CONGRESSIONAL RECORD — SENATE

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Mr. BROOKE. Mr. President, I am pleased to vote to confirm the nomination of Mr. Powell, Jr., to be an Associate Justice of the Supreme Court.

Since President Nixon nominated Mr. Powell for the Court on September 21, I have had the opportunity to meet with him and to carefully review his record. I find Mr. Powell to be exceptionally well qualified to serve on the Nation's highest court. He is unquestionably a man of great intellect and integrity. But I believe he is much more. I believe he is an intensely human man, aware of and concerned about changing social tensions.

During the confirmation proceedings on past Supreme Court nominees, I have always voted to confirm a conservative, though I am a moderate; a southerner, though I represent a Northern State; and a strict constructionist though I favor a liberal interpretation of the Constitution. I meant what I said then and I mean it now. And I shall vote to confirm Mr. Powell.

I do so with the confidence that he will uphold the sacred dictum of the Supreme Court: Equal justice under law. The PRESIDING OFFICER (Mr. Scaife). The hour of 6 o'clock having arrived, under the previous order the question now is, Will the Senate advise and consent to the nomination of Lewis F. Powell, Jr., of Arizona, to be an Associate Justice of the Supreme Court.

On this question the ayes and nays have been ordered, and the clerk will call the roll. The assistant legislative clerk called the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. COBB), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arizona (Mr. STAFFORD), the Senator from Nevada (Mr. EISLEBERG), the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) have joined in voting "yea." Mr. GRIFFIN. I announce that the Senator from Missouri (Mr. BENNETT) and the Senator from South Dakota (Mr. MURPHY) are absent because of illness.

The following Senators from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. STAFFORD) are necessarily absent.

The following Senators from Arizona (Mr. STAFFORD), the Senator from Vermont (Mr. MONTGOMERY), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PIERCY), and the Senator from Iowa (Mr. MILLER) would each vote "yea."

The yeas and nays resulted—yeas 89, nays 1, as follows:

[NO. 439 R.]

YEAS—89

Allen—Ervin, Evans, Monongueva, Muskie
Allen—Pannin, Muskie, Nunn
Anderson—Young, Pasture
Bahr—Gravel, Pasture
Bellman—Garvey, Pasture
Benveniste—Vanik, Pasture
Biber—Hart, Pasture
Bridge—Hatch, Pasture
Brooke—Bullock, Pasture
Buckley—Bullock, Pasture
Byrd, Va.—Johnson, Pasture
Byrd, W. Va.—Jackson, Pasture
Cannon—Jordan, N.C., Pasture
Chiles—Johnson, Pasture
Church—Johnson, Pasture
Cromwell—Minnelli, Pasture
Cooper—Mosby, Pasture
Cranston—McClellan, Pasture
Curtis—McMillan, Pasture
Dole—McCoy, Pasture
Eagleton—McKee, Pasture
Eastland—Mondale, Pasture
Ellender—Mondale, Pasture

NAYS—1

Bates—NOT VOTING—10

Brackett—Moss, Pasture
Gambrill—Moss, Pasture
Humphrey—Moss, Pasture

So the nomination was confirmed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. Scaife). Without objection, it is so ordered. The clerk will report the nomination.

Mr. MANSFIELD. Mr. President, I announce that the Senate turn to the consideration of the nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate turn to the immediate consideration of Calendar No. 533, H.R. 6066.

The PRESIDING OFFICER. The bill will be printed by the printing office, with any objections reserved for three days.

Mr. President, this is a bill to amend section 903 (c) (3) of the Social Security Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none.

The Senate proceeded to consider the bill.

Mr. LONG. Mr. President, this is a bill to extend for an additional 10 years, the period through which the States may obligate funds transferred from excess Federal unemployment tax collections. The committee report is available.

Mr. President, I ask unanimous consent that the explanation of this bill be printed at this point in the Record.

There being no objection, the explanation was ordered to be printed in the Record, as follows:

EXPLANATION OF H.R. 6066

A bill to extend for an additional 10 years, the period during which certain unemployment funds may be used for State administrative expenses.

Prior to 1964, one-tenth of the 3-percent Federal unemployment tax (called the net Federal tax) was intended to pay the cost of Federal and State administration of the unemployment insurance and employment service programs. However, the net Federal tax was not earmarked for this purpose and, since the revenues had been excess administrative costs by about $80 million annually, the excess merely served to increase the general fund of the Treasury.

The Employment Security Administrative Financing Act, signed into law August 6, 1964, earmarked revenues from the net Federal tax for the employment security system, with this order of priority for the use of these funds: (1) funds would be first used for current Federal and State administration expenses; (2) additional funds, if any, would be placed in the unemployment account (which account reached $900 million) from which States could get advances when the total of State benefits became particularly heavy; (3) any remaining funds would be credited to State accounts, and (4) the States could use the funds for administrative purposes.