MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves to strike out all after the resolving clause of Senate Concurrent Resolution 11, and insert in lieu thereof the language of House Concurrent Resolution 173, as agreed to by the House.

The motion was agreed to.

[The Senate concurrent resolution as amended was agreed to.]

MOTION OFFERED BY MR. DINGELL

MR. DINGELL: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Dingell moves to strike out the preamble of Senate Concurrent Resolution 11, and insert in lieu thereof the language of the preamble of House Concurrent Resolution 173, as agreed to by the House.

The motion was agreed to.

D. WITHDRAWAL OR MODIFICATION OF AMENDMENT

§ 20. Withdrawal

An ordinary or substitute amendment may be withdrawn in the House or in the "House as in Committee of the Whole" before a decision is rendered thereon,[17] but it may not be withdrawn or modified in Committee of the Whole except by unanimous consent.[18]

Upon reintroduction of an amendment that has, by unanimous consent, been withdrawn in the Committee of the Whole, the Member is entitled to debate his amendment for a second five-minute period.[19]

Unanimous Consent Requirement

§ 20.1 In the Committee of the Whole an amendment may not be withdrawn except by unanimous consent.

On Oct. 1, 1965,[1] the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Donald M.] Fraser [of Minnesota]: On page 2, line 2 . . . add the following proviso: . . .

17. See Rule XVI clause 2, *House Rules and Manual* § 776 (101st Cong.).

18. See Rule XIX, *House Rules and Manual* § 822, 824 (101st Cong.).

Rule XXIII clause 5 (a), *House Rules and Manual* § 870 (101st Cong.) provides that, "neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent" of the Committee of the Whole.

19. See § 28.50, infra.

1. 111 CONG. REC. 25794, 89th Cong. 1st Sess. Under consideration was H.R. 6519.

MR. FRASER: Mr. Chairman, I have listened with great interest to the words of the gentleman from Missouri [Mr. Jones]. His eloquence persuades me that I was in error in offering the amendment. I, therefore, ask unanimous consent to withdraw the amendment.

THE CHAIRMAN:[2] Is there objection to the request of the gentleman from Minnesota?

MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Chairman, I object.

The proceedings of July 28, 1970,[3] are a further illustration of the principle that an amendment pending in Committee of the Whole may be withdrawn by unanimous consent:

MR. [LLOYD] MEEDS [of Washington]: Mr. Chairman, I ask unanimous consent that the amendment offered by the gentleman from Arizona (Mr. Steiger) and amended by unanimous consent, be withdrawn with the understanding that it will be offered later.

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Chairman, a point of order.

THE CHAIRMAN:[4] The Chair would like to inform the gentleman from Washington that he has the right to make the request that the amendment be withdrawn.

Is there objection to the request of the gentleman from Washington?

§ 20.2 A substitute amendment may be withdrawn in the Committee of the Whole by unanimous consent.

On Apr. 18, 1962,[5] the following proceedings took place:

MR. [SAMUEL S.] STRATTON [of New York]: In view of the ruling of the Chair, and as I understand it, the Chair ruled that my substitute amendment would still be in order, I will be glad to withdraw my amendment and will support the amendment of the gentleman from Michigan.

However, my impression is that we do not have the votes.

THE CHAIRMAN:[6] The Chair will state that in his opinion the amendment of the gentleman from New York [Mr. Stratton], would be in order only in the event that the Cederberg amendment, which is now pending, is voted down.

MR. STRATTON: That was my understanding of the ruling, Mr. Chairman, and with that assurance I ask unanimous consent that the substitute amendment be withdrawn.

THE CHAIRMAN: Is there objection to the request of the gentleman from New York?

There was no objection.

The proceedings of June 18, 1958,[7] are a further illustration

2. Charles L. Weltner (Ga.).
3. 116 CONG. REC. 26046, 91st Cong. 2d Sess. Under consideration was H.R. 17654.
4. William H. Natcher (Ky.).
5. 108 CONG. REC. 6913, 87th Cong. 2d Sess. Under consideration was H.R. 11289.
   See also 104 CONG. REC. 11641–43, 85th Cong. 2d Sess., June 18, 1958.
6. Eugene J. Keogh (N.Y.).
7. 104 CONG. REC. 11641–43, 85th Cong. 2d Sess. Under consideration

of the principle that a substitute amendment once offered may not be withdrawn or modified except by unanimous consent:

The Clerk read as follows:

Amendment offered by Mr. [Robert] Hale [of Maine] as a substitute for the amendment offered by Mr. [Clarence] Cannon [of Missouri]: . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make a point of order against the amendment because it provides for items that are not authorized by law.

In response to inquiries by Mr. Hale as to how he should proceed, the Chairman[8] stated:

The gentleman can ask unanimous consent to withdraw the substitute and offer an amendment.

Mr. Hale subsequently made such request.

§ 20.3 Unanimous consent is required to withdraw an amendment offered in Committee of the Whole.

On Sept. 2, 1976,[9] during consideration of a bill[10] in the Committee of the Whole, objection was made to a unanimous-consent request to withdraw an amendment. The proceedings were as follows:

The Clerk read as follows:

Amendment offered by Mr. Wiggins: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 108 (b) and (c). . . .

THE CHAIRMAN:[11] The question is on the amendment offered by the gentleman from California (Mr. Wiggins). . . .

[T]he amendment was agreed to. . . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: On page 16, line 16, strike "and" following "physical" and on page 16, line 17, strike out "services" and on page 17, line 3, following "physical" strike out "and services". . . .

MR. [CHARLES E.] WIGGINS [of California]: . . . [T]he gentlewoman from New Jersey is offering to amend a section of the bill which has been deleted by an earlier amendment.

If, in fact, that is the amendment, it is rather late for me to make a point of order with respect to it, but we are amending something which is not in the bill to be amended.

THE CHAIRMAN: The Chair has examined the Wiggins amendment, which struck out, on page 16, lines 10 to 24, down through line 5 on page 17.

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was H.R. 12858, making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, etc.

8. Hale Boggs (La.).

9. 122 CONG. REC. 28939, 28941, 28942, 28957, 28958, 94th Cong. 2d Sess.

10. H.R. 13636, extension of the Law Enforcement Assistance Administration Act.

11. Benjamin S. Rosenthal (N.Y.).

For that reason, in response to the gentleman's parliamentary inquiry, the gentlewoman's amendment would have no effect.

MRS. FENWICK: Mr. Chairman, I should have included in my amendment the restoration of the original phraseology, omitting only those three or four words.

THE CHAIRMAN: Would the gentlewoman perhaps seek unanimous consent to withdraw her amendment, and at her leisure and prerogative redraft the amendment consistent with the situation the bill is in as of now?

MRS. FENWICK: Mr. Chairman, I do so.

THE CHAIRMAN: Is there objection to the request of the gentlewoman from New Jersey? . . .

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick).

§ 20.4 Where a Member has been recognized by the Chair to offer an amendment and the amendment has been reported by the Clerk, unanimous consent is required to withdraw the amendment in Committee of the Whole.

On Mar. 16, 1978,[12] the Committee of the Whole having under consideration H.R. 50,[13] this proposition was illustrated as indicated below:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bauman: On page 106 add the following new title:

"TITLE V . . .

THE CHAIRMAN PRO TEMPORE: Before the Chair would entertain this amendment, the Chair would like to know if there are other amendments to title IV?

MR. [CLARENCE] LONG of Maryland: Mr. Chairman, I wish to offer an amendment. . . .

MR. BAUMAN: . . . [T]he amendment has been laid before the House and unless it is withdrawn the gentleman from Maryland has a right to press the amendment, does he not?

THE CHAIRMAN PRO TEMPORE: The Chairman would like to state to the gentleman that the Chair should have inquired of the gentleman from Maryland (Mr. Bauman) as to the nature of his amendment before extending recognition. The Chair would hope the gentleman would withhold his amendment at this time. . . . If the gentleman from Maryland insists, the Chair will present his amendment.

MR. BAUMAN: No, Mr. Chairman, I do not insist and I withdraw my amendment in deference to the gentleman from Maryland (Mr. Long).

THE CHAIRMAN PRO TEMPORE: Without objection the gentleman from Maryland (Mr. Bauman) withdraws his amendment.

12. 124 CONG. REC. 7333–36, 95th Cong. 2d Sess.

13. Full Employment and Balanced Growth Act of 1978.

§ 20.5 Unanimous consent is not required to "withdraw" an amendment which is at the Clerk's desk but which has not been offered by the Member.

On Sept. 30, 1971,[14] the following proceedings took place:

MR. [FLOYD D.] SPENCE [of South Carolina]: Mr. Chairman, I ask unanimous consent to withdraw my amendment which is at the desk which is identical to the amendment offered by the gentleman from Kentucky (Mr. Perkins) and which was adopted.

THE CHAIRMAN:[15] It is not necessary to do that since the amendment has not been offered.

Unanimous-Consent Request Disposed of Before Point of Order Against Amendment

§ 20.6 The Chair only rules on points of order when required to do so, and will permit withdrawal of an amendment (by unanimous consent in Committee of the Whole) prior to ruling on a point of order.

As demonstrated in the proceedings of June 7, 1983,[16] where a point of order is made or reserved against an amendment and a unanimous-consent request is then made for the withdrawal of the amendment, the Chair will first dispose of the unanimous consent request before ruling on the point of order.

MR. [BOB] EDGAR [of Pennsylvania]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar: On page 8, after line 2, add the following new section:

"Sec. 104. Within funds available in the construction general account, including but not limited to funds deferred, the Corps of Engineers is directed to complete the navigation and related features of the Tennessee-Tombigbee Waterway at a total additional Federal cost of $202,000,000. Section 206 of the Inland Waterways Revenue Act of 1978 is amended by adding at the end thereof the following: '(27) Tennessee-Tombigbee Waterway: From the Pickwick Pool on the Tennessee River at RM 215 to Demopolis, Alabama, on the Tombigbee River at RM 215.4.'".

MR. [TOM] BEVILL [of Alabama]: Mr. Chairman, I reserve a point of order on this amendment.

THE CHAIRMAN:[17] The gentleman from Alabama (Mr. Bevill) reserves a point of order against the amendment.

MR. [RONNIE G.] FLIPPO [of Alabama]: Mr. Chairman, I also make a point of order against the gentleman's amendment on the grounds that it violates paragraph (b), clause 5, rule XXI of the rules of the House.

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14. 117 CONG. REC. 34337, 92d Cong. 1st Sess. Under consideration was H.R. 10351.

15. John J. Rooney (N.Y.).

16. 129 CONG. REC. 14656, 14657, 98th Cong. 1st Sess.

17. Donald J. Pease (Ohio).

THE CHAIRMAN: Would the gentleman suspend.

MR. FLIPPO: Mr. Chairman, I reserve a point of order.

THE CHAIRMAN: The gentleman reserves a point of order. . . .

MR. EDGAR: . . . I would like to ask unanimous consent to withdraw my amendment at this time.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania?

MR. FLIPPO: Mr. Chairman, I reserve the right to object to the unanimous-consent request.

I wish to make a point of order against the amendment because the amendment violates paragraph (b), clause 5, rule XXI of the Rules of the House of Representatives.

THE CHAIRMAN: If the gentleman would suspend a moment, proper procedure is for the gentleman to object to the unanimous-consent request of the gentleman from Pennsylvania, to withdraw his amendment and then to make a point of order.

MR. FLIPPO: I do object to the unanimous-consent request.

MR. EDGAR: Will the gentleman reserve the right to object?

MR. FLIPPO: I yield to the gentleman from Pennsylvania.

MR. EDGAR: Before the gentleman makes his objection, the gentleman from Pennsylvania is attempting to remove the impediment that the gentleman wants to call a point of order against, simply because the gentleman has made the assurances.

MR. FLIPPO: Mr. Chairman, I do not object to the gentleman's request and I withdraw my reservation of objection.

THE CHAIRMAN: Is there objection to the request of the gentleman from Pennsylvania to withdraw the amendment?

There was no objection.

§ 20.7 Although a point of order is pending against a substitute for an amendment, the Chairman of a Committee of the Whole may entertain a unanimous-consent request to withdraw the substitute and offer an amendment to the amendment.

On June 18, 1958,[18] the following proceedings took place:

THE CHAIRMAN:[19] . . . If the gentleman desires to ask unanimous consent to withdraw the proposed substitute and offer an amendment to the amendment, then the gentleman may proceed in that order, if he so desires. A point of order is pending.

MR. [H.R.] GROSS [of Iowa]: Mr. Chairman, can a unanimous-consent request be propounded while a point of order is pending before the committee?

THE CHAIRMAN: The Chair would entertain such a unanimous-consent request.

Effect of Objection to Withdrawal

§ 20.8 Where objection is made to a unanimous-consent re-

18. 104 CONG. REC. 11642, 85th Cong. 2d Sess. Under consideration was H.R. 12858, making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, etc.

19. Hale Boggs (La.).

quest that an amendment pending before the Committee of the Whole be withdrawn, the Chairman puts the question on the amendment.

On July 11, 1962,[20] the following proceedings took place:

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, in view of the uncertainty as to the effect of my amendment, I ask unanimous consent to withdraw the amendment.

THE CHAIRMAN:[1] Is there objection to the request of the gentleman from Washington?

MR. [H. R.] GROSS [of Iowa]: I would have to object to that, Mr. Chairman.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Washington [Mr. Pelly].

The question was taken; and on a division (demanded by Mr. Gross), there were—ayes 32, noes 81.

So the amendment was rejected.

Withdrawal of Substitute—Effect on Amendment to Substitute

§ 20.9 Where a substitute amendment is withdrawn by unanimous consent, an amendment to the substitute is also withdrawn.

On Mar. 17, 1975,[2] amendments were offered during consideration of H.R. 25, the Surface Mining Control and Reclamation Act of 1975, as follows:

MR. [MARK] ANDREWS of North Dakota: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Andrews of North Dakota: Page 194, line 15, after the word "less" on line 15, strike out the period and insert a comma and add the following words: "except that this reclamation fee for lignite coal shall be at a rate of 5 percentum of the value of the coal at the mine, or 35 cents, whichever is less." . . .

MR. [JOHN F.] SEIBERLING [of Ohio]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from North Dakota (Mr. Andrews).

The Clerk read as follows:

Amendment offered by Mr. Seiberling as a substitute for the amendment offered by Mr. Andrews of North Dakota: page 194, line 9, adopt the sentence starting on line 9, but change "35" to "50". . . .

MR. [PHILIP E.] RUPPE [of Michigan]: Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Ruppe to the substitute amendment offered by Mr. Seiberling: On page 194, line 11, amend the substitute by striking "50" and inserting the word "ten." . . .

MR. SEIBERLING: . . . Mr. Chairman, the Chair informs me that the manner

20. 108 CONG. REC. 13149, 87th Cong. 2d Sess. Under consideration was H.R. 11921.

1. Wilbur D. Mills (Ark.).

2. 121 CONG. REC. 6797–99, 94th Cong. 1st Sess.

in which my amendment was offered would, in effect, wipe out Mr. Andrews' amendment, and that was not my intention.

I am perfectly willing to debate the issues of what the fee should be with the gentleman from Michigan by offering a separate amendment.

Therefore, I would ask unanimous consent to withdraw my substitute amendment.

THE CHAIRMAN:[3] Is there objection to the request of the gentleman from Ohio (Mr. Seiberling)?

There was no objection.

THE CHAIRMAN: The substitute of the gentleman from Ohio (Mr. Seiberling) is withdrawn, and the amendment offered by the gentleman from Michigan (Mr. Ruppe) to the substitute is therefore withdrawn.

Reoffering Substitute After Withdrawal

§ 20.10 The withdrawal of a substitute 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 substitute if otherwise in order.

An example of the proposition described above occurred on Dec. 18, 1979,[4] during consideration of H.R. 5860 (authorizing loan guarantees to the Chrysler Corporation). The proceedings in the Committee of the Whole were as follows:

The Clerk read as follows:

Amendment offered by Mr. Brademas to the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike line 7, page 5, through line 7, page 9, (section 4(a)(4) through section 4(d)) and replace with the following. . . .

MR. [DAN] QUAYLE [of Indiana]: Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[5] The gentleman will state his parliamentary inquiry.

MR. PEYSER: Mr. Chairman, in the procedure we are now, with the gentleman in the well, that gentleman had offered his amendment and then asked unanimous consent to withdraw his amendment. That request was granted. Within the same section can the gentleman again offer the same amendment without unanimous consent to reintroduce that amendment?

THE CHAIRMAN: The amendment may be offered.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Quayle as a substitute for the amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania.

3. Neal Smith (Iowa).

4. 125 CONG. REC. 36794, 36801, 96th Cong. 1st Sess.

5. Richard Bolling (Mo.).

Amendment to Senate Bill in House

§ 20.11 A Senate bill was called up by unanimous consent in the House with an amendment by the House Committee on Public Works but, by unanimous consent, the amendment was withdrawn.

On Oct. 2, 1964,[6] the following proceedings took place:

> MR. [GEORGE H.] FALLON [of Maryland]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2968) to amend subsection 120(f) of title 23, United States Code; and I also ask unanimous consent that the committee amendment thereto be withdrawn. . . .
>
> THE SPEAKER:[7] Without objection, the committee amendment is withdrawn.
>
> There was no objection.

House as in Committee of the Whole

§ 20.12 An amendment may be withdrawn at any time before action has been had thereon during the consideration of a bill "in the House as in Committee of the Whole."

On Feb. 11, 1937,[8] the following proceedings took place:

> THE SPEAKER PRO TEMPORE:[9] Without objection, the amendment will be withdrawn. [After a pause.] The Chair hears no objection.
>
> MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I reserve the right to object. . . .
>
> THE SPEAKER PRO TEMPORE: With all due deference to the lady, the Chair thinks her objection comes too late. . . . In further answer, we are in the House as in Committee of the Whole, and it would be in order for the gentleman to withdraw his amendment in any event as a matter of right.

§ 21. Modification of Amendment by Proponent or Others

A Member may not offer an amendment to his own amendment to a bill.[10] Accordingly, in the Committee of the Whole or in the House, an amendment once offered may not be modified by its proponent except by unanimous consent.[11]

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6. 110 CONG. REC. 23698, 88th Cong. 2d Sess. Under consideration was S. 2968.

7. John W. McCormack (Mass.).

8. 81 CONG. REC. 1175, 75th Cong. 1st Sess. Under consideration was S. 1439, to provide for loans made necessary by floods or other catastrophes in the year 1937.

9. Jere Cooper (Tenn.).

10. See § 18.22, supra.

11. See § 21.1, infra. See also the proceedings at 118 CONG. REC. 2180–82,