

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5427) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5368) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 362. An Act to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

S. 568. An Act to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya.

S. 1294. An Act to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 2652. An Act to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes.

S. 2875. An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to better assist children in homeless shelters, to enhance competition among infant formula manufacturers and to reduce the per unit costs of infant formula for the special supplemental food program for women, infants, and children (WIC), and for other purposes.

S. 2975. An Act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

S. 3275. An Act to amend the Foreign Service Act of 1980 to allow additional deductions by the Agency for International Development from the salaries of Inspector General Foreign Service criminal investigators for retirement purposes, to increase the mandatory retirement age of Foreign Service criminal investigators from 55 to 57 years of age and to include Administratively Uncontrollable Overtime as basic pay in computing the annuity of a noncommissioned Foreign Service criminal investigator.

S. 3325. An Act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1993, to provide that States are subject to suit for certain infringements of patents and plant variety protections, and infringements of trademarks, and for other purposes.

S. 3326. An Act to amend the Federal Deposit Insurance Act.

S. 3327. An Act to amend the Agricultural Adjustment Act of 1938 to permit the acre-for-acre transfer of an acreage allotment or quota for certain commodities, and for other purposes.

S. 3330. An Act making a technical amendment of the Clayton Act.

¶121.39 CORRECT ENROLLMENT—H.R. 5006

Mr. MONTGOMERY, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 379):

Resolved by the House of Representatives (the Senate concurring). That in the enrollment of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to provide for defense conversion, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 4, strike out "\$273,921,787,000" and "\$253,454,264,000" and insert in lieu thereof "\$274,121,787,000" and "\$253,654,264,000", respectively.

(2) In the quoted matter in section 111(b), strike out "103(3)(A)" and insert in lieu thereof "101(3)".

(3) In section 411(c)(2), strike out "from active duty or full-time National Guard duty".

(4) In section 433, strike out "\$76,311,000,000" and insert in lieu thereof "\$76,511,000,000."

(5) In section 653—

(A) in subsection (a)(2), strike out "adding at the end" and insert in lieu thereof "inserting after subsection (g)";

(B) strike out subsection (h) of section 1408 of title 10, United States Code, as proposed to be inserted by subsection (a)(2), and insert in lieu thereof the following:

"(h) BENEFITS FOR DEPENDENTS WHO ARE VICTIMS OF ABUSE BY MEMBERS LOSING RIGHT TO RETIRED PAY.—(1) If, in the case of a member or former member of the armed forces referred to in paragraph (2)(A), a court order provides (in the manner applicable to a division of property) for the payment of an amount from the disposable retired pay of that member or former member (as certified under paragraph (4)) to an eligible spouse or former spouse of that member or former member, the Secretary concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such spouse or former spouse.

"(2) A spouse or former spouse of a member or former member of the armed forces is eligible to receive payment under this subsection if—

"(A) the member or former member, while a member of the armed forces and after becoming eligible to be retired from the armed forces on the basis of years of service, has eligibility to receive retired pay terminated as a result of misconduct while a member involving abuse of a spouse or dependent child (as defined in regulations prescribed by the Secretary of Defense); and

"(B) the spouse or former spouse—

"(i) was the victim of the abuse and was married to the member or former member at the time of that abuse; or

"(ii) is a natural or adopted parent of a dependent child of the member or former member who was the victim of the abuse.

"(3) The amount certified by the Secretary concerned under paragraph (4) with respect to a member or former member of the armed forces referred to in paragraph (2)(A) shall be deemed to be the disposable retired pay of that member or former member for the purposes of this subsection.

"(4) Upon the request of a court or an eligible spouse or former spouse of a member or former member of the armed forces referred to in paragraph (2)(A) in connection with a civil action for the issuance of a court order in the case of that member or former member, the Secretary concerned shall determine and certify the amount of the monthly retired pay that the member or former member would have been entitled to receive as of the date of the certification—

"(A) if the member or former member's eligibility for retired pay had not been terminated as described in paragraph (2)(A); and

"(B) if, in the case of a member or former member not in receipt of retired pay immediately before that termination of eligibility for retired pay, the member or former member had retired on the effective date of that termination of eligibility.

"(5) A court order under this subsection may provide that whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount payable under the court order to the spouse or former spouse of a member or former member described in paragraph (2)(A) shall be increased at the same time by the percent by which the retired pay of the member or former member would have been increased if the member or former member were receiving retired pay.

"(6) Notwithstanding any other provision of law, a member or former member of the armed forces referred to in paragraph (2)(A) shall have no ownership interest in, or claim against, any amount payable under this section to a spouse or former spouse of the member or former member.

"(7)(A) If a former spouse receiving payments under this subsection with respect to a member or former member referred to in paragraph (2)(A) marries again after such payments begin, the eligibility of the former spouse to receive further payments under this subsection shall terminate on the date of such marriage.

"(B) A person's eligibility to receive payments under this subsection that is terminated under subparagraph (A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payments shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the payments shall be the amount that would have been paid if the continuity of the payments had not been interrupted by the marriage.

"(8) Payments in accordance with this subsection shall be made out of funds in the Department of Defense Military Retirement Fund established by section 1461 of this title.

"(9)(A) A spouse or former spouse of a member or former member of the armed forces referred to paragraph (2)(A), while receiving payments in accordance with this subsection, shall be entitled to receive medical and dental care, to use commissary and exchange stores, and to receive any other benefit that a spouse or a former spouse of a retired member of the armed forces is entitled to receive on the basis of being a spouse or former spouse, as the case may be, of a retired member of the armed forces in the same manner as if the member or former member referred to in paragraph (2)(A) was entitled to retired pay.

"(B) A dependent child of a member or former member referred to in paragraph (2)(A) who was a member of the household of the member or former member at the time of the misconduct described in paragraph (2)(A) shall be entitled to receive medical and dental care, to use commissary and exchange stores, and to have other benefits provided to dependents of retired members of the armed forces in the same manner as if the member or former member referred to in paragraph (2)(A) was entitled to retired pay.

"(C) If a spouse or former spouse or a dependent child eligible or entitled to receive a particular benefit under this paragraph is eligible or entitled to receive that benefit under another provision of law, the eligibility or entitlement of that spouse or former spouse or dependent child to such benefit shall be determined under such other provision of law instead of this paragraph.

"(10) In this subsection, the term 'dependent child', with respect to a member or former member of the armed forces referred

to in paragraph(2)(A), means an unmarried legitimate child, including an adopted child or a stepchild of the member or former member, who—

- “(A) is under 18 years of age;
“(B) is incapable of self-support because of a mental or physical incapacity that existed before becoming 18 years of age and is dependent on the member or former member for over one-half of the child’s support; or
“(C) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this subparagraph, is under 23 years of age and is dependent on the member or former member for over one-half of the child’s support.”; and

(C) in subsection (c), strike out “entitlement to”.
(6) In section 1077—
(A) in subsection (a)(1), strike out “under section 5551(a) of that title”;

(B) in subsection (b)(1)(A), strike out “60 days” and insert in lieu thereof “180 days”; and

(C) in subsection (d), strike out “under section 5551” in the last sentence and all that follows and insert in lieu thereof a period.

(7) In section 2401(a)—
(A) strike out “paragraphs (2), (3), (4), and (5)” and insert in lieu thereof “paragraphs (2) through (6)”;

(B) in the item relating to Millington Naval Air Station, Tennessee, in the table in such section, strike out “\$10,000,000” and insert in lieu thereof “\$15,000,000”.

(8) In section 2403(c)—
(A) redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(B) insert after paragraph (3) the following:

(4) \$5,000,000 (the balance of the amount authorized for the life-safety upgrade of the Naval Hospital at Millington Naval Air Station, Tennessee);

(9) In section 3105(c)(1)(C), insert “from a contractor-owned, contractor-operated facility” after “government-owned, contractor-operated facility”.

(10) In section 4101(7), insert “reinvestment,” after “conversion,”.

(11) In section 4223(e)—
(A) insert “(1)” before “Subsection”; and
(B) add at the end the following:
(2) Subsection (e)(1) of such section is amended by striking out “70 percent” and inserting in lieu thereof “50 percent”.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

121.40 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3489

Mr. GORDON, by direction of the Committee on Rules, reported (Rept. No. 102-1032) the resolution (H. Res. 607) waiving points of order against the conference report to accompany the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes, and against the consideration of such conference report.

When said resolution and report were referred to the House Calendar and ordered printed.

121.41 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4996

Mr. GORDON, by direction of the Committee on Rules, reported (Rept. No. 102-1033) the resolution (H. Res. 608) waiving points of order against the conference report to accompany the bill (H.R. 4996) to extend the authorities of the Overseas Private Investment Corporation, and for other purposes, and against the consideration of such conference report.

When said resolution and report were referred to the House Calendar and ordered printed.

121.42 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 429.

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 604):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

Mr. GORDON moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LANCASTER, announced that the yeas had it.

Mr. DREIER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared Yeas 230 Nays 182

121.43 [Roll No. 478] YEAS—230

Table with 3 columns: Name, State, Name, State. Lists members such as Cardin (MD), Edwards (CA), Carr (TX), Engel (CA), etc.

Table with 3 columns: Name, Name, Name. Lists members such as Hansen (IL), Mink (OR), Sabo (ND), Hayes (IL), Moakley (MA), Sanders (SC), etc.

NAYS—182

Table with 3 columns: Name, Name, Name. Lists members such as Allard (ND), Fawell (ND), Livingston (ND), Allen (ND), Fazio (ND), Lowery (CA), etc.