

tying and resolving the basic issues. He is not led aside by minutia or technicalities. He has a consummate skill in working in groups, combining insight, understanding, and a firm momentum toward the goal.

Lewis F. Powell is a brilliant lawyer, with deep sensitivity and understanding of the problems of individuals and society. He has an excellent grasp of all that is modern and advanced in legal thinking, including techniques and uses of empirical research. Yet, more important he has a deep and abiding loyalty to the principles of our Constitution and to the fundamentals of character and integrity and honor that undergird all of our social institutions.

I urge you to vote for his confirmation, and do all in your power to hasten the day when he can assume his position and commence his service in what I am certain will be an illustrious career on the United States Supreme Court.

Sincerely,

DALLIN H. OAKS.

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

Since President Nixon nominated Mr. Powell on October 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 said I could vote 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. SPONG). The hour of 4 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 Virginia, to be an Associate Justice of the Supreme Court.

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. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), and the Senator from Utah (Mr. MOSS), are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Utah (Mr. MOSS), and the Senator from Minnesota (Mr. HUMPHREY), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PER-

CY) and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. PERCY), and the Senator from Iowa (Mr. MILLER) would each vote "yea."

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

[No. 439 Ex.]

YEAS—89

Aiken	Ervin	Montoya
Allen	Fannin	Muskie
Allott	Fong	Nelson
Anderson	Fulbright	Packwood
Baker	Goldwater	Pastore
Bayh	Gravel	Pearson
Beall	Griffin	Pell
Bellmon	Gurney	Proxmire
Bentsen	Hansen	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Brooke	Hollings	Schweiker
Buckley	Hruska	Scott
Burdick	Hughes	Smith
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Javits	Spong
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McClellan	Tower
Curtis	McGee	Tunney
Dole	McGovern	Weicker
Eagleton	McIntyre	Williams
Eastland	Metcalf	Young
Ellender	Mondale	

NAYS—1

Harris

NOT VOTING—10

Bennett	Inouye	Percy
Dominick	Miller	Stafford
Gambrell	Moss	
Humphrey	Mundt	

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. SPONG). Without objection, the President will be notified forthwith.

THE NOMINATION OF WILLIAM H. REHNQUIST TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent 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.

The second assistant legislative clerk read the nomination of William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

AMENDMENT OF SECTION 903(c) (2) OF THE SOCIAL SECURITY ACT

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate turn to the im-

mediate consideration of Calendar No. 533, H.R. 6065.

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

The second assistant legislative clerk read as follows:

A bill (H.R. 6065) to amend section 903 (c) (2) 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 for administrative purposes certain funds transferred from excess Federal unemployment tax collections. The committee report is available.

Mr. President, I ask unanimous consent that an explanation of the 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. 6065

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

Prior to 1954, one-tenth of the 3-percent Federal unemployment tax, or 0.3 percent (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 exceeding administrative costs by about \$65 million annually, the excess merely served to increase the general funds of the Treasury.

The Employment Security Administrative Financing Act, signed into law August 5, 1954, earmarked revenues from the net Federal tax for the employment security system, with this order of priority for their use: (1) funds would first be used for current Federal and State administrative expenses; (2) additional funds, if any, would be placed in a special loan account (until the account reached \$200 million) from which States could get advances when the cost of benefits became particularly heavy; (3) any remaining funds would be credited to State accounts in the unemployment trust fund either for benefits or (with the specific approval of the State legislature) for additional administrative purposes. If a State wished to use the excess funds for administrative purposes, Federal law required them to use the funds within 5 years of their transfer.

During the next few years, revenues continued to exceed administrative expenses as in the years preceding the 1954 Act. In those years, no State needed to use the loan fund, which quickly reached the \$200 million limitation. In 1956, 1957, and 1958, a total of \$138 million was credited to State unemployment trust fund accounts. (Table 1 on page 3 of the House report shows amounts credited for each State).

In 1959, three States received advances from the loan fund. Since the excess of revenues over receipts had to be used to replenish the loan fund, no additional funds were transferred to the State accounts.

The \$138 million transferred in 1956, 1957, and 1958 represents the only funds transferred thus far to State accounts; no additional transfers are anticipated in the foreseeable future. These transferred funds have been used by the States primarily to buy the necessary land and construct buildings for