carry*  
8           *out the manufactured housing program;*

9           “(E) *administering the consensus committee*  
10          *as set forth in section 604; and*

11          “(F) *facilitating the acceptance of the qual-*  
12          *ity, durability, safety, and affordability of man-*  
13          *ufactured housing within the Department; and*

14          “(2) *subject to subsection (e), use amounts from*  
15          *any fee collected under paragraph (1) of this sub-*  
16          *section to pay expenses referred to in that paragraph,*  
17          *which shall be exempt and separate from any limita-*  
18          *tions on the Department regarding full-time equiva-*  
19          *lent positions and travel.*

20          “(b) *CONTRACTORS.—In using amounts from any fee*  
21          *collected under this section, the Secretary shall ensure that*  
22          *separate and independent contractors are retained to carry*  
23          *out monitoring and inspection work and any other work*  
24          *that may be delegated to a contractor under this title.*

1       “(c) *PROHIBITED USE.*—No amount from any fee col-  
2 lected under this section may be used for any purpose or  
3 activity not specifically authorized by this title, unless such  
4 activity was already engaged in by the Secretary prior to  
5 the date of enactment of the *Manufactured Housing Im-*  
6 *provement Act of 2000.*

7       “(d) *MODIFICATION.*—Beginning on the date of enact-  
8 ment of the *Manufactured Housing Improvement Act of*  
9 *2000, the amount of any fee collected under this section may*  
10 *only be modified—*

11               “(1) *as specifically authorized in advance in an*  
12 *annual appropriations Act; and*

13               “(2) *pursuant to rulemaking in accordance with*  
14 *section 553 of title 5, United States Code.*

15       “(e) *APPROPRIATION AND DEPOSIT OF FEES.*—

16               “(1) *IN GENERAL.*—There is established in the  
17 *Treasury of the United States a fund to be known as*  
18 *the ‘Manufactured Housing Fees Trust Fund’ for de-*  
19 *posit of amounts from any fee collected under this sec-*  
20 *tion. Such amounts shall be held in trust for use only*  
21 *as provided in this title.*

22               “(2) *APPROPRIATION.*—Amounts from any fee  
23 *collected under this section shall be available for ex-*  
24 *penditure only to the extent approved in advance in*  
25 *an annual appropriations Act. Any change in the ex-*

1       *penditure of such amounts shall be specifically au-*  
 2       *thorized in advance in an annual appropriations*  
 3       *Act.”.*

4       **SEC. 9. DISPUTE RESOLUTION.**

5       *Section 623(c) (42 U.S.C. 5422(c)) is amended—*

6               *(1) by inserting after paragraph (11) (as added*  
 7       *by section 5(b) of this Act) the following:*

8               *“(12) with respect to any State plan submitted*  
 9       *on or after the expiration of the 5-year period begin-*  
 10       *ning on the date of enactment of the Manufactured*  
 11       *Housing Improvement Act of 2000, provides for a dis-*  
 12       *pute resolution program for the timely resolution of*  
 13       *disputes between manufacturers, retailers, and install-*  
 14       *ers of manufactured homes regarding responsibility*  
 15       *for the correction or repair of defects in manufactured*  
 16       *homes that are reported during the 1-year period be-*  
 17       *ginning on the date of installation; and”;* and

18               *(2) by adding at the end the following:*

19               *“(g) ENFORCEMENT OF DISPUTE RESOLUTION STAND-*  
 20       *ARDS.—*

21               *“(1) ESTABLISHMENT OF DISPUTE RESOLUTION*  
 22       *PROGRAM.—Not later than the expiration of the 5-*  
 23       *year period beginning on the date of enactment of the*  
 24       *Manufactured Housing Improvement Act of 2000, the*  
 25       *Secretary shall establish a dispute resolution program*

1       that meets the requirements of subsection (c)(12) for  
2       dispute resolution in each State described in para-  
3       graph (2) of this subsection.

4               “(2) *IMPLEMENTATION OF DISPUTE RESOLUTION*  
5       *PROGRAM.*—Beginning on the expiration of the 5-year  
6       period described in paragraph (1), the Secretary shall  
7       implement the dispute resolution program established  
8       under paragraph (1) in each State that has not estab-  
9       lished a dispute resolution program that meets the re-  
10      quirements of subsection (c)(12).

11              “(3) *CONTRACTING OUT OF IMPLEMENTATION.*—  
12      In carrying out paragraph (2), the Secretary may  
13      contract with an appropriate agent to implement the  
14      dispute resolution program established under para-  
15      graph (2), except that such agent shall not be a per-  
16      son or entity other than a government, nor an affil-  
17      iate or subsidiary of such a person or entity, that has  
18      entered into a contract with the Secretary to imple-  
19      ment any other regulatory program under this title.”.

20   **SEC. 10. ELIMINATION OF ANNUAL REPORTING REQUIRE-**  
21                                   **MENT.**

22       The National Manufactured Housing Construction  
23      and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.)  
24      is amended—

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

2           *and*

3           (2) *by redesignating sections 627 and 628 (42*

4           *U.S.C. 5426, 5401 note) as sections 626 and 627, re-*

5           *spectively.*

6   **SEC. 11. EFFECTIVE DATE.**

7           *The amendments made by this Act shall take effect on*  
8           *the date of enactment of this Act, except that the amend-*  
9           *ments shall have no effect on any order or interpretative*  
10           *bulletin that is issued under the National Manufactured*  
11           *Housing Construction and Safety Standards Act of 1974*  
12           *(42 U.S.C. 5401 et seq.) and published as a proposed rule*  
13           *pursuant to section 553 of title 5, United States Code, on*  
14           *or before that date of enactment.*

15   **SEC. 12. SAVINGS PROVISIONS.**

16           (a) *STANDARDS AND REGULATIONS.*—*The Federal*  
17           *manufactured home construction and safety standards (as*  
18           *such term is defined in section 603 of the National Manu-*  
19           *factured Housing Construction and Safety Standards Act*  
20           *of 1974) and all regulations pertaining thereto in effect on*  
21           *the day before the date of enactment of this Act shall apply*  
22           *until the effective date of a standard or regulation modi-*  
23           *fying or superseding the existing standard or regulation*  
24           *that is promulgated under subsection (a) or (b) of section*

1 604 of the National Manufactured Housing Construction  
2 and Safety Standards Act of 1974, as amended by this Act.

3 (b) *CONTRACTS.*—Any contract awarded pursuant to  
4 a Request for Proposal issued before the date of enactment  
5 of this Act shall remain in effect until the earlier of—

6 (1) the expiration of the 2-year period beginning  
7 on the date of enactment of this Act; or

8 (2) the expiration of the contract term.