them that nobody else has anything to bring to the table except their Member of Congress. But those things will not be true.

We are not just moving a bill to protect nonprofits and educational institutions and small business, Mr. Speaker. We are not just moving a bill that is going to do more to protect inland waterways and the economy than what we have seen in previous years, Mr. Speaker; we put together a package that I believe is going to start the logs rolling for all of the other priorities that we have in this Chamber. But we can't get to them unless we pass this rule.

This rule came out of the Committee on Rules last night about 11:30, Mr. Speaker. The Committee on Rules was working late on your behalf last night. They say nothing good happens after midnight. That is why we finished up at 11:30. We have got a good rule for you. It is worthy of the support of this Chamber.

I ask all of my friends to support the rule, to support the underlying legislation, and to allow us to continue to be about the business of the American people.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 897 OFFERED BY MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC. 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1434) to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1434.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

PFC JAMES DUNN VA CLINIC

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3283) to designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the ''PFC James Dunn VA Clinic''.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PFC JAMES DUNN VA CLINIC IN PUEBLO, COLORADO.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, shall after the date of the enactment of this Act be known and designated as the ''PFC James Dunn VA Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the PFC James Dunn VA Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentlewoman from California (Ms. BROWNLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and add extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 3283 to name the Department of Veterans Affairs community-based outpatient clinic in Pueblo, Colorado, the PFC James Dunn VA Clinic.

I am grateful to this bill's sponsor, Senator CORY GARDNER, for his efforts introducing this legislation. I am also grateful to my colleague and friend, the gentleman from Colorado (Mr. TIPTON), for his work championing this

bill in the House and ensuring that Private First Class Dunn is honored for his service.

PFC Dunn was a Colorado native and a long-time resident of the city of Pueblo. He enlisted in the United States Marine Corps in 1942, when he was just 22 years old.

While serving in the Solomon Islands in the Pacific theater later that year, PFC Dunn and 12 of his fellow marines were separated from the rest of their patrol and pinned down by hostile fire. After the commanding officer and the second in command were severely wounded, PFC Dunn—on his own initiative and with complete disregard for his own safety—assumed command.

In the face of fierce mortar and machine-gun fire, he successfully led his men to cover and eventually to safety. In recognition of his bravery and leadership throughout that incident, he was awarded the Navy Cross.

S. 3283 satisfies the committee's naming criteria and is supported by the entire Colorado congressional delegation as well as by veterans service organizations, including the Disabled American Veterans and the Veterans of Foreign Wars. I urge all of my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWNLEY of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 3283, a bill to designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the PFC James Dunn VA Clinic.

Marine Reservist PFC James Dunn, Jr., was awarded the Navy Cross for his heroism in Guadalcanal in 1943. His award is the second highest award for valor that the Navy has. I am often told this about heroes: ordinary men do extraordinary things.

Later in life, Jim Dunn was asked why he joined the Marines, and he simply responded: ''Uncle Sam needed me.''

Let me highlight from his citation for the Navy Cross:

> When the combat patrol with which he was serving came under heavy machine-gun shelling, Private First Class Dunn, along with 11 marines and their command officer, became separated from the remainder of the patrol and were pinned down by hostile fire. After the commanding officer and the second in command had been severely wounded, Private First Class Dunn, on his own initiative and with complete disregard for personal safety, promptly assumed command and led the men to jungle cover in the face of fierce mortar and machine-gun fire. Again trapped by Japanese, he reconnoitered and finally succeeded in leading his group, including the wounded, to their own lines.

As you can see by this citation, PFC James Dunn put the safety of his colleagues above his own. For his courage in the face of grave danger, he was decorated with the Navy Cross.

Following the war, James Dunn returned home to Pueblo, Colorado, where he lived with his family before passing away in 2000.

Mr. Speaker, I salute this brave marine and support the passage of this bill.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. TIPTON), my friend and colleague from the Third Congressional District. I serve with Representative TIPTON, and his district includes Pueblo. Many times we have discussed what is good for the people of Colorado and what we can do to help, where the Federal role is appropriate; and I have to tell you, Representative TIPTON is a strong fighter and tireless in serving his district, and especially Pueblo itself.

Mr. TIPTON. Mr. Speaker, I thank the ranking member for the bipartisan support on this legislation, and I want to extend my sincere thanks to Congressman LAMBORN for all of his hard work on behalf of our VA and the healthcare issues for our veterans who are so in need of making sure those promises are fulfilled for them.

Mr. Speaker, today I rise to speak in support of naming one small part of that healthcare system after a true American hero, Private First Class James Dunn. James Dunn was born in Stratton, Colorado, and found work in Pueblo, Colorado, at the steel mill after he graduated from high school.

While walking down the street one day in June of 1942, he saw what we now consider a classic poster of Uncle Sam pointing straight at him saying, ''I want you.'' Fascinated, he entered the recruiting station and noticed that the line to enlist in the Marines was empty compared to the line for the Navy. That made his choice easy. When asked later why he joined, his reply was simple: ''Uncle Sam needed me.''

PFC Dunn was initially placed with a group of marines that were being reorganized as L–3–6 at Camp Elliott, California, before they were shipped to New Zealand to train and maneuver in the mountainous terrain that could be found there.

□ 1330

Then, in early January 1943, PFC Dunn's group of Marines was sent to relieve the original force that invaded Guadalcanal.

On January 20, 1943, Dunn's platoon was split into three squads and were conducting a scouting mission when they came under heavy enemy fire. The citation describing his actions that day states, in part, ''After the commanding officer and the second in command had been severely wounded, Private First Class Dunn, on his own initiative and with complete disregard of personal safety, promptly assumed command and led the men to jungle cover in the face of fierce mortar and machine-gun fire.''

Dunn was later awarded the Navy Cross for his action that day and was credited by many of the surviving members of his platoon for saving their lives.

PFC Dunn went on to serve in the campaigns on Tinian and Okinawa. All told, when he was discharged, Dunn had spent all but 6 months of his 3½ years in the Marines overseas. When he returned to Pueblo, he married the love of his life Mary Knez and they had two sons, Mike and Jeff. In his civilian life, he became a Mason, enjoyed reading, and, for many years, delivered meals to shut-ins, continuing his service to others. After 54 years of marriage, James passed away in Pueblo on July 5, 2000.

PFC James Dunn embodies the proud military traditions and rugged spirit of the city and the county of Pueblo, Colorado, and I am happy to support the naming of this outpatient clinic in his honor.

Mr. Speaker, I have had the opportunity to be able to tour that clinic and to be able to visit with veterans. He would be honored and pleased to see that PFC James Dunn is now going to be affixed to that facility. Pueblo is known as the home of heroes, and rightly so. PFC James Dunn certainly fits that category.

I would like to thank the Pueblo VA Naming Committee for all of their efforts to support the renaming of this clinic, the support of the United Veterans Council of Colorado, and the many veterans service organizations that it counts as members.

I would also like to thank all of my colleagues in the Colorado delegation for their support and the staff and leadership of the Committee on Veterans Affairs for working with my office to accomplish this important task.

I would like to encourage all of my colleagues to support this bill, and I thank the Dunn family for their heroic father and husband and for his service to our country.

Ms. BROWNLEY of California. Mr. Speaker, I simply just want to say that I urge my colleagues to support passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself the balance of my time.

In conclusion, Mr. Speaker, I would ask the House to support this. I think this is one of those opportunities where, with strong bipartisan support, we can pass this legislation and honor the memory of a true American hero, as Representative TIPTON and the ranking member of the subcommittee have both talked about.

This is appropriate for Pueblo, I agree. Pueblo is the home of heroes. They got that name because there were so many people from Pueblo who have received the Congressional Medal of Honor. I don't know if there is something in the water or what, but it is touching to see that kind of patriotism coming out of the people of Pueblo. That really warms my heart.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 3283.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAMBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (S. 2040) ''An Act to deter terrorism, provide justice for victims, and for other purposes.'', returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that pursuant to Public Law 110–315, the Chair, on behalf of the President pro tempore, announces the re-appointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Paul LeBlanc of New Hampshire.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the Senate:

The Senate having proceeded to reconsider the bill (S. 2040) entitled ''An Act to deter terrorism, provide justice for victims, and for other purposes.'', returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the Senate of the United States:

I am returning herewith without my approval S. 2040, the ''Justice Against Sponsors of Terrorism Act'' (JASTA), which would, among other things, remove sovereign immunity in U.S. courts from foreign governments that are not designated state sponsors of terrorism.

I have deep sympathy for the families of the victims of the terrorist attacks of September 11, 2001 (9/11), who have suffered grievously. I also have a deep appreciation of these families' desire to pursue justice and am strongly committed to assisting them in their efforts.

Consistent with this commitment, over the past 8 years, I have directed my Administration to pursue relentlessly al-Qa'ida, the terrorist group that planned the 9/11 attacks. The heroic efforts of our military and counterterrorism professionals have decimated al-Qa'ida's leadership and killed Osama bin Laden. My Administration also strongly supported, and I signed into law, legislation which ensured that those who bravely responded on that terrible day and other survivors of the attacks will be able to receive treatment for any injuries resulting from the attacks. And my Administration also directed the Intelligence Community to perform a declassification review of ''Part Four of the Joint Congressional Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11,'' so that the families of 9/11 victims and broader public can better understand the information investigators gathered following that dark day of our history.

Notwithstanding these significant efforts, I recognize that there is nothing that could ever erase the grief the 9/11 families have endured. My Administration therefore remains resolute in its commitment to assist these families in their pursuit of justice and do whatever we can to prevent another attack in the United States. Enacting JASTA into law, however, would neither protect Americans from terrorist attacks nor improve the effectiveness of our response to such attacks. As drafted, JASTA would allow private litigation against foreign governments in U.S. courts based on allegations that such foreign governments' actions abroad made them responsible for terrorism-related injuries on U.S. soil. This legislation would permit litigation against countries that have neither been designated by the executive branch as state sponsors of terrorism nor taken direct actions in the United States to carry out an attack here. The JASTA would be detrimental to U.S. national interests more broadly, which is why I am returning it without my approval.

First, JASTA threatens to reduce the effectiveness of our response to indications that a foreign government has taken steps outside our borders to provide support for terrorism, by taking such matters out of the hands of national security and foreign policy professionals and placing them in the hands of private litigants and courts.

Any indication that a foreign government played a role in a terrorist attack on U.S. soil is a matter of deep concern and merits a forceful, unified Federal Government response that considers the wide range of important and effective tools available. One of these tools is designating the foreign government in question as a state sponsor of terrorism, which carries with it a litany of repercussions, including the foreign government being stripped of its sovereign immunity before U.S. courts in certain terrorism-related cases and subjected to a range of sanctions. Given these serious consequences, state sponsor of terrorism designations are made only after national security, foreign policy, and intelligence professionals carefully review all available information to determine whether a country meets the criteria that the Congress established.

In contrast, JASTA departs from longstanding standards and practice under our Foreign Sovereign Immunities Act and threatens to strip all foreign governments of immunity from judicial process in the United States based solely upon allegations by private litigants that a foreign government's overseas conduct had some role or connection to a group or person that carried out a terrorist attack inside the United States. This would invite consequential decisions to be made based upon incomplete information and risk having different courts reaching different conclusions about the culpability of individual foreign governments and their role in terrorist activities directed against the United States—which is neither an effective nor a coordinated way for us to respond to indications that a foreign government might have been behind a terrorist attack.

Second, JASTA would upset longstanding international principles regarding sovereign immunity, putting in place rules that, if applied globally, could have serious implications for U.S. national interests. The United States has a larger international presence, by far, than any other country, and sovereign immunity principles protect our Nation and its Armed Forces, officials, and assistance professionals, from foreign court proceedings. These principles also protect U.S. Government assets from attempted seizure by private litigants abroad. Removing sovereign immunity in U.S. courts from foreign governments that are not designated as state sponsors of terrorism, based solely on allegations that such foreign governments' actions abroad had a connection to terrorism-related injuries on U.S. soil, threatens to undermine these longstanding principles that protect the United States, our forces, and our personnel.

Indeed, reciprocity plays a substantial role in foreign relations, and numerous other countries already have laws that allow for the adjustment of a foreign state's immunities based on the treatment their governments receive in the courts of the other state. Enactment of JASTA could encourage foreign governments to act reciprocally and allow their domestic courts to exercise jurisdiction over the United States or U.S. officials—including our men and women in uniform—for allegedly causing injuries overseas via U.S. support to third parties. This could lead to suits against the United States or U.S. officials for actions taken by members of an armed group that received U.S. assistance, misuse of U.S. military equipment by foreign forces,