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tested election for a seat in the U.S. Senate from the State of New Hampshire.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the resolution (S. Res. 166), relating to the determination of the contested election for a seat in the U.S. Senate from the State of New Hampshire, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. MCGEE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. MONTOYA) is absent because of death in family.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The yeas and nays resulted—yeas 54, nays 40, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—54

Abourezk	Hart, Gary W.	Mondale
Bayh	Hart, Philip A.	Morgan
Bentsen	Hartke	Moss
Biden	Haskell	Muskie
Bumpers	Hathaway	Nelson
Burdick	Hollings	Numm
Byrd,	Huddleston	Pastore
Harry F., Jr.	Humphrey	Pell
Byrd, Robert C.	Inouye	Proxmire
Cannon	Jackson	Randolph
Chiles	Johnston	Ribicoff
Church	Kennedy	Sparkman
Clark	Leahy	Stevenson
Cranston	Long	Stone
Culver	Magnuson	Symington
Eagleton	Mansfield	Talmadge
Ford	McGovern	Williams
Glenn	McIntyre	
Gravel	Metcalf	

NAYS—40

Allen	Garn	Roth
Baker	Goldwater	Schweiker
Bartlett	Griffin	Scott, Hugh
Beall	Hansen	Scott,
Bellmon	Helms	William L.
Brock	Hruska	Stafford
Brooke	Javits	Stennis
Case	Laxalt	Stevens
Curtis	Mathias	Taft
Dole	McClellan	Thurmond
Domenici	McClure	Tower
Eastland	Packwood	Weicker
Fannin	Pearson	Young
Fong	Percy	

NOT VOTING—5

Buckley	McGee	Tunney
Hatfield	Montoya	

The PRESIDING OFFICER (Mr. HASKELL). On this vote, there are 54 yeas, 40 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

EMERGENCY HOMEOWNER'S RELIEF ACT

The PRESIDING OFFICER. There will be order in the Senate.

Under the previous order the Senate will now proceed to the vote on final passage of H.R. 5398.

The bill will be stated by title.

Mr. PROXMIRE. Mr. President, there is a typographical error in this bill, and I

ask unanimous consent to change one word.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. On page 2, line 8, the word "time" should be changed to "homes." Otherwise, it does not make any sense.

The PRESIDING OFFICER. Without objection, the change is agreed to.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5398) to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as the result of adverse economic conditions.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROOKE. Mr. President, prior to the vote, I should like to direct a question to the chairman of the committee, Mr. PROXMIRE.

The PRESIDING OFFICER. In order for the Senator from Massachusetts to ask the question, unanimous consent will be required.

Is there objection? The Chair hears none, and it is so ordered.

Mr. BROOKE. Mr. President, concerning emergency mortgage relief payments under section 106, my question to the distinguished chairman is this: Do I correctly understand that, under this section, the Secretary has complete discretion, that she has the discretionary authority to determine that a lender who qualifies under section 105 may receive payments under section 106, and that that authority includes the ability to prescribe terms and conditions under which the lender is to receive such payments?

Mr. PROXMIRE. The Senator is correct. That is my understanding. That is our intention. I have discussed this matter with members of the staff, who have gone into this in some detail, and that was certainly our intention.

Mr. President, on page 6, subsection 105(e) is an embarrassing typographical error. The amount reads "\$1,500,000." It should be "\$1,500,000,000." It should read:

The aggregate amount of loans and advances insured under this section shall not exceed \$1,500,000,000 at any one time.

I ask unanimous consent that the figure be changed accordingly.

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

Mr. MONDALE. Mr. President, I am extremely pleased that the Senate is about to again approve a mortgage relief provision.

I have, for 2 years now, been attempting to bring about the enactment of this much-needed measure. I introduced a mortgage relief program as S. 3512 during the 93d Congress, as S. 660 during

the 94th Congress, and as an amendment to H.R. 4485 during this Congress.

Unfortunately, Mr. President, President Ford chose to veto H.R. 4485 when it reached his desk. While I continue to believe that the programs and concepts embodied in the Emergency Housing Act of 1975 would have brought a much-needed boost to our economy, I am pleased that the Senate has seen fit to salvage portions of that bill which are acceptable to the President—particularly the mortgage relief provisions which I introduced.

There are more than 8.5 million unemployed workers in this country at the present time. Many of them are heads of households. Millions of these unemployed workers own homes and must meet mortgage payments.

Yet, as their unemployment continues, their unemployment benefits decrease or disappear, and no prospect for employment appears, these workers and their families face a desperate situation.

They can no longer meet mortgage payments, and foreclosure looms on the horizon.

By the terms of the amendment proposed by the distinguished chairman of the Banking, Housing and Urban Affairs Committee (Mr. PROXMIRE), embodying the substance of my amendment, homeowners faced with foreclosure will be able to receive payments of up to \$250 per month, for up to 2 years, to help them save their homes.

I sincerely hope that President Ford will sign this bill and help the thousands of American families faced with loss of their homes.

Mr. DOLE. Mr. President, I am pleased to give my support to H.R. 5398, the Emergency Housing Act of 1975. This legislation is an example of how the Congress and the President can work constructively to create beneficial programs and to improve the ones we have existing.

In view of the vote in the House of Representatives yesterday sustaining the President's veto of the earlier housing legislation, this bill is very timely and the rapid action of the Senate Banking, Housing and Urban Affairs Committee is commendable.

It is my hope that this legislation will improve housing opportunities and housing construction in Kansas and other States as well. I believe that we, in Kansas, are perhaps more fortunate in the area of housing than in other States. There have been recent indications that housing starts and applications have been picking up.

MAJOR CONCERN

However, housing is a very major concern in communities in Kansas. It is my hope that this legislation, particularly title 2, will be beneficial to all communities in the State.

Many industries in Kansas, particularly in small communities, have continued to expand and take on new workers in spite of the recession. This expansion is beneficial to the economy as a whole in coming out of this recessionary period. A problem in this expansion, particularly in small communities, has been a lack of housing for new workers to move into. Hopefully, this legislation will

be beneficial in that respect and will also provide a direct aid to the housing industry in increasing the volume of their employment.

AVOID INFLATIONARY IMPACT

This Senator shares the concern that measures taken to stimulate the economy and to recover from the recession should be balanced judiciously so as to avoid stimulating new inflationary pressure. I believe the sponsor of this legislation, the Senator from Wisconsin has been greatly concerned about this problem of excessive Federal expenditures in the past as well.

The high level of Federal spending that was provided in the previous housing bill, in my opinion, was excessive. That is why I voted against initial passage of that bill and against the final version of the conference report. I believe that the concern about excessive spending has been resolved with this legislation and I am pleased to give my support to it.

EMERGENCY HOUSING ACT

Mr. MATHIAS. Mr. President, I am pleased to join my colleagues in support of immediate passage of the bill we are now considering, H.R. 5398—the Emergency Housing Act of 1975.

As a strong supporter of the emergency housing measure we passed 2 weeks ago, I was, of course, greatly disappointed by the President's veto. It is certainly my hope and expectation that the bill before us today, if promptly enacted, will go a long way toward meeting the primary objections expressed in the President's veto message, while also providing badly needed relief both to homeowners whose mortgages are in danger of foreclosure due to our current economic crisis and to builders and construction workers who are enduring the worst depression in the housing industry in a generation.

This measure clearly represents a balanced and responsible effort to address this crisis without adding unnecessarily to our impending Federal budget deficits. Title I will provide a program of foreclosure relief for an estimated 100,000 families who may be unable to meet their mortgage payments and thus risk losing their homes. Since the funds to be made available by the Department of Housing and Urban Development under this title would eventually be repaid by the homeowners after they are back on their jobs, this program may well succeed without substantially burdening our taxpayers generally.

Title II of this bill will extend and expand the existing Home Purchase Assistance Act, which was originally coauthored by Senators Brooke and Cranston last year, and which I was pleased to co-sponsor at that time. In extending this program to June 30, 1976, with an additional \$10 billion of authority for HUD to provide mortgage credit at a maximum interest rate of 7½ percent, I am hopeful that we may be able to provide a crucial boost to the still sagging homebuilding industry, by making mortgage credit available to many more families on terms they can afford. This extension is particularly important in States such as Maryland, where our previous State

usury law and other local conditions prevented full utilization of the original Brooke-Cranston program.

I am also pleased to note that the mortgage credit provided by title II will be available to finance a broad range of housing units—including apartments, condominiums, and mobile homes—thus allowing far broader utilization of the program.

Title III of this bill includes extensions of two other important Federal programs: The highly successful section 312 rehabilitation loan program, and the section 518(b) program to provide funds to correct serious structural defects in housing insured by FHA but which were overlooked by FHA inspectors at the time of purchase. I might point out that I share with many of my colleagues a frustration with the pace and enthusiasm which HUD has displayed to date in implementing the 518(b) program. I am sure I am not alone in hoping that further extensions will be made unnecessary if HUD will step up its efforts to assure that families who purchased structurally defective FHA-insured homes receive the adequate and timely compensation to which they are entitled under this law.

In closing, Mr. President, I would like to underscore my conviction that while the bill before us today represents an important attempt to deal with the immediate crisis at hand, we in the Congress, as well as in the executive branch, must redouble our efforts to explore fundamental readjustments in the entire system of home financing and mortgage credit for the future.

In particular, it is my hope that we may be able to develop viable alternatives to the traditional constant payment mortgage in which the home buyer contracts to make the same monthly payment for the entire life of the mortgage. Under our traditional mortgages, young families with modest incomes but high future earnings potential have little choice but to postpone buying a home—sometimes indefinitely—until their income reaches a level sufficient to allow them to afford the standard mortgage payments. In some cases, this is almost like waiting to catch an elusive brass ring, for as their income rises, so does the value or cost of the home they had hoped to purchase.

In recent months, much discussion has focused on one alternative to the traditional mortgage, often referred to as the "variable rate" mortgage. Under the variable rate concept, the interest rate charged on a mortgage—and thus the cost of the mortgage payments—would vary, within certain limits, according to the regular fluctuations of interest rates generally. As many of the witnesses who testified on this issue at recent Senate Banking Committee hearings pointed out, however, this would place the consumer, or home buyer, in a most difficult dilemma. Indeed, this approach would require the borrower who is seeking a mortgage to gamble as to whether future interest rate fluctuations would drive his mortgage payments up, and would impose the bulk of the financial risks inherent in market uncertainties on the

individual home purchaser. I can well understand why a great many labor, consumer, and homeowner groups have expressed serious reservations about this approach.

A better one, I would think, would involve variable mortgage payments which would be reduced in the early years of a mortgage and gradually increased, according to a fixed schedule known in advance, over the life of the mortgage. Provision might also be made to suspend these increases—and extend the term of the mortgage—during times when the homeowner's family income is not increasing sufficiently to keep pace with the schedule of increased payments. Under such an approach, individual home buyers would be in a position to know in advance exactly what payments would be required, while still providing access to homeownership starting with initial payments which the young family could hope to afford.

Mr. President, the Omnibus Housing Act of 1974, which we enacted more than 10 months ago, included a provision, section 308 of Public Law 93-383, which authorizes HUD to insure on an experimental basis mortgages whose payments would correspond to "anticipated variations in family income," using up to 1 percent annually of the mortgages insured by FHA through June 30, 1976. This provision would allow HUD to experiment with precisely the kind of mortgage approach I have described above.

In the 10 months since this law was enacted, however, HUD has not insured one single mortgage under this section. Regulations have not even been issued. Indeed, it is my understanding that apart from an ongoing study of the matter under HUD's Research Division, few steps have been taken to implement this section at all.

In the months ahead, I strongly urge HUD to take its mandate seriously in this regard, and to begin the process of exploring what level of reduced and graduated mortgage payments would be mutually attractive to the lenders and home buyers alike. A most promising pilot program embodying this approach is already underway in Maryland under the auspices of the State department of economic and community development; it seems to me that the Federal effort should be no less bold.

In the meantime, I look forward to working with my colleagues on the Committee on Banking, Housing and Urban Affairs, to see whether legislation might be enacted to make this kind of opportunity a reality for millions of young homeseekers who cannot now hope to afford a mortgage under the traditional payment system.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONROYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. MONTOYA) is absent because of death in the family.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—94

Abourezk	Glenn	Morgan
Allen	Goldwater	Moss
Baker	Gravel	Muskie
Bartlett	Griffin	Nelson
Bayh	Hansen	Numm
Beall	Hart, Gary W.	Packwood
Bellmon	Hart, Philip A.	Pastore
Bentsen	Hartke	Pearson
Biden	Haskell	Pell
Brock	Hathaway	Percy
Brooke	Helms	Proxmire
Bumpers	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd	Huddleston	Roth
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Inouye	Scott, Hugh
Case	Jackson	Scott,
Chiles	Javits	William L.
Church	Johnston	Sparkman
Clark	Kennedy	Stafford
Cranston	Laxalt	Stennis
Culver	Leahy	Stevens
Curtis	Long	Stevenson
Dole	Magnuson	Stone
Domenici	Mansfield	Symington
Eagleton	Mathias	Taft
Eastland	McClellan	Talmadge
Fannin	McClure	Thurmond
Fong	McGovern	Tower
Ford	McIntyre	Weicker
Garn	Metcalf	Williams
	Mondale	Young

NAYS—0

NOT VOTING—5

Buckley	McGee	Tunney
Hatfield	Montoya	

So the bill (H.R. 5398) was passed. Mr. TOWER. Mr. President, I move that the Senate reconsider the vote by which H.R. 5398 was passed.

Mr. ALLEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DETERMINATION OF SENATE ELECTION IN NEW HAMPSHIRE

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) relating to the determination of the contested election for a seat in the United States Senate from the State of New Hampshire.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Alabama on the first division of his own amendment as modified.

AUTHORIZATION FOR RELEASE OF RESTRICTIONS ON PROPERTY FOR AIRPORT PURPOSES

Mr. PEARSON. Mr. President, from the Committee on Commerce I report S. 270, providing for airport use in a small city of Kansas.

Mr. ALLEN. Will the Senator use his microphone, please?

Mr. PEARSON. The bill has been cleared on both sides of the aisle. It deals with airport property use for a small Kansas city. I have cleared it with the leadership on both sides. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 270), to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Elkhart, Kansas, for airport purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the bill (S. 270) which had been reported from the Committee on Commerce.

Mr. PEARSON. Mr. President, I ask unanimous consent that the junior Senator from Kansas (Mr. DOLE), be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. there be no amendment

The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 270) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 16 of the Federal Airport Act (as in effect on March 20, 1947), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated March 11, 1958, under which the United States conveyed certain property to the city of Elkhart, Kansas, for airport purposes.

DETERMINATION OF SENATE ELECTION IN NEW HAMPSHIRE

The Senate continued with the consideration of the resolution (S. Res. 166) relating to the determination of the contested election for a seat in the U.S. Senate from the State of New Hampshire.

Mr. GRIFFIN. Mr. President, I do not agree with everything that Jack Germond writes in the story carried in this afternoon's Washington Star, dateline Durham, N.H. But some of what he writes ought to be of some concern, I suggest, to the Senate as an institution. I wish to read from it:

'ONCE THEY GO TO WASHINGTON THEY DON'T GIVE A DAMN'

DURHAM.—If you ask Peter Barnes, who is 82, what he thinks about the way the Senate is handling the New Hampshire election controversy, he will get red in the face and give you a real earful.

"Those people in the Senate are a bunch of plain damned fools," he says, "we're entitled to another election if we want one and the way they're behaving is the most palpably outrageous thing I've ever seen."

But if you ask Peter Barnes if he and his friends spend much time talking about the controversy, he comes down, shrugs and replies: "As a matter of fact, we never even discuss it. What's the use. We can't do anything about it anyway."

At another point in the story, it reads:

The Republican notion that the solution is another election has an obvious following that is not limited to Republicans here. A reporter questioned almost three dozen New Hampshire voters at random found three of every four in favor of a new election, and half of them said they were Democrats.

In Manchester, Jeanette Boudreau, a factory worker, asked: "Why isn't that fair? The Democrats say it isn't fair but they want to take advantage because they've already got control. That's one-party government just like Russia."

The reporter writes:

What is more intriguing than the consensus for a new election, however, are the refinements of that position that illustrate the difference voters here feel from their federal government in Washington.

Except for the politicians and the newspapers, they are not very interested in the issue because it does not touch their lives in any way they can identify. And they clearly have little faith in the politicians in the Senate. Just a year after Americans were applauding the performance of the House Judiciary Committee on the impeachment question, Americans here have returned to the conviction that they are pawns of a disinterested and corrupt political force.

This is my injection: is it not a sad thing that that is the reaction of the people of New Hampshire? I rather suspect that is the reaction of the people around the country to the spectacle and the performance of the Senate in the handling of this matter and the refusal on the part of the majority to take the obvious route which is so fair, and that is if you are not going to seat the fellow who was elected and certified by the States as having been elected, then, for God's sake, at least have a new election.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Wyoming.

I ask unanimous consent that the complete article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

'ONCE THEY GET TO WASHINGTON THEY DON'T GIVE A DAMN'

(By Jack W. Germond)

DURHAM.—If you ask Peter Barnes, who is 82, what he thinks about the way the Senate is handling the New Hampshire election controversy, he will get red in the face and give you a real earful.

"Those people in the Senate are a bunch of plain damned fools," he says, "we're entitled to another election if we want one and the way they're behaving is the most palpably outrageous thing I've ever seen."

But if you ask Peter Barnes if he and his friends spend much time talking about the controversy, he comes down, shrugs and replies: "As a matter of fact, we never even discuss it. What's the use. We can't do anything about it anyway."

This is a common attitude here as New Hampshire ends six months without a second senator because no one can decide whether Republican Louis C. Wyman or Democratic John Durkin won the election last November. The voters are unhappy with