authorize payment for reconstructive surgery.'' Here is a young woman, 31 years of age. I called the director of that plan, Dr. Hodos, and I said to him, ''How could you be saying that this is not necessary?'' He said, ''Replacement of a breast is not medically necessary and not covered under the plan.'' Then he said, ''This is not a bodily function and therefore cannot and should not be replaced.''

That is not an isolated case, Mr. President. The women of America—our mothers, daughters, sisters, neighbors, friends—should know that they are covered.

Let me tell you something. The sorry history of this legislation is that, in spite of Senator FEINSTEIN, myself, Senator SNOWE, and I think every woman Senator who signed on to support this bill—I have colleagues who say we should not legislate by body part. Imagine that. We should not mandate that. You are right, we should not have to mandate it. But the situation requires that. Then we get others who say, oh, no, we are not going to let you have a vote on this bill until or unless you let us have a vote on some other legislation. What nonsense—to hold the women of America captive.

Senator FEINSTEIN and I, and a number of colleagues, have decided that we will bring this legislation up and offer it as an amendment on every piece of legislation that goes through here that is vital, where there is a bipartisan interest in seeing this pass. We are going to put it on. Indeed, at some point in time, we may hold this assembly hostage.

When the wheels slow down—understand, it is almost a year and a half now we have been trying to get this vote. I don't want people saying we are attempting to work our will against the majority. We backed down on the education bill; we took it off the IRS reform bill. We introduced this bill on January 30, 1997, 14 months ago. We brought it up during the consideration of IRS reform. We lost in committee. We got six votes. We brought it up again. In terms of the package that has just gone by, we brought it up and it was rejected 6 to 6 during the A+ education bill. We brought it up on the IRS bill during committee and we lost 8 to 10. We brought it up again today and we won 11 to 9. It is on the tobacco bill and it will be coming to this floor.

When people say ''what relevance,'' we are talking about the health of American women. Indeed, I am prepared to offer it as an amendment to the defense bill, because we spend defense funds, as Senator FEINSTEIN says, for cancer research and the defense of the families, and the women of America should not be shelved by partisan considerations or some ideological philosophy that says we can't have mandates. We have mandates every day. And some of the same people who voted against this bill vote for mandates every day. That is nonsense. It is too bad we need this.

So this has been reported out 11 to 9 and will be on the tobacco bill. I thank the 11 members on the Finance Committee who voted for it. But understand, this Senator is serious. We are going to continue until this ''win'' turns into a real win and America's women do not have to be held hostage any longer.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Hutchinson amendment No. 2388, as modified.

AMENDMENT NO. 2387

Mr. GRAMS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we consider the Hutchinson amendment numbered 2387.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, this amendment lies within the jurisdiction of the Banking Committee's International Financial Subcommittee, of which I am chairman, and the Senator from Virginia, Senator WARNER, also requested consultation with the committee of jurisdiction on this amendment.

I hereby am registering my opposition. This is a controversial amendment. I believe it deserves to be considered through the normal committee process.

So, with all due respect to my colleague from Arkansas, and many Senators formally registering concern about these bills, Mr. President, I move to table the underlying Hutchinson amendment but also ask unanimous consent that the vote not occur before 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I apologize to the Senator, I was momentarily distracted. Could the Senator repeat his UC request?

Mr. GRAMS. I move to table the underlying Hutchinson amendment and ask unanimous consent that the vote not occur before 3 o'clock.

Mr. WARNER. Mr. President, does the Senator wish to put that motion in right now, or is he going to state it at 3 o'clock so the debate will continue between now and 3?

Mr. GRAMS. I could state it at 3. Could I move to have it tabled now with that unanimous consent agreement and have the vote at 3 o'clock?

Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that the vote occur at 3 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMS. Thank you, very much, Mr. President.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

THE FIGHT AGAINST BREAST CANCER

Mrs. FEINSTEIN. Mr. President, before I send an amendment to the desk, if I may, I would like to make one comment on the remarks posed to the body by the Senator from New York with respect to the legislation that we cosponsored.

I want to congratulate him for getting this legislation on the tobacco bill.

I also want to express my dismay that this route has been taken and that an amendment which is very direct cannot get by this body any other way.

Mr. President, every day women of this country are being subjected to a mastectomy being performed in the morning and being pushed out on the streets that afternoon. It is called a ''same-day mastectomy,'' a ''drive-through mastectomy.'' I never thought in my lifetime that I would see the medical profession in a position where the length of hospital stay could not be determined by the physician.

All we would do in this amendment is say that the length of a woman's hospital stay, having had a mastectomy, would be based on the advice and knowledge of her physician. Whether she has a radical mastectomy, what her reaction to anesthesia is, what her preconditions are, all should be party to that decision, and not some HMO that says henceforth all major surgical procedures called mastectomies will be conducted on a same-day basis. This, to me, is bad medicine.

We also, as the Senator said, simply provide that the insurance company must provide for reconstructive surgery or prosthetic surgery, and that the doctor cannot be penalized for recommending additional treatment for the woman.

It seems to me, Mr. President, that we owe this simple gesture to the women of America, because to say to any woman that she has to go into a hospital for major, major surgery and is going to get pushed out on the street—I would hazard a guess that there isn't a man in this room who wants to have major surgery, leave with two to four drains in their body, having had a general anesthetic, and losing a significant portion of their torso, and hear, ''You cannot stay overnight in the hospital no matter how you feel.''

So I hope that the leadership of this body, hearing the capacity, the energy, the stubbornness of the Senator from New York, would really realize that the better part of valor is to allow us to have an up-or-down vote on this amendment. It seems to me, humbly stating, that this is the way this body should, in fact, function.

Mr. D'AMATO. Mr. President, I simply would like to say that I have never encountered such graciousness, such tenacity, such great dedication to a cause than the Senator from California has given to this effort for the past almost year and a half; and what a great fighter she is for all of the families of this country.

I thank her. And it is a great privilege and pleasure for me to have the opportunity to work with her in this endeavor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2405

(Purpose: To express the sense of the Senate regarding the Indian Nuclear Tests)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, and Mr. BROWNBACK, Mr. GLENN, and Mr. BRYAN, proposes an amendment numbered 2405.

Mrs. FEINSTEIN. 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 insert: Findings:

The Government of India conducted an underground nuclear explosion on May 18, 1974;

Since the 1974 nuclear test by the Government of India, the United States and its allies have worked extensively to prevent the further proliferation of nuclear weapons in South Asia;

On May 11, 1998, the Government of India conducted underground tests of three separate nuclear explosive devices, including a fission device, a low-yield device, and a thermo-nuclear device;

On May 13, 1998 the Government of India conducted two additional underground tests of nuclear explosive devices;

This decision by the Government of India has needlessly raised tension in the South Asia region and threatens to exacerbate the nuclear arms race in that region;

The five declared nuclear weapons states and 144 other nations have signed the Comprehensive Test Ban Treaty in hopes of putting a permanent end to nuclear testing;

The Government of India has refused to sign the Comprehensive Test Ban Treaty;

The Government of India has refused to sign the Nuclear Non-Proliferation Treaty;

India has refused to enter into a safeguards agreement with the International Atomic Energy Agency covering any of its nuclear research facilities;

The Nuclear Proliferation Prevention Act of 1994 requires the President to impose a variety of aid and trade sanctions against any non-nuclear weapons state that detonates a nuclear explosive device;

It is the sense of Senate that the Senate

(1) Condemns in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11, 1998 and two nuclear tests on May 13, 1998;

(2) Supports the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and invoke all sanctions therein;

(3) Calls upon the Government of India to take immediate steps to reduce tensions that this unilateral and unnecessary step has caused;

(4) Expresses its regret that this decision by the Government of India will, of necessity set back relations between the United States and India;

(5) Urges the Government of Pakistan, the Government of the People's Republic of China, and all governments to exercise restraint in response to the Indian nuclear tests, in order to avoid further exacerbating the nuclear arms race in South Asia;

(6) Calls upon all governments in the region to take steps to prevent further proliferation of nuclear weapons and ballistic missiles;

(7) Urges the Government of India to enter into a safeguards agreement with the International Atomic Energy Agency which would cover all Indian nuclear research facilities at the earliest possible time.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the Department of Defense authorization bill to express the concern of this body and condemnation of the recent Indian nuclear tests.

Mr. President, this is a sense of the Senate. Before I go into the provisions of it, let me state what I understand the facts to be.

In the last 2 days, there have been five underground nuclear tests in India about 70 miles from the border of Pakistan. According to Prime Minister Vajpayee of India, there was a fission device, a low-yield device, and a thermonuclear device.

According to the Carnegie Foundation, India is estimated to have approximately 400 kilograms of weapons-usable plutonium. Given that it takes about 6 kilograms of plutonium to construct a basic plutonium bomb, this amount would be sufficient for 65 bombs. With a more sophisticated design, it is possible that this estimate could go as high as 90 bombs.

India also possesses several different aircraft capable of nuclear delivery, including the Jaguar, the Mirage 2,000, the MiG–27, and the MiG–29. India has 2 missile systems potentially capable of delivering a nuclear weapon: The Prithvi, which can carry a 1,000-kilogram payload to approximately 150 kilometers or a 500-kilometer payload to 250 kilometers; and the Agni, a two-stage, medium-range missile which can conceivably carry a 1,000-kilogram payload as far as 1,500 to 2,000 kilometers.

India, according to a report, has possibly deployed, or at the very least is storing, conventionally armed Prithvi missiles in Punjab very near the Pakistani border.

Mr. President, it is no secret that there are intense feelings between these two nations. Pakistan and India, up to late, have been very difficult adversaries. More recently—this makes these detonations even more concerning—I think there has been a kind of rapprochement. And we hopefully were seeing some improvement in the relations between these two countries.

Mr. President, I can hardly think of a more important issue to the interests of the United States than preventing the proliferation of weapons of mass destruction. As the Secretary of State said the other day, this Nation has no other agenda than peace and stability throughout the world. And that, indeed, is an agenda to which I believe this body can wholeheartedly subscribe. So each State that acquires nuclear weapons creates additional complications in maintaining international security.

In south Asia today it appears to be too late to talk about preventing the acquisition of nuclear weapons. Both countries, India and Pakistan, now clearly have nuclear capability. And ultimately India must determine for itself whether its interests are best served by ridding South Asia of weapons of mass destruction or by turning the region into a potential nuclear battleground. That, I think, is no less the decision that has to be made.

We all hope that India will choose the course of deescalation, of standing down, of beginning to reduce its nuclear arsenal and at the very least showing a willingness, now that these underground tests have been carried out, to sign the Nuclear Non-Proliferation Treaty.

And, all of us saying to the Pakistani Government, please, we urge you not to respond in kind but to show that, indeed, Pakistan understands that greatness is not indigenous to nuclear production, I believe, in the long run, will bring inordinate credibility to the Government and the people of Pakistan, and the favorable response of this body as well.

Mr. President, the amendment I submit today on behalf of Senators BROWNBACK, GLENN, BRYAN and myself essentially reports what has happened in the last 2 days. It then goes on to say that it is the sense of the Senate that we condemn in the strongest possible terms the decision of the Government of India to conduct three nuclear tests on May 11 and two on May 13 and that we support the President's decision to carry out the provisions of the Nuclear Proliferation Prevention Act of 1994 with respect to India and to invoke all sanctions therein.

I might add that the author of that act is a distinguished Member of this body, none other than Senator JOHN GLENN of the great State of Ohio. And that is a rather comprehensive statement of sanctions that in fact can be placed on India. It will effectively terminate assistance to that country under the Foreign Assistance Act of 1961 except for humanitarian assistance or food or other agricultural commodities.