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Chapter 59
Withdrawal

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Research References
5 Hinds §§ 5347–5358
Deschler Ch 23 §§ 2, 36, 43; Deschler Ch 27 § 20
Manual §§ 902, 904, 905, 922, 925, 978

§ 1. In General

Withdrawal of a Motion

Rule XVI clause 2 states that a motion, once entertained, may be withdrawn at any time before a decision is made thereon or an amendment thereto. *Manual* § 904. A motion may be withdrawn although an amendment has been offered to it and is pending. 5 Hinds § 5347; 6 Cannon § 373; 8 Cannon § 2639.

Examples of motions that may be withdrawn under the rule include:

- A motion to suspend the rules. *Manual* § 905.
- A motion that the House resolve into the Committee of the Whole for the consideration of a bill. *Manual* § 905.
- A motion to instruct conferees. *Manual* § 905.
- A motion to dispose of an amendment reported from conference in disagreement. See, *E.g.*, Deschler-Brown Ch 32 § 10.30.

A motion that the House resolve into the Committee of the Whole for the consideration of a bill may be withdrawn pending a point of order against consideration of the bill. If the motion is withdrawn, the Chair is not obligated to rule on the point of order. *Manual* § 905; 8 Cannon § 3405.

The proponent of a motion to dispose of an amendment reported in disagreement, having withdrawn the motion, may change the amendment included in the motion and offer it again in its modified form. Deschler-Brown Ch 32 § 8.3.

A motion may be withdrawn in the Committee of the Whole only by unanimous consent. Deschler Ch 23 § 2.10.

Unanimous consent is not required to withdraw a pending unanimous-consent request. *Manual* § 905.

Withdrawal of a Measure

Under rule XVI clause 2, a resolution, including, a privileged resolution, may be withdrawn at any time before a decision is made thereon or an amendment thereto. For example, where the Speaker has put the question on adoption of a resolution to a voice vote without the ordering of the previous question, and the yeas and nays have not been ordered, the resolution may be withdrawn. *Manual* § 905. If the resolution is called up in the House again, the Member calling up the resolution is recognized for one hour, notwithstanding the fact that the resolution previously has been considered, debated, and then withdrawn before action is taken thereon. *Manual* § 905. Withdrawal of a pending resolution is not in order when the absence of a quorum has been announced by the Chair. *Manual* § 905.

A conference report called up for consideration in the House may be withdrawn from consideration at any time before action is taken thereon. Deschler-Brown Ch 33 § 20.9.

Withdrawal of an Amendment

An amendment may be withdrawn in the House at any time before an amendment is adopted thereto or a decision is had thereon. 5 Hinds § 5753; 6 Cannon § 587; 8 Cannon § 2332. The same right to withdraw an amendment exists in the forum known as ''the House as in the Committee of the Whole.'' 4 Hinds § 4935. Therefore,, that right exists in standing committees where general procedures of that forum apply. *Manual* § 427.

Under rule XVIII clause 5, unanimous consent is required to withdraw an amendment in Committee of the Whole, unless withdrawal authority was conferred by the House. *Manual* § 905; 5 Hinds § 5221; 6 Cannon § 570; 8 Cannon §§ 2465, 2859, 3405. However, unanimous consent is not required to withdraw an amendment that is at the Clerk's desk but that has not been offered by the Member. Deschler Ch 27 § 20.5.

Where a substitute amendment is withdrawn by unanimous consent, an amendment to the substitute also is withdrawn. Deschler Ch 27 § 20.9. The withdrawal of an amendment by unanimous consent does not preclude its being reoffered at the same stage of the proceedings, and unanimous consent is not required to reoffer the amendment if otherwise in order. Deschler Ch 27 § 20.10.

The Chairman of the Committee of the Whole will entertain a unanimous-consent request to withdraw an amendment even when a point of

order is pending against the amendment or against a substitute therefor. Deschler Ch 27 §§ 20.6, 20.7.

§ 2. Decisions That Prevent Withdrawal

A decision that prevents withdrawal may consist of the following:

- The ordering of the yeas and nays, either directly on the motion or on a motion to lay it on the table. 5 Hinds §§ 5353, 5354.
- The ordering of the previous question, or the demand therefor. *Manual* § 905; 5 Hinds §§ 5355, 5489.
- The refusal to lay on the table. 5 Hinds §§ 5351, 5352; 8 Cannon § 2640.

Where the Chair postpones a voice vote under rule XX clause 8 when an objection has been made for lack of a quorum, and that question comes up later as postponed unfinished business, the proponent unilaterally may withdraw it, because it becomes a question *de novo*. *Manual* § 905; see *e.g.*, 101–1, July 24, 1989, pp 15794, 15818.

§ 3. Right to Modify Derived from Right to Withdraw

As a general principle, modifications to a pending motion, if in order at all, must be approved by the House. There is one narrow exception to this principle. A Member having the right to withdraw a motion before a decision is made thereon, and immediately thereafter reoffer it, has the resulting right to modify the motion without approval of the House. *Manual* § 905; 5 Hinds § 5358.

For example, a Member having the right to withdraw a motion to instruct conferees before a decision is made thereon, and the right to offer a different motion at the same stage of proceedings (one not subject to notice requirements), has the resulting power to modify the motion. *Manual* § 905. Similarly, a Member having the right to withdraw a resolution offered as a question of privilege, and the right to offer a different resolution as a question of privilege immediately thereafter (one not subject to notice requirements), has the resulting power to modify the resolution without the concurrence of the House. Deschler Ch 23 § 1.

In most cases, however, the right of withdrawal and resubmission in a modified form does not exist. A resolution, if a privileged report, may not be modified except by direction of the reporting committee or with concurrence of the House. In the case of a nonprivileged motion, the proponent may not be guaranteed the right to immediately reoffer the motion, especially where it is a secondary motion under rule XVI clause 4. Thus, although an amendment to a motion pending in the House may be withdrawn by the Member offering the amendment before it is acted upon, he is not

guaranteed the right to reoffer that amendment, and therefore he does not have the right to modify the amendment without the consent of the House. Deschler Ch 23 § 1.

Other secondary motions specified under rule XVI clause 4, such as the motions to lay on the table, for the previous question, to postpone to a day certain, to refer, and to postpone indefinitely, may be withdrawn before action is taken thereon but may not be modified without the consent of the House. The motion that when the House adjourns it adjourn to a day and time certain is in order only at the Speaker's discretion and is therefore subject to modification by the offeror only with the consent of the House. Deschler Ch 23 § 1.

In the Committee of the Whole, amendments may be withdrawn only by unanimous consent, so the doctrine of unilateral modification is never applicable in that forum.

Pursuant to a unanimous consent request offered by the manager of the pending motion, the House may modify a suspension motion during its consideration or after the vote has been postponed *de novo* under rule XX clause 8. See, *e.g.*, 102–2, July 2, 1992, p 17220; 103–2, Oct. 3, 1994, p 27364. In the alternative, the manager may withdraw the motion; and the Speaker may recognize him to reoffer the motion in a modified form, in which case the debate on the motion begins anew. Deschler Ch 21 § 14.3.

§ 4. Points of Order

Generally

A motion may be withdrawn pending a point of order against its consideration. If the motion is withdrawn, the Chair is not obligated to rule on any point of order raised against it. *Manual* § 905; 8 Cannon § 3405. Similarly, a motion that the House resolve into the Committee of the Whole for the consideration of a bill may be withdrawn pending a point of order against consideration of the bill. *Manual* § 905.

A motion may be withdrawn even after the previous question has been ordered on an appeal from a decision on a point of order against the motion. Furthermore, the motion being withdrawn, all proceedings on the appeal fall thereby. 5 Hinds § 5356.

The Chairman of the Committee of the Whole may recognize for a unanimous-consent request to withdraw an amendment before ruling on a point of order. Deschler Ch 27 § 20.6.

Point of Order for Lack of Quorum

When a point of order of no quorum is made, the point may be withdrawn until announcement of the absence of a quorum, after which the point of order may not be withdrawn even by unanimous consent. Deschler Ch 20 § 18. Objection to a voice vote for lack of a quorum having been withdrawn, and demand for a division having been made, an objection to the division vote for lack of a quorum is in order. If a quorum is not present, the yeas and nays are automatic. Deschler Ch 20 § 18.4.

Withdrawal of a pending resolution is not in order when the absence of a quorum has been announced by the Chair. *Manual* § 905.

Withdrawal of Reservation of Point of Order

The reservation of a point of order by one Member inures to all. However, withdrawal of a reservation by one Member requires other Members to either make or continue to reserve the point of order at that point, and a further reservation comes too late after there has been debate. Deschler-Brown Ch 31 § 3.14.

Words Taken Down

When a demand is made that certain words used in debate be taken down, such words may be withdrawn by unanimous consent in the House or in the Committee of the Whole. Deschler-Brown Ch 29 §§ 51.1, 51.2. The Speaker may suggest that a Member who had uttered unparliamentary words request unanimous consent to withdraw them. Deschler-Brown Ch 29 § 51.11. No debate is in order pending a request to withdraw unparliamentary words. Deschler-Brown Ch 29 § 51.8. Like any other point of order, withdrawal of the demand that words be taken down does not require unanimous consent.

§ 5. Requests for Record Votes

A demand for a recorded vote may be withdrawn before the Chair begins to count Members supporting the demand, and unanimous consent is not required. Deschler-Brown Ch 30 § 33.20. Where a demand for a recorded vote is pending, it may be withdrawn by the maker, but it is not in order to condition its withdrawal on a modification in the motion on which the vote is being taken. Deschler-Brown Ch 30 § 33.23. Although a demand for the yeas and nays, once supported by one-fifth of those present, cannot be withdrawn, the House may, by unanimous consent, vacate the proceedings and take the vote *de novo*. Deschler-Brown Ch 30 § 33.24. In one instance a Member who demanded a recorded vote asked unanimous consent

to withdraw his demand when, the recorded vote being under way, the electronic system failed. Deschler-Brown Ch 30 § 33.22.