

Senate Votes to Require Approval of Budget Aides

Move to Seek Confirmation of Director and Deputy Opens New Front in Battle With Nixon Over Spending Policies

NYTimes

FEB 6 1973

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, Feb. 5 — The Senate voted overwhelmingly today to require confirmation, for the first time, of the director and deputy director of the Office of Management and Budget in the White House.

By a vote of 64 to 17, the Senate thus moved to create another battleground for the dispute between Congress and the White House over cuts in social spending programs in the current Federal budget and in the Nixon Administration's spending request for the fiscal year 1974, which begins next July 1.

The measure must still be approved by the House of Representatives, and it faces the prospect of a Presidential veto. But Senator Sam J. Ervin Jr., Democrat of North Carolina who is the principal sponsor of the bill, said he was optimistic about its enactment.

The coalition of 50 Democrats and 14 Republicans who voted for the Senate Bill appeared to have had two distinct motives.

Most supporters argued that the budget agency, formed 52 years ago to provide technical advice to the President, had amassed such wide authority over Cabinet members and their

departments that the budget officers should be subject to Senate approval.

"The C.M.B. director is the second most powerful official in the Federal Government and it is essential that he be subject to the thorough scrutiny of the Senate," Mr. Ervin asserted.

A second motive, among a minority of the measure's sponsors, was a desire to make the new budget director, Roy L. Ash, subject to confirmation hearings in which his controversial business background could be examined.

Last Friday, Senator William Proxmire, Democrat of Wisconsin, accused Mr. Ash of having been involved in what Mr. Proxmire described as "wasteful and inefficient" Navy contracts as president of Litton Industries, Inc. Senator Proxmire termed it "ironic" that the President had named Mr. Ash "to oversee a program to bring efficiency to Government when the Navy was disputing some \$160-million in contract claims filed by Litton.

Mr. Ash and the deputy director of the budget office, Frederic V. Malek, were sworn in last Friday. Until now, the two positions have been appointive, and therefore not sub-

Continued on Page 18, Column 4

Senator Walter Dee Huddleston, Democrat of Kentucky, said in a statement after the vote that White House officials had said Mr. Nixon would veto the bill if the Senate and House approved it. He urged the President to reconsider.

Mr. Ervin said House leaders had advised him that there was "strong support" for the bill, but neither he nor Senator Mike Mansfield, the Senate majority leader, voiced confidence that there would be a two-thirds vote in the House necessary to override a veto.

19 Senators Absent

The Senate vote today was three short of a two-thirds majority. At least seven of 19 absent Senators were believed likely to support the measure. All 17 votes against the bill were cast by Republicans. But even such customary Administration supporters as Senators Barry Goldwater of Arizona and Robert Taft Jr. of Ohio defected from the minority to support the bill.

As adopted by the Senate, the bill contained an amendment, sponsored by the Senate minority whip, Robert C. Byrd of West Virginia, to limit the budget officials to a maximum term of four years before facing confirmation proceedings again.

Mr. Byrd introduced another bill today to require that all Cabinet officers be required to undergo reconfirmation by the Senate if they are retained from one Administration to the next. At present, department heads are only required to face confirmation hearings when they are first nominated, and they remain in office at the pleasure of the President.

Continued From Page 1, Col. 3

ject to the consent of the Senate.

The effort to require confirmation of the budget officials is closely linked to Congressional complaints over President Nixon's refusal to spend funds appropriated by Congress for a variety of domestic purposes and over the 1974 budget proposal's call to curtail or sharply eliminate many programs that Congress created.

Bill Called 'Imperative'

Senator Hubert H. Humphrey, Democrat of Minnesota, said the bill was "imperative" because "this Administration, more than any other, equates budget-making with policy-making."

One fiscal conservative, Senator Harry F. Byrd Jr., independent of Virginia, told the Senate that he supported the bill because it had become "standard operating procedure" for the budget office to supervise activities of Cabinet members even when those activities had no direct bearing on spending.

The only opposition expressed on the Senate floor to Mr. Ervin's proposal came from

Senator Robert P. Griffin of Michigan, the Senate minority whip, who said that, while he agreed with the objectives of the bill, he was afraid there was a "fatal flaw" in it.

The bill stipulates that Mr. Ash and Mr. Malek would be permitted to retain their positions for 30 days after enactment of the measure. During that time, the President would be required to submit their names as nominees for the posts, and the two officials would be subjected to confirmation proceedings.

Effect of the Bill

But Senator Griffin contended that the effect of the bill would be to remove Mr. Ash and Mr. Malek from office if they were not confirmed within 30 days. He said that, under the constitution, only the President had authority to remove a Government official from office.

Senator Charles H. Percy, Republican of Illinois, countered that, in his view, Congress had the authority to insist that the bill apply to the two officials. He added that Mr. Ash had told him that he "welcomed the opportunity" to explain his views in confirmation hearings.