

## Appendix C

### FAMILY AND MEDICAL LEAVE ACT OF 1993 (Senate - February 04, 1993)

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The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Dole amendment No. 17, and the Mitchell amendment No. 18 in the second degree to the Dole amendment; that there be 4 hours of debate on the Mitchell and Dole amendments, concurrently, equally divided and controlled between the two leaders or their designees; \* \* \*

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object. I have had a conversation with the distinguished majority leader, and it is our hope--although we cannot put it in the agreement--that there will be two rollcall votes in this agreement. One will be on my motion to table amendment No. 18, the Mitchell amendment, and then there will be a rollcall vote on the motion of the majority leader to table amendment No. 19. Beyond that, we would hope there would be no rollcall votes, except maybe on final passage of the family leave bill. \* \* \*

The PRESIDING OFFICER. Under the previous order, the time will be deemed to have begun at 2:30 for the purpose of offering an amendment. The Republican leader is recognized.

AMENDMENT NO. 17

Mr. DOLE. Mr. President, I believe my amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. Dole], for himself, Mr. Thurmond, Mr. Coats, Mr. Gramm, Mr. Smith, Mr. Faircloth, Mr. Kempthorne, Mr. Warner, Mr. Lott, Mr. McCain, and Mr. Helms, proposes an amendment numbered 17.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

*SECTION 1. REVIEW OF DEPARTMENT OF DEFENSE POLICY CONCERNING SERVICE OF HOMOSEXUALS IN THE ARMED FORCES.*

*A thorough review of all Executive orders, Department of Defense directives, and regulations of the military departments concerning the appointment, enlistment, and induction, and the retention, of homosexuals in the Armed Forces of the United States, shall be conducted by the Congress before July 15, 1993.*

*All Executive orders, Department of Defense directives, and regulations of the military departments concerning the appointment, enlistment, and induction, and the retention, of homosexuals in the Armed Forces of the United States, as in effect on January 1, 1993, shall remain in effect until the completion of this review with respect to the Army, Navy, Air Force, and Marine Corps and unless changed by law.*

*Any proposed change in this policy shall be submitted by the President in the form of a bill and shall be introduced in each House of Congress by the majority leader in each House. The bill introduced in the Senate, placed on the calendar, be amendable with germane or relevant amendments, and shall be voted on no later than the close of business three days of session after its introduction.*

*The bill introduced in the House shall also be voted on no later than the close of business three days after its introduction. If both Houses agree to their separate bills, upon receipt of the House bill, if it is identical, the Senate shall be deemed to have passed the House bill in lieu of its own bill and the same shall be transmitted forthwith to the President.*

*Any conference report shall be nondebtable.*

AMENDMENT NO. 18 TO AMENDMENT NO. 17

(PURPOSE: MILITARY POLICY WITH RESPECT TO HOMOSEXUALS)

Mr. MITCHELL. Mr. President, I offer my amendment now at the desk as a second-degree amendment to the Dole amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. Mitchell] proposes an amendment numbered 18 to amendment No. 17.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

*Strike all after section 1 and insert in lieu thereof the following:*

*It is the Sense of Congress that:*

*(a) The Secretary of Defense shall conduct a comprehensive review of current Departmental policy with respect to the service of homosexuals in the Armed Forces;*

*(b) Such review shall include the basis for the current policy of mandatory separation; the rights of all service men and women, and the effects of any change in such policy on morale, discipline, and military effectiveness;*

*(c) The Secretary shall report the results of such review and consultations and his recommendations to the President and to the Congress no later than July 15, 1993;*

*(d) The Senate Committee on Armed Services shall conduct--*

*(i) comprehensive hearings on the current military policy with respect to the service of homosexuals in the military services; and*

*(ii) shall conduct oversight hearings on the Secretary's recommendations as such are reported.*

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I will be making a statement later in the afternoon, maybe within an hour or so.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana as controlling time on that side of the aisle.

Who yields time?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. Coats].

Mr. COATS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. COATS. Mr. President, it seems like we have traveled a long road. It has not been all that long, but it has been very intense. The debate has been intense, the negotiations have been intense.

I appreciate the majority leader and the minority leader's efforts in working out a situation here today whereby each side can present their argument and a vote can be held on the substance or the merits of the issue before us. On an issue of this controversy and one which has so ignited public opinion, I think it is important that the Senate have an opportunity to debate and vote on the merits of the issue.

We all know that there are a number of procedural ways in which a direct vote can be avoided in the Senate. Those of us who are in opposition to the President's stated change in policy relative to the service of homosexuals in the military believe very strongly that the U.S. Senate and the American people, through their elected representatives, have the opportunity to state their case as to why they do not believe this policy should change, why there should be, before any consideration of a policy change, consultation with the military, hearings before the U.S. Senate,

ample opportunity for both sides to state their position on the issue and to explain why or why not the current policy is defective.

When distinguished military leaders, such as General Powell and General Schwarzkopf and many others, have so clearly indicated that this contemplated policy change is absolutely critical to our ability to field the kind of effective national security and military operation to secure the defense of the United States now and in the future, when it is absolutely essential that we examine it carefully before we move forward; we who support the current policy wanted to make sure we had ample opportunity to make our case.

We will have that opportunity. In the next 4 hours of debate, and in the two votes which will follow immediately after completion of that debate, Members of the Senate will have an opportunity to determine whether or not they support President Clinton's intention, as now implemented under agreement with the Joint Chiefs, to reverse decades of policy which, in effect, have excluded homosexuals from serving in the military or whether that policy is justified on the basis of 200 years of military experience and on the basis of those who have studied the issue thoroughly and on the basis of the testimony that has been received from those who are charged with implementing that policy. \* \* \*

[Mitchell's amendment, Amendment No. 17, was adopted]