

Big Hurdle for the Tax Bill: the 'Rule'

By DAVID E. ROSENBAUM Published: April 2, 1995

WASHINGTON, April 1— Divisions among Republicans over their tax-cut bill, which faces a fight when the House of Representatives considers it in the coming week, have put the spotlight on the House Rules Committee, one of the most powerful and, to outsiders, most obscure institutions in Congress.

The crucial vote next week will be not on the tax bill itself but on what is called a rule, a procedural resolution that determines which amendments, if any, members will be allowed to debate -- and thus limits how much the legislation can change before a final vote. The rule, prepared by the Rules Committee, must be approved before the House can consider the bill itself.

At the end of this week, Representative Gerald B. H. Solomon, the chairman of the Rules Committee, said that so many factions of Republicans had developed around the tax measure, the last item in the House Republicans' Contract With America to be voted on and one of the most central to their doctrine, that he still did not have enough votes locked up to pass the rule.

The storm will almost certainly blow over. The Republican leaders can be expected to make sufficient accommodations to wavering lawmakers to guarantee passage of the rule and, ultimately, the tax bill itself. In doing so, they may focus attention on a committee that seldom draws any.

In the way it works, the Rules Committee resembles the Central Committee of the Communist Party in the old Soviet Union.

Meetings are public. Speeches are made. Debates are vigorous. Votes are cast.

But all that is really irrelevant. The final decision is always made by one person behind the scenes -- in this case, the Speaker of the House.

"How much is the Rules Committee the handmaiden of the Speaker?" said Representative Porter J. Goss of Florida, a senior Republican on the panel. "The answer is, totally."

That has been the case since the 1970's, when liberal Democrats wrested control of the panel away from conservatives, who had often blocked civil rights bills and other party priorities, and gave the Speaker the power to appoint all of the majority's committee members.

In practice, this means that the Speaker himself decides, through the rule, which bills are called to the floor, how long the debate lasts and which amendments are allowed. If a debate over several days could embarrass the majority party, the Speaker can allow only an hour or two. If the Speaker opposes a particular amendment, he can arrange for the rule to prevent its consideration.

When Democrats controlled the House, Republicans complained mightily of being stifled by the Rules Committee. Their amendments were always out of order, they said. There was never a chance to make their key points in debate. None complained more loudly and more often than Mr. Solomon, a Republican from upstate New York.

"This is virtually a gag rule," he declared, for example, in objecting to the rule on President Clinton's budget in 1993. That rule disallowed amendments the Republicans wanted to offer to delete energy taxes and higher income taxes on some Social Security benefits and to limit spending on social programs.

Now the shoe is on the other foot. Newt Gingrich decides which amendments to allow. Republicans seem to have forgotten, or at least discounted, the promise in their Contract With America to allow "full and open debate" on all matters. And the Democrats are the ones complaining of being suppressed.

A speech last week by Representative Joe Moakley, Democrat of Massachusetts, at the beginning of the debate on the Republicans' welfare bill

was typical. Republicans, said Mr. Moakley, who was chairman of the Rules Committee in the last Congress, promised "a new style, open rules."

"One of the most important pieces of legislation right here on the floor, we are gagged," he continued. "The United States of America is gagged. Every student looking for a warm meal is being gagged. This is a gag rule that nobody will ever forget."

Mr. Moakley had something of a point. The Rules Committee had allowed dozens of amendments to be considered on such minor items in the welfare measure as whether to deny benefits to fleeing felons. But it had prohibited amendments on such important matters as whether programs for the poor should be converted from entitlements to block grants, whether welfare payments should be taken away from unmarried mothers under 18, whether women who bear children while on welfare should be denied higher benefits, whether legal immigrants should be ineligible for welfare and other public assistance, and whether spending for programs like school lunches and aid to the disabled should be cut.

Mr. Solomon, one of the most affable men in the House, replied to Mr. Moakley with a small joke: "What I said was, I would be three times as fair as he ever was, and I am living up to it."

Even Democrats concede that the Republicans are doing nothing to stifle debate that the Democrats themselves did not do. "It rings a bit hollow for Democrats to complain about rules not being totally open after our own party's record on that issue," said Representative Anthony C. Beilenson of California, a veteran Democrat on the Rules Committee.

The stated reason for limiting amendments is that a degree of control is necessary if the House, with 435 members, is to move bills efficiently. In the Senate, where there is virtually no limitation on amendments, measures are often on the floor for weeks, and party leaders lose control of the substance of legislation.

But an equally important though usually unmentioned reason is that the procedure allows the leaders of the majority party to protect their members from having to cast tough votes that might be used against them in their re-election campaigns.

Mr. Solomon acknowledged as much in an interview and even offered a case in point.

The Republicans' welfare bill, he recalled, includes a provision that would increase grants to states that reduce births to unmarried women. The measure's sponsors argued that this would encourage states to develop programs to counter teen-age pregnancies. But the provision was attacked by the Roman Catholic bishops and anti-abortion organizations, which argued that it might lead states to promote abortions.

To keep members from having to take sides on this touchy issue, Mr. Solomon said, the Republican leaders simply disallowed any amendment on the matter.

The Republicans' problem with the tax bill next week is that all Democrats, except maybe one or two, plan to vote against any rule, partly to try to embarrass the Republicans and partly because they know that the rule will not allow amendments that would delete some of the tax breaks the Republicans want to give affluent taxpayers.

The bill would cut taxes by almost \$200 billion over the next five years. All families but those with annual incomes below \$20,000 or so and above \$200,000 would have their taxes reduced by \$500 for each child. In addition, the measure would lower the capital gains tax and give a number of other tax reductions to individuals and businesses.

For the first time in this Congress, House Republicans are divided in the face of a united Democratic front. Most Republicans support the bill. But some want to grant the tax credit for children only to families with incomes below

\$95,000. Others want to make the tax cuts contingent on a reduction in Federal spending. Still others object to a section that would trim retirement benefits for members of Congress and their staffs.

Some members in each of these factions have threatened to vote against the rule unless they can offer an amendment to make the change they want.

The difficulty, Mr. Solomon said, is that a change to satisfy one faction may upset another. And he calculated that the rule would not pass if more than a dozen Republicans voted against it.

Mr. Solomon himself is in something of an awkward position. A fierce advocate of deficit reduction, he sides with those who want to keep the tax cuts from going into effect until spending cuts are locked up, a position at odds with that of Speaker Gingrich.

But this, he said, will have no bearing on what the Rules Committee does. The Speaker will cut whatever deals are necessary to make sure the rule is passed, Mr. Solomon said, and he will go along.

"It does put me in a bind because we have a disagreement," he said, "but my job is to go with the Republican leadership."

One of Mr. Solomon's Republican sidekicks on the Rules Committee, Representative David Dreier of California, put it this way: "The Rules Committee is the Speaker's committee."

Photo: A vote in the House Rules Committee this week will be crucial for the Republicans' tax-cut bill. Last week the panel, led by Representative Gerald B. H. Solomon of New York, right, held hearings on the measure. Sitting beside Mr. Solomon was Representative Joe Moakley, Democrat of Massachusetts. (Stephen Crowley/The New York Times)