

“(III) establishment of valuable fish and wild-life habitat that did not previously exist on a particular parcel of real property; and

“(v) taking other appropriate action to assist in implementation of the Plan.

“(C) NATIONAL PARKS.—The Secretary of the Interior, acting through the Director of the National Park Service, shall support the implementation of the program by providing, through the use of funds in the National Recreation and Preservation Appropriation account of the National Park Service, financial and technical assistance for programs concerning cultural heritage, natural resources, recreational resources, or other programs consistent with the mission of the National Park Service that are associated with the Lake Champlain basin, as identified in the Plan.

“(3) COMMERCE.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall support the implementation of the program by providing financial and technical assistance, through the national sea grant program of the Department of Commerce, for—

“(A) research;

“(B) management of fisheries and other aquatic resources;

“(C) related watershed programs; and

“(D) other appropriate action to assist in implementation of the Plan.

“(g) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section affects the authority of—

“(1) any Federal or State agency; or

“(2) any international entity relating to Lake Champlain established by an international agreement to which the United States is a party.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$11,000,000 for each of fiscal years 2003 through 2007, of which—

“(1) \$5,000,000 shall be made available to the Administrator;

“(2) \$3,000,000 shall be made available to the Secretary of the Interior;

“(3) \$1,000,000 shall be made available to the Secretary of Commerce; and

“(4) \$2,000,000 shall be made available to the Secretary of Agriculture.”.

**SEC. 203. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.**

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (a)—

(A) by striking “(a)” and all that follows through “(A) the land areas” and inserting the following:

“(a) DEFINITION OF LAKE CHAMPLAIN WATERSHED.—In this section, the term ‘Lake Champlain watershed’ means—

“(1) the land areas”;

(B) by striking “(B)(i) the” and inserting the following:

“(2)(A) the”;

(C) by striking “(ii) the” and inserting the following:

“(B) the”;

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by inserting “Hamilton,” after “Franklin,”; and

(E) in paragraph (2)(B) (as redesignated by subparagraph (C)), by striking “clause (i)” and inserting “subparagraph (A)”;

(2) in subsections (b) through (e), by striking “critical restoration” each place it appears and inserting “ecosystem restoration”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “CRITICAL RESTORATION PROJECTS” and inserting “ECOSYSTEM RESTORATION PROGRAM”;

(B) in paragraph (1), by striking “participate in” and inserting “provide design and construction assistance to non-Federal interests for”; and

(C) in paragraph (2)—

(i) by striking “A” and inserting “An”; and  
(ii) in subparagraph (E), by inserting before the period at the end the following: “, including remote sensing and the development of a geographic information system for the Lake Champlain basin by the Cold Regions Research and Engineering Laboratory”;

(4) in subsection (c)—

(A) by striking “assistance for a” and inserting “design and construction assistance for an”; and

(B) in paragraph (2), by inserting “ecosystem restoration or” after “form of”;

(5) in subsection (d)—

(A) by striking “(d)” and all that follows through “(A) IN GENERAL.—A” and inserting the following:

“(d) CRITERIA FOR ELIGIBILITY.—

“(1) IN GENERAL.—An”; and

(B) by striking “(B) SPECIAL” and inserting the following:

“(2) SPECIAL”; and

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “to a” and inserting “to an”;

(ii) by striking “project,” and inserting “project (which assistance may include the provision of funds through the Lake Champlain Basin Program),”; and

(iii) by striking “agreement that shall require the non-Federal interest” and inserting the following: “agreement that is in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and under which the non-Federal interest agrees”;

(B) in paragraph (2)(C), by striking “50” and inserting “100”; and

(C) by adding at the end the following:

“(3) CREDIT FOR AGRICULTURAL CONSERVATION.—Funds provided to a non-Federal interest under the conservation reserve enhancement program of the Department of Agriculture announced on May 27, 1998 (63 Fed. Reg. 28965), or the wetlands reserve program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), for use in carrying out a project under the Plan shall be credited toward the non-Federal share of the cost of the project if the Secretary of Agriculture certifies that those funds may be used for the purpose of the project under the Plan.”.

**TITLE III—MISCELLANEOUS**

**SEC. 301. PHASE II STORM WATER PROGRAM.**

Notwithstanding any other provision of law, for fiscal year 2003, funds made available to carry out nonpoint source management programs under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) in a State may, at the option of the State, be used to carry out projects and activities in the State relating to the development or implementation of phase II of the storm water program of the Environmental Protection Agency established by the final rule entitled “National Pollutant Discharge Elimination System—Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges”, promulgated by the Administrator of the Environmental Protection Agency on December 8, 1999 (64 Fed. Reg. 68722).

Amend the title so as to read: “An Act to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to provide assistance for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin, and for other purposes.”.

Mr. REID. Mr. President, I understand Senator JEFFORDS and Senator SMITH of New Hampshire have a substitute amendment at the desk. I ask unanimous consent the amendment be considered and agreed to, the committee-reported substitute amendment, as amended, be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table with any statements being printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4892) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1070), as amended, was read the third time and passed.

To title amendment was agreed to.

**TO AMEND THE DISTRICT OF COLUMBIA RETIREMENT PROTECTION ACT OF 1997**

Mr. REID. I ask unanimous consent we proceed to the consideration of H.R. 5205.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5205) to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5205) was read the third time and passed.

**AUTHORIZING PRINTING OF SENATE RULES AND MANUAL**

Mr. REID. I ask that the Senate proceed to the consideration of S. Res. 349, submitted earlier today by Senator DODD.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 349) to authorize printing of revised edition of Senate Rules and Manual.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 349) was agreed to, as follows:

S. RES. 349

*Resolved*, That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 108th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, 1,500 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 1000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

#### ORDER TO FILE EXECUTIVE CALENDAR BUSINESS

Mr. REID. I ask unanimous consent that the Senate committees may file Legislative and Executive Calendar business notwithstanding an adjournment of the Senate, and they may do this on Monday, November 4, from 10 a.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZATION TO MAKE APPOINTMENTS

Mr. REID. I ask unanimous consent notwithstanding our recess or adjournment of the Senate for the duration of the 107th Congress, the President of the Senate President pro tempore and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law and concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZING BASE CONTRACT OF NAVY-MARINE CORPS INTRANET

Mr. REID. I ask unanimous consent we now proceed to the consideration of H.R. 5647.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5647) to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

There being no objection, the Senate proceeded to the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and

there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5647) was read the third time and passed.

#### FHA DOWNPAYMENT SIMPLIFICATION ACT OF 2002

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of calendar 703, S. 2239.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2239) to amend the National Housing Act to simplify the downpayment required of FHA mortgage insurance for single family homebuyers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "FHA Downpayment Simplification Act of 2002".

##### SEC. 2. DOWNPAYMENT SIMPLIFICATION.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended—

(1) in subsection (b)—

(A) by striking "shall—" and inserting "shall comply with the following:";

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter that precedes clause (ii), by moving the margin 2 ems to the right;

(ii) in the undesignated matter immediately following subparagraph (B)(iii)—

(I) by striking the second and third sentences of such matter; [and

[(II) by striking the sixth sentence (relating to the increases for costs of solar energy systems) and all that follows through the end of the last undesignated paragraph (relating to disclosure notice); and]

[(II) by striking the seventh sentence (relating to principal obligation) and all that follows through the end of the ninth sentence (relating to charges and fees); and

(III) by striking the eleventh sentence (relating to disclosure notice) and all that follows through the end of the last undesignated paragraph (relating to disclosure notice requirements); and

(iii) by striking subparagraph (B) and inserting the following:

"(B) not to exceed an amount equal to the sum of—

"(i) the amount of the mortgage insurance premium paid at the time the mortgage is insured; and

"(ii) in the case of—

"(I) a mortgage for a property with an appraised value equal to or less than \$50,000, 98.75 percent of the appraised value of the property;

"(II) a mortgage for a property with an appraised value in excess of \$50,000 but not in excess of \$125,000, 97.65 percent of the appraised value of the property;

"(III) a mortgage for a property with an appraised value in excess of \$125,000, 97.15 percent of the appraised value of the property; or

"(IV) notwithstanding subclauses (II) and (III), a mortgage for a property with an appraised value in excess of \$50,000 that is located in an area of the State for which the average closing cost exceeds 2.10 percent of the average, for the State, of the sale price of properties located in the State for which mortgages have been executed, 97.75 percent of the appraised value of the property.";

(C) by transferring and inserting the text of paragraph (10)(B) after the period at the end of the first sentence of the undesignated paragraph that immediately follows paragraph (2)(B) (relating to the definition of "area"); and

(D) by striking paragraph (10); and

(2) by inserting after subsection (e), the following:

"(f) DISCLOSURE OF OTHER MORTGAGE PRODUCTS.—

"(1) IN GENERAL.—In conjunction with any loan insured under this section, an original lender shall provide to each prospective borrower a disclosure notice that provides a 1-page analysis of mortgage products offered by that lender and for which the borrower would qualify.

"(2) NOTICE.—The notice required under paragraph (1) shall include—

"(A) a generic analysis comparing the note rate (and associated interest payments), insurance premiums, and other costs and fees that would be due over the life of the loan for a loan insured by the Secretary under subsection (b) with the note rates, insurance premiums (if applicable), and other costs and fees that would be expected to be due if the mortgagor obtained instead other mortgage products offered by the lender and for which the borrower would qualify with a similar loan-to-value ratio in connection with a conventional mortgage (as that term is used in section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) or section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), as applicable, assuming prevailing interest rates; and

"(B) a statement regarding when the requirement of the mortgagor to pay the mortgage insurance premiums for a mortgage insured under this section would terminate, or a statement that the requirement shall terminate only if the mortgage is refinanced, paid off, or otherwise terminated."

##### SEC. 3. CONFORMING AMENDMENTS.

Section 245 of the National Housing Act (12 U.S.C. 1715z-10) is amended—

(1) in subsection (a), by striking ", or if the mortgagor" and all that follows through "case of veterans"; and

(2) in subsection (b)(3), by striking ", or, if the" and all that follows through "for veterans."

##### SEC. 4. REPEAL OF GNMA GUARANTEE FEE INCREASE.

Section 972 of the Higher Education Amendments of 1998 (Public Law 105-244; 112 Stat. 1837) is hereby repealed.

Mr. SARBANES. Mr. President, S. 2239, the FHA Downpayment Simplification Act, has been cosponsored by 23 Senators, including 15 members of the Committee on Banking, Housing, and Urban Affairs. This legislation takes a program that has been in place since October, 1997, and makes it permanent. The program simplifies the downpayment process for FHA borrowers which, in turn, makes it work better for lenders, realtors, and sellers, as well. The bill was also amended by Senator Reed and others to prevent an increase in the GNMA fee from taking place in 2005. This fee increase is not