

significant focus on health care quality research. My friend from Tennessee, Senator BILL FRIST, has worked very hard on this part of the bill and he has done an excellent job. I believe we should build on that effort to focus specifically on children. I believe that would be an excellent and an important addition to managed care reform.

Let me turn to the third item. The third area where I believe we can improve this bill, the third item with which I think this Congress must deal, the other improvement I would like to see considered, is language to strengthen the services provided by our Nation's poison control centers. Other than preventive care, much of the health care our children receive is based on emergencies, occurs when emergencies happen. One of the more common emergencies in children, of course, is poison. Each year more than 2 million poisonings are reported—2 million—over half of which occur in children younger than 6 years of age.

While our Nation's poison control centers do a very good job, a very good job responding to these crises, they do face funding problems. Many of these centers have been financed through unstable arrangements from a variety of public and private sources. Funding difficulties are the primary reason that about half of our poison control centers are not certified, meaning that they may not be operating at all times or that fully qualified experts may not be available around the clock.

I have written legislation that would deal with this problem by providing Federal supplemental assistance to poison control centers. In addition, the bill that I have sponsored, and is co-sponsored by Senator ABRAHAM, would create a single, simple, toll-free number so parents will always know who to call in the event of a poisoning emergency, so that they always know what number they can call. These measures not only would improve the quality of health care services available for children's health, they would be lifesavers as well.

We have before the Senate a very important debate dealing with the quality and availability of health care. As always, when we talk about health care, we need to be sure we are meeting the needs of children as well as adults. So, as we begin the debate and consider the legislation, we have a great opportunity, a great opportunity to take action that improves the lives of our young people. This Congress already has enacted a number of important pieces of legislation that will save lives, that will save young lives.

Last year, for example, we passed important bipartisan legislation to improve the quality and the availability of health care for low-income children. We also passed bipartisan legislation to reform our foster care system, vitally important legislation to reform our foster care system that will save lives and is saving lives.

This Congress clearly has taken the opportunity to improve the lives of our

children. I am hopeful we will take advantage of this opportunity that we face this week and next week, the opportunity that is before us, to find the solution that best provides for health care quality for our children and for all Americans.

HOMEOWNERS PROTECTION ACT OF 1998

Mr. DEWINE. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 318) to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 318) entitled "An Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes": do pass with the following amendments:

(1) Page 1, line 5, strike [1997] and insert: 1998

(2) Page 12, after line 16 insert the following:

(4) GAO REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report describing the volume and characteristics of residential mortgages and residential mortgage transactions that, pursuant to paragraph (1) of this subsection, are exempt from the application of subsections (a) and (b). The report shall—

(A) determine the number or volume of such mortgages and transactions compared to residential mortgages and residential mortgage transactions that are not classified as high-risk for purposes of paragraph (1); and

(B) identify the characteristics of such mortgages and transactions that result in their classification (for purposes of paragraph (1)) as having high risks associated with the extension of the loan and describe such characteristics, including—

(i) the income levels and races of the mortgagors involved;

(ii) the amount of the downpayments involved and the downpayments expressed as percentages of the acquisition costs of the properties involved;

(iii) the types and locations of the properties involved;

(iv) the mortgage principal amounts; and

(v) any other characteristics of such mortgages and transactions that may contribute to their classification as high risk for purposes of paragraph (1), including whether such mortgages are purchase-money mortgages or refinancings and whether and to what extent such loans are low-documentation loans.

(3) Page 24, strike lines 15 through 23 and insert:

(2) PROTECTION OF EXISTING STATE LAWS.—

(A) IN GENERAL.—The provisions of this Act do not supersede protected State laws, except to the extent that the protected State laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(B) INCONSISTENCIES.—A protected State law shall not be considered to be inconsistent with a provision of this Act if the protected State law—

(i) requires termination of private mortgage insurance or other mortgage guaranty insurance—

(I) at a date earlier than as provided in this Act; or

(II) when a mortgage principal balance is achieved that is higher than as provided in this Act; or

(ii) requires disclosure of information—

(I) that provides more information than the information required by this Act; or

(II) more often or at a date earlier than is required by this Act.

(C) PROTECTED STATE LAWS.—For purposes of this paragraph, the term "protected State law" means a State law—

(i) regarding any requirements relating to private mortgage insurance in connection with residential mortgage transactions;

(ii) that was enacted not later than 2 years after the date of the enactment of this Act; and

(iii) that is the law of a State that had in effect, on or before January 2, 1998, any State law described in clause (i).

(4) Page 27, line 21 before "Nothing" insert:

(a) PMI NOT REQUIRED.—

(5) Page 27, after line 23 insert the following:

(b) NO PRECLUSION OF CANCELLATION OR TERMINATION AGREEMENTS.—Nothing in this Act shall be construed to preclude cancellation or termination, by agreement between a mortgagor and the holder of the mortgage, of a requirement for private mortgage insurance in connection with a residential mortgage transaction before the cancellation or termination date established by this Act for the mortgage.

Ms. MOSELEY-BRAUN. Mr. President, I am glad that the Senate is considering S. 318, the Homeowners Protection Act. I thank my colleagues on the Banking Committee for working so hard to come to a final agreement on this legislation. I am pleased with the result, and I believe that our final product is a good balance which will both benefit consumers and protect the industry. The Senate passed S. 318 last November and this version, which has been passed by the House, contains all of the key provisions of the bill as it first passed the Senate.

Private Mortgage Insurance or PMI is a property insurance line that protects lenders from mortgage default risk. Homeowners pay the premiums, but the lender is the beneficiary. PMI is generally used to facilitate loans in which the borrower makes a down payment of less than 20 percent, and the lender usually seeks coverage of the initial 20 percent of the loan value.

However, a number of homeowners currently continue to pay premiums well past the point of reaching 20 percent equity in their home, and sometimes for the entire life of the loan. This excessive PMI coverage is not only expensive for the consumer, but provides little added protection to the lender. In many cases, homeowners are never informed of their right to cancel PMI, or are faced with significant obstacles when they do attempt to cancel the coverage. This legislation will end that predatory practice. It gives homeowners the right to cancel PMI when they have accumulated sufficient equity in their home to protect the lender from default. It will also provide for automatic cancellation of the mortgage insurance when the mortgagor's

payments meet the defined loan to value ratio of 78 percent or less. Finally, the bill generally prohibits lenders from requiring that consumers obtain PMI when they have a 20 percent or more down payment, with certain exceptions.

S. 318 also ensures that lenders can continue to offer a product called lender paid mortgage insurance or LPMI, where the mortgage insurance is paid by the lender. LPMI folds the insurance payment into a slightly higher interest rate. The product provides an economic benefit for consumers for the early part of the loan, and becomes less beneficial over time if the loan is not refinanced for the life of the loan. When the legislation was considered in the Banking Committee I authored an amendment, along with my colleague, Senator GRAMS, which preserves LPMI. Our amendment, which is a part of this legislation, provides for strong disclosures that ensure the consumer is aware of the way that LPMI works, and can assess the benefits and drawbacks of this product. I would like to thank my colleagues for accepting my amendment, which ensures that this product will continue to provide benefit to consumers.

Again, Mr. President, I would like to express my strong support for S. 318, the Homeowners' Protection Act, and I urge my colleagues to support its quick enactment.

AMENDMENT NO. 3171

Mr. DEWINE. I ask unanimous consent the Senate concur in the amendments of the House with an amendment, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] for Mr. SANTORUM, for himself and Mr. SPECTER, proposes an amendment numbered 3171 to the amendments of the House to the bill S. 318.

The amendment is as follows:

At the end of the House amendments, add the following:

SEC. . Section 481(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(4)) is amended by—

(1) inserting the subparagraph designation "(A)" immediately after the paragraph designation "(4)";

(2) redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) adding at the end thereof the following new subparagraph:

"(B) Subparagraph (A)(i) shall not apply to a nonprofit institution whose primary function is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under Chapter 11 of Title 11 of the United States Code between July 1 and December 31, 1998."

Mr. DEWINE. Mr. President, I move that the Senate concur in the amendments of the House with the amendment I have sent to the desk.

The motion was agreed to.

MEASURE READ THE FIRST TIME—S. 2316

Mr. DEWINE. Mr. President, on behalf of the majority leader, I understand that S. 2316, introduced earlier today by Senator MCCONNELL, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2316) to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States and Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle the depleted uranium hexafluoride.

Mr. DEWINE. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 16, 1998

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, July 16.

I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2159, the agriculture appropriations bill.

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

PROGRAM

Mr. DEWINE. Mr. President, again, on behalf of Majority Leader LOTT, for

the information of all Senators, the Senate will reconvene tomorrow morning at 10 a.m. and immediately resume consideration of the agriculture appropriations bill.

It is hoped that Members will come to the floor to offer and debate any remaining amendments to the agriculture appropriations bill so that the Senate can complete action on this legislation by early afternoon tomorrow.

Following disposition of the agriculture appropriations bill, the Senate may resume consideration of the VA-HUD appropriations bill, or may begin the legislative branch appropriations bill.

The Senate may also consider any other legislative or executive items cleared for action. Therefore, Senators should expect rollcall votes throughout the day and into the evening during Thursday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:48 p.m., adjourned until Thursday, July 16, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1998:

DEPARTMENT OF AGRICULTURE

CHARLES R. RAWLS, OF NORTH CAROLINA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE JAMES S. GILLILAND, RESIGNED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ROBERT M. WALKER, OF TENNESSEE, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE HARVEY G. RYLAND, RESIGNED.

DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROBERT JAMES BIGART, JR., OF NEW YORK

THOMAS J. KRAL, OF MARYLAND

CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA