

BUDGET: House panel moves reconciliation, but floor picture is cloudy

The House Budget Committee yesterday approved in a 21-16 party-line vote a reconciliation package, but it remains unclear whether House leaders will be able to cobble together enough support within the GOP caucus to pass the measure on the floor.

The measure contains \$53.9 billion in budget cuts as well as provisions authorizing drilling in the Arctic National Wildlife Refuge and new offshore areas -- items that are strongly opposed by House Democrats and may even be problematic for some moderate Republicans.

House Republicans also tacked on at the last minute a provision splitting the 9th U.S. Circuit Court of Appeals, adding to the legislation yet another controversial item that could create discomfort for some GOP members.

House leaders said they still intend to bring the bill to the floor next week, but it does not yet appear they have the 218 votes needed to pass the measure. Both House Majority Leader Roy Blunt (R-Mo.) and House Budget Chairman Jim Nussle (R-Iowa) yesterday said the reconciliation bill will almost certainly need to be modified in order to pull together the needed support.

While GOP moderates have mostly balked at the cuts to social programs included in the bill, House leaders have also admitted that the ANWR provision is drawing opposition from some members.

When asked if ANWR might need to be removed from the bill to garner moderate support, Blunt said only that some changes need to be made to guarantee passage. "We're open to doing what we need to do to achieve the highest number of savings that 218 people are willing to make happen," Blunt said. "Now we'll see if the membership is pleased with all the parts of that, this will undoubtedly not be exactly the same when it gets to the floor."

Nussle agreed that modifications will most likely be needed, but he has not yet been told of any specific language that will definitely need to come out. "I'm not aware of any changes that are being requested," Nussle said.

He added that House leaders are working under the assumption that no Democrats will vote for the bill, meaning Republican leaders need to get the backing of all but about a dozen members of its caucus in order to guarantee passage.

Meanwhile, House Democrats and some environmental groups are pressing coastal state Republicans to either press the leadership to remove OCS language from the bill or to vote against the whole package if it stays in. Rep. Lois Capps (D-Calif.)

yesterday said a handful of Republicans have called the OCS language a "dealbreaker" that will cause them to vote against the whole bill.

Democrats blast little-noticed provision to split 9th Circuit

Hoping to end a stalemate on the issue, House Republicans have inserted into the reconciliation package controversial language splitting the 9th U.S. Circuit Court of Appeals -- a move that immediately drew strong attacks from Democrats and environmental groups.

Several Democrats said the measure was an "end-run" to force the Senate to take up a measure rejected in the past. "It does not have the support to pass both houses of Congress, so House Republicans are seeking to stifle debate and the democratic process by inserting a controversial measure into the expedited budget process," said House Minority Leader Nancy Pelosi (D-Calif.).

A Democrat aide said committee Democrats did not discover the language until just before yesterday's hearing. "It was a very last minute thing," said the aide.

While the split would cost additional money -- with estimates ranging from \$70 million to \$150 million -- the committee inserted the language into the budget cutting measure because an immigration bill approved by the Judiciary Committee earlier this year ended up costing less than originally anticipated.

The provision is identical to a standalone bill approved by the House Judiciary Committee last month. The House has passed similar legislation several times, but it has been repeatedly blocked by Senate Democrats. There is no similar language in the Senate version of the reconciliation bill.

The House bill would split the 9th Circuit into two new circuits -- a 9th that includes California, Hawaii and the Pacific Islands and a new 12th Circuit that contains Alaska, Washington, Oregon, Idaho, Montana, Nevada and Arizona.

Even if the language survives the House, it remains unclear if it will have any more success in the Senate than in years past. Sen. Dianne Feinstein (D-Calif.) and other Democrats strongly oppose the bill and have succeeded in blocking such legislation in the past.

The Senate Judiciary Committee held a hearing on the issue last month, where several committee Republicans said the panel will continue to study the issue.

Earthjustice Attorney Glenn Sugameli said that while Senate Republicans may agree with the fundamental principles of the bill, key members such as Judiciary Chairman Arlen Specter (R-Pa.) will be unwilling to back a proposal that circumvents the Senate. "There's some political dynamics that still make this extremely unpopular and unlikely," Sugameli said.

The proposal to split the 9th Circuit is unpopular with the overwhelming majority of California politicians -- regardless of party -- and it remains to be seen whether the language will cause problems for the whole bill with California Republicans. "It also

doesn't make sense politically to load down the reconciliation bill when there's so much baggage on it already," Sugameli said.

Committee defeats profit windfall tax motion

The House Budget Committee yesterday defeated in a series of largely party-line votes a half dozen Democratic efforts to force changes to the bill, including an amendment implementing the "windfall profit tax" for oil companies.

The committee could not by rule modify the reconciliation package, but Democrats made motions to instruct the chairman to bring specific amendments to the floor.

One of those amendments would have bumped up funding for the Low Income Heating Emergency Assistance Program (LIHEAP) by an additional \$2 billion by instituting the windfall profit tax. The amendment failed, 15-21.

The Energy and Commerce Committee in its portion of the reconciliation bill last week added \$1 billion to LIHEAP funding, bringing the total level to \$3 billion. But Democrats in both the House and the Senate have repeatedly introduced amendments to bring the program up to its authorized level of just over \$5 billion.

Reporter Ben Geman contributed to this article.

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