

CO BUDGET: House-passed reconciliation report slashes farm conservation funding

By Allison A. Freeman and Alex Kaplun

The House sent the budget reconciliation conference report to the Senate today, approving \$39.7 billion in spending cuts, including agriculture conservation and energy programs.

The bill passed by a narrow margin, 212-206, in an early morning vote. The Senate is expected to take up the bill later today.

Overall, the measure cuts over \$2.7 billion in agriculture spending, over a third of which would come from conservation programs. It also extends farm programs through 2011, setting a lower baseline for the next farm bill negotiations.

But the legislation does boost spending for the low-income energy assistance program, extending the authority by \$625 million.

Many of the natural resources provisions opposed by environmentalists were cut from the conference report. Gone are provisions that would have split the 9th Circuit Court of Appeals, opened the Arctic National Wildlife Refuge to oil-and-gas drilling, allowed mining companies to buy public lands, and encouraged outer continental shelf exploration and oil shale development.

One farm program bears brunt of cuts

The bulk of farmland conservation cuts is shouldered by the Conservation Security Program, the Agriculture Department's new "green payments" program that pays farmers to make environmental improvements on working lands.

Proponents of the program had envisioned it as a new sweeping conservation entitlement when it was included in the 2002 farm law. But its funding has been limited in appropriations bills, used as offsets for emergency spending bills and cut again in this budget reconciliation.

The conference report would limit the program to \$1.95 billion over the next five years, with the program not exceeding \$5.65 billion in total between 2006 and 2015. The setback would not cut funding below recent appropriations, which have been below the average amount the budget would allow the program for each year. But CSP's proponents have said such cuts could cripple the fledgling program.

The reconciliation conference also cuts the Environmental Quality Incentives Program, which pays farmers for certain conservation practices on farms. It limits the program to \$1.27 billion for fiscal years 2007 through 2009 and \$1.3 billion in fiscal year 2010.

Those amounts are just above the amount appropriators have allotted for the program in recent years but are below the farm law's authorized amounts, which were set to increase every year.

The budget also finds other savings by cutting the authorized amounts for mandatory programs that appropriators have not historically funded. Those cuts include the Watershed Rehabilitation Program and the \$23 million renewable energy program. Appropriators have zeroed out the mandatory funds for the programs and allocated some discretionary funds in past years.

Farm conservation advocates are concerned that the more crippling effect of the cuts will not be in appropriations over the next several years but in the next farm bill debate. The budget extends programs through 2011, which could give them little footing for increases next year as legislators start to consider the 2007 farm bill.

9th Circuit split dropped

Conferees on the budget reconciliation bill also scrapped over the weekend a House proposal to split the 9th Circuit Court of Appeals, after senators on both sides of the aisle balked at the measure.

House lawmakers inserted the language into the budget bill just hours before it was approved in committee and over the objections of House Democrats. The provision would have created a 9th Circuit that includes California, Hawaii and the Pacific Islands and a new 12th Circuit with Alaska, Arizona, Idaho, Montana, Nevada, Oregon and Washington.

But like previous House-led efforts to split the circuit, the effort ground to a halt after it drew strong opposition from Sen. Dianne Feinstein (D-Calif.) and other Democrats. Senate Judiciary Chairman Arlen Specter (R-Pa.) also opposed moving so quickly on a split, saying that his committee was studying the proposal and there was no reason to rush it through the reconciliation process.

The proposal has also drawn strong opposition from environmentalists who have claimed that such a move is largely an effort by Western Republicans to remove the more liberal California judges from a court that routinely deals with public lands and other environmental matters.

"The fact that they were trying to do it on the budget is proof that this was a raw political attack on the court in an attempt to change specific rulings," said Earthjustice Attorney Glenn Sugameli.

Proponents of the split have long argued that the 9th Circuit has become much too large to operate efficiently, as demonstrated by the fact that it takes an average of about 15.4 months for the court to hear and rule on an appeal -- about 40 percent longer than the average for all other circuit courts.

LIHEAP funds stay at House levels

The budget bill also includes an additional \$1 billion for the Low Income Heating Emergency Assistance Program (LIHEAP) -- a measure that is poised to become a political football as the two parties head into the 2006 campaign.

The \$1 billion figure matches the level included in the original House version of the bill but falls far below the level sought by the Senate. Last week, the Senate

approved a "motion to instruct" from a bipartisan coalition of Northeastern lawmakers to increase funding in reconciliation to \$2.92 billion.

That level of funding -- combined with the \$2.183 billion in the Labor-HHS spending bill -- would have brought the program to its full authorized level of \$5.1 billion. But by keeping the reconciliation funding at the House level, total funding will come in at just over \$3.1 billion.

LIHEAP, which provides grants to help low-income families pay home heating bills, had gained little notice on Capitol Hill until Hurricane Katrina and other factors forced a run up in natural gas costs. Democrats have repeatedly pressed for increases in the programs and have attacked Republican unwillingness to do so as a sign that the GOP was "out-of-touch" with the needs of many Americans.

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