

the Act to include the Indian Health Service, IHS. In short, the reference to IHS in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment, as provided for under last year's bill, regardless of whether a State chooses to provide that coverage. Not only does the definition deny coverage to Native American women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers. My legislation corrects these issues.

During 2001, almost 50,000 women are expected to die from breast or cervical cancer in the United States despite the fact that early detection and treatment of these diseases could substantially decrease this mortality. While passage of last year's bill makes significant strides to address this problem, it fails to do so for Native American women and that must be changed as soon as possible.

In support of Native American women across this country that are being diagnosed through CDC screening activities as having breast or cervical cancer, my legislation would assure that they can also access much needed treatment through the Medicaid program. I urge its immediate adoption.

I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001".

**SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.**

(a) TECHNICAL AMENDMENT.—The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381) is amended in paragraph (4) by inserting " , but applied without regard to paragraph (1)(F) of such section" before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), is amended by striking "subsection (aa)" and inserting "subsection (bb)".

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), is amended by striking "1902(aa)" and inserting "1902(bb)".

(c) EFFECTIVE DATES.—

(1) BCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106-354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554).

By Mr. SHELBY:

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the "Freedom from Behavioral Profiling Act of 2001." This legislation would require financial institutions to provide proper notice and obtain permission from a consumer before they could buy, sell or otherwise share an individual's behavioral profile.

Everyone recognizes the importance of insuring the accuracy and security of credit and debit card transactions. Without basic safety features, consumers would avoid non-cash transactions and our economy would greatly suffer as a result. However, financial institutions have taken their data gathering efforts far beyond what is necessary to protect consumers from fraud, inaccurate billing and theft. Companies are using transactional records generated by debit and credit card use and are developing detailed consumer profiles. From these files they know the food you eat, the drugs you must take, the places you go, and the books you read, as well as every other thing about you that can be gleaned from your buying habits.

Troubling as it is that financial institutions are assembling such profiles, I find it even more worrisome that these companies are selling and trading these intimate details without consumer knowledge or consent. In as much, "your" sensitive personal information has become a commodity bought and sold like some latter day widget. I believe the American people have the right to be informed of these activities and should have the option to decide for themselves whether or not their personal information is shared or sold.

I find it quite ironic that the very institutions that work so hard to secure sensitive corporate information are the same companies that work so hard to exploit the personal information of consumers. Unfortunately, it would seem that corporate America has decided that the "Golden Rule" is not applicable in the Information Age.

The American people are only now becoming aware of the behavioral profiling practices of the industry. The more they find out, the more they do not like it. That is why I am offering this legislation, to give the consumer

the ability to control his or her most personal behavioral profile. Where they go, who they see, what they buy and when they do it, all of these are personal decisions that the majority of Americans do not want monitored and recorded under the watchful eye of corporate America.

Colleagues in the Senate, I hope you will join me in an effort to give the people what they want, the ability to control the indiscriminate sharing of their own personal, and private, consumption habits.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 60—URGING THE IMMEDIATE RELEASE OF KOSOVAR ALBANIANS WRONGFULLY IMPRISONED IN SERBIA, AND FOR OTHER PURPOSES

Mr. SMITH of Oregon submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 60

Whereas the Military-Technical Agreement Between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (concluded June 9, 1999) ended the war in Kosovo;

Whereas in June 1999, the armed forces of the Federal Republic of Yugoslavia (Serbia and Montenegro) (in this resolution referred to as the "FRY") and the police units of Serbia, as they withdrew from Kosovo, transferred approximately 1,900 ethnic Albanians between the ages of 13 and 73 from prisons in Kosovo to Serbian prisons;

Whereas some ethnic Albanian prisoners that were tried in Serbia were convicted on false charges of terrorism, as in the case of Dr. Flora Brovina;

Whereas the Serbian prison directors at Pozarevac prison stated that of 600 ethnic Albanian prisoners that arrived in June 1999, 530 had no court documentation of any kind;

Whereas 640 of the imprisoned Kosovar Albanians were released after being formally indicted and sentenced to terms that matched the time already spent in prison;

Whereas representatives of the FRY government received thousands of dollars in ransom payments from Albanian families for the release of prisoners;

Whereas the payment for the release of a Kosovar Albanian from a Serbian prison varied from \$4,300 to \$24,000, depending on their social prestige;

Whereas Kosovar Albanian lawyers, including Husnija Bitice and Teki Bokshi, who are fighting for fair trials of the imprisoned have been severely beaten;

Whereas approximately 600 Kosovar Albanians remain imprisoned by government authorities in Serbia;

Whereas the Geneva Conventions of August 12, 1949, and their protocols give the international community legal authority to press for, in every way possible, the immediate release of political prisoners detained during a period of armed conflict;

Whereas, on July 16, 1999, the United Nations Mission in Kosovo (UNMIK) Special Representative to the Secretary General, Bernard Kouchner, formed an UNMIK commission on prisoners and missing persons for the purpose of advocating the immediate release of prisoners in four categories: sick, wounded, children, and women;

Whereas on March 15, 2000, the Kosovo Transition Council, a co-governing body with the Interim Administrative Council in Kosovo, repeated an appeal to the United Nations Security Council requesting the release of Kosovar Albanians imprisoned in Serbia;

Whereas on February 26, 2001, the FRY Assembly enacted an Amnesty Law under which only 108 of the 600 prisoners are eligible for amnesty; and

Whereas Vojislav Kostunica, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), is responsible for the policies of the FRY and of Serbia: Now, therefore, be it

*Resolved,*

**SECTION 1. URGING THE IMMEDIATE RELEASE OF ALL KOSOVAR ALBANIAN PRISONERS WRONGFULLY IMPRISONED IN SERBIA.**

The Senate hereby—

(1) calls on FRY and Serbian authorities to provide a complete and precise accounting of all Kosovar Albanians held in any Serbian prison or other detention facility;

(2) urges the immediate release of all Kosovar Albanians wrongfully held in Serbia, including the immediate release of all Kosovar Albanian prisoners in Serbian custody arrested in the course of the Kosovo conflict for their resistance to the repression of the Milosevic regime; and

(3) urges the European Union (EU) and all countries, including European countries that are not members of the EU, to act collectively with the United States in exerting pressure on the government of the FRY and of Serbia to release all prisoners described in paragraph (2).

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. Reid to the bill (S. 420) to amend title II, United States Code, and for other purposes.

SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 58 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. Bond and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. REID to the bill (S. 420) to

amend title II, United States Code, and for other purposes; as follows:

Strike all after the words "Section 1" and insert the following:

(The language of the amendment is the text of bill S. 420, as reported from the Committee on the Judiciary, beginning with the word "SHORT" on page 1, line 3.)

SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "TREASURY" and all that follows through the end of the amendment and insert the following:

**PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act, against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 58 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike "EXPEDITED" and all that follows through the end of the amendment and insert the following:

**PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act, against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 7, strike "and the spouse of the debtor, combined" and insert ", or in a joint case, the debtor and the debtor's spouse".

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 20, and insert the following:

audit was filed.

**SEC. \_\_\_\_ . PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 14, and insert the following:

the terms of clause (i).

**SEC. \_\_\_\_ . PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. BOND and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 12, and insert the following:

fore the existing deadline expired."

**SEC. \_\_\_\_ . PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "No" and insert the following: "A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No".