HOUSE VOTES BILL TO REQUIRE NIXON TO RELEASE FUND

Conservation Plan Is Passed in Defiance of President —Faces Threat of Veto

By JAMES M. NAUGHTON
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WASHINGTON, Feb. 7—The House of Representatives voted today, in defiance of President Nixon, to require the Department of Agriculture to spend $210-million that the Administration had refused to release for the Rural Environmental Assistance Program.

But the measure faced a threat of a Presidential veto, and the vote in the House, 251 to 142, fell short of the two-thirds necessary to override a veto.

The vote was, nonetheless, the first major test of Congressional sentiment on the President's refusal to spend some $8-billion appropriated by Congress for a variety of domestic programs.

Constitutional Issue

The Senate is expected to go along with the House on the rural conservation program, but today it moved closer to a showdown with the White House on the broader constitutional issue of the President's right to withhold money Congress wants to spend.

The Senate Judiciary Subcommittee on Separation of Powers concluded five days of hearings on a bill that would force the President to seek the consent of Congress each time that he impounded appropriated funds. The bill is expected to reach the Senate floor before the end of this month.

At issue in both the Senate and the House is the constitutional question of whether Congress alone has the power to determine how Federal money shall be spent.

The controversy took still a new turn today when an Administration official claimed the right to spend money for purposes other than those for which the money had been appropriated by Congress.

Paul J. Fasser Jr., manpower administrator in the Department of Labor, told a House subcommittee that the Administration planned to spend about $500-million that was appropriated in the last two

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years for public service jobs to provide instead summer employment under the Neighborhood Youth Corps.

House Democrats, who beat back a series of Republican-sponsored amendments to the rural conservation bill, argued that the President had no right to withhold virtually all of the funds budgeted for the program and, in effect, kill it.

But Republicans loyal to the President countered that the Administration was compelled to make cuts in the budget to avoid continued deficit spending and consequent inflationary pressures.

The Democratic majority had clear political and tactical considerations in mind in choosing the consedvation program to make their first stand against the White House on the spending issue, the dominant concern of the young 93d Congress.

The conservation program, in existence for more than four decades, provides direct grants to farmers for so soil and water conservation practices.

Carl Albert, the House Speaker, said in a conversation today that the rural program was among the most popular in the agricultural community and, because of its conservation aspects, enjoyed the additional support of the strong environmental lobby.

Representative Philip Burton of California, the chairman of the liberal Democratic Study Group, told House members that the President had flouted the will of Congress in withholding the conservation funds.

"I know," Mr. Burton said, "that this bill does not affect most of your constituencies and, similarly, there will be other legislation that won't affect the majority of our constituents." But if partisans of different spending programs blocked by the White House "extend a helping hand, one to another, we are more apt to succeed," he said.

Only 20 Democrats voted against the bill. In contrast, 52 Republicans defected from the Administration's cause to join in the challenge to the President.

But Republican leaders appeared to have succeeded, for the moment, in holding enough of their House members in line to minimize the prospect of a vote to override a veto.

Representative John B. Anderson of Illinois, chairman of the House Republican Conference, told a reporter this morning that it was unfortunate that the Democrats had chosen the R.E.A.P. program—which he referred to as "statuory raep"—to initiate the challenge to the White House.

He said that the average payment under the program was only $239 a year, and that farmers would not go bankrupt if they failed to receive that amount.

Representative Wilmer Mizell, Republican of North Carolina, asserted on the House floor that the bill should be defeated because "inflation is no friend of the American farmer."

Representative W. R. Poage of Texas, Democratic chairman of the House Agriculture Committee and the principal sponsor of the bill, retorted that Mr. Mizell "knows how undependable the President is."

In an undisguised appeal to urban members to support him, Mr. Poage said, "You want that clean water, that clean air, but it don't come free."

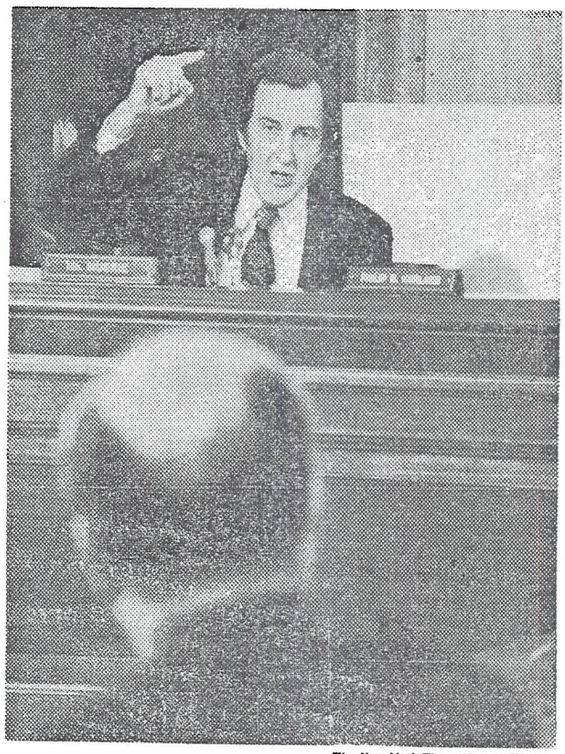
He said that all the bill was intended to accomplish was to tell the Secretary of Agriculture to "do what Congress told him to do."

By coincidence, the Secretary, Earl L. Butz, was the final Administration witness before the Senate subcommittee exploring the impoundment issue.

Revenue Sharing Cited

He testified that the rural environmental program involved only about 20 per cent of the nation's farmers in any given year and said that if the conservation practices were considered important enough, farm communities could allocate funds for the program from general revenue-sharing grants that they received from the Government.

Senator Edmund S. Muskie, Democrat of Maine, told Mr. Butz and an earlier Administration witness, Roy L. Ash, director of the Office of Management and Budget, that the assertion of Presidential authority to refuse to heed Congressional spending directions was "the most dangerous constitutional philosopy" he had ever heard.



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Senator Edmund S. Muskie questioning Roy L. Ash, back to camera, as the Senate Judiciary subcommittee on separation of powers terminated five days of hearings.