

***In the House of Representatives, U. S.,***

*September 27, 2008.*

*Resolved, That the bill from the Senate (S. 431) entitled “An Act to require convicted sex offenders to register online identifiers, and for other purposes.”, do pass with the following*

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Keeping the Internet*  
3 *Devoid of Sexual Predators Act of 2008” or the “KIDS Act*  
4 *of 2008”.*

5 ***SEC. 2. DIRECTION TO THE ATTORNEY GENERAL.***

6 *(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE*  
7 *CERTAIN INTERNET RELATED INFORMATION TO SEX OF-*  
8 *FENDER REGISTRIES.—The Attorney General, using the*  
9 *authority provided in section 114(a)(7) of the Sex Offender*  
10 *Registration and Notification Act, shall require that each*  
11 *sex offender provide to the sex offender registry those Inter-*  
12 *net identifiers the sex offender uses or will use of any type*  
13 *that the Attorney General determines to be appropriate*  
14 *under that Act. These records of Internet identifiers shall*  
15 *be subject to the Privacy Act (5 U.S.C. 552a) to the same*

1 *extent as the other records in the National Sex Offender*  
 2 *Registry.*

3 (b) *TIMELINESS OF REPORTING OF INFORMATION.*—  
 4 *The Attorney General, using the authority provided in sec-*  
 5 *tion 112(b) of the Sex Offender Registration and Notifica-*  
 6 *tion Act, shall specify the time and manner for keeping cur-*  
 7 *rent information required to be provided under this section.*

8 (c) *NONDISCLOSURE TO GENERAL PUBLIC.*—*The At-*  
 9 *torney General, using the authority provided in section*  
 10 *118(b)(4) of the Sex Offender Registration and Notification*  
 11 *Act, shall exempt from disclosure all information provided*  
 12 *by a sex offender under subsection (a).*

13 (d) *NOTICE TO SEX OFFENDERS OF NEW REQUIRE-*  
 14 *MENTS.*—*The Attorney General shall ensure that procedures*  
 15 *are in place to notify each sex offender of changes in re-*  
 16 *quirements that apply to that sex offender as a result of*  
 17 *the implementation of this section.*

18 (e) *DEFINITIONS.*—

19 (1) *OF “SOCIAL NETWORKING WEBSITE”.*—*As*  
 20 *used in this Act, the term “social networking*  
 21 *website”*—

22 (A) *means an Internet website—*

23 (i) *that allows users, through the cre-*  
 24 *ation of web pages or profiles or by other*  
 25 *means, to provide information about them-*

1            *selves that is available to the public or to*  
 2            *other users; and*

3            *(ii) that offers a mechanism for com-*  
 4            *munication with other users where such*  
 5            *users are likely to include a substantial*  
 6            *number of minors; and*

7            *(iii) whose primary purpose is to fa-*  
 8            *cilitate online social interactions; and*

9            *(B) includes any contractors or agents used*  
 10          *by the website to act on behalf of the website in*  
 11          *carrying out the purposes of this Act.*

12          *(2) OF “INTERNET IDENTIFIERS”.—As used in*  
 13          *this Act, the term “Internet identifiers” means elec-*  
 14          *tronic mail addresses and other designations used for*  
 15          *self-identification or routing in Internet communica-*  
 16          *tion or posting.*

17          *(3) OTHER TERMS.—A term defined for the pur-*  
 18          *poses of the Sex Offender Registration and Notifica-*  
 19          *tion Act has the same meaning in this Act.*

20 **SEC. 3. CHECKING SYSTEM FOR SOCIAL NETWORKING**  
 21 **WEBSITES.**

22          *(a) IN GENERAL.—*

23          *(1) SECURE SYSTEM FOR COMPARISONS.—The*  
 24          *Attorney General shall establish and maintain a se-*  
 25          *ecure system that permits social networking websites to*

1        *compare the information contained in the National*  
2        *Sex Offender Registry with the Internet identifiers of*  
3        *users of the social networking websites, and view only*  
4        *those Internet identifiers that match. The system—*

5                *(A) shall not require or permit any social*  
6                *networking website to transmit Internet identi-*  
7                *fiers of its users to the operator of the system,*  
8                *and*

9                *(B) shall use secure procedures that preserve*  
10               *the secrecy of the information made available by*  
11               *the Attorney General, including protection meas-*  
12               *ures that render the Internet identifiers and*  
13               *other data elements indecipherable.*

14               *(2) PROVISION OF INFORMATION RELATING TO*  
15               *IDENTITY.—Upon receiving a matched Internet iden-*  
16               *tifier, the social networking website may make a re-*  
17               *quest of the Attorney General for, and the Attorney*  
18               *General shall provide promptly, information related*  
19               *to the identity of the individual that has registered*  
20               *the matched Internet identifier. This information is*  
21               *limited to the name, sex, resident address, photo-*  
22               *graph, and physical description.*

23               *(b) QUALIFICATION FOR USE OF SYSTEM.—A social*  
24               *networking website seeking to use the system shall submit*  
25               *an application to the Attorney General which provides—*

1           (1) *the name and legal status of the website;*

2           (2) *the contact information for the website;*

3           (3) *a description of the nature and operations of*  
4 *the website;*

5           (4) *a statement explaining why the website seeks*  
6 *to use the system;*

7           (5) *a description of policies and procedures to*  
8 *ensure that—*

9                   (A) *any individual who is denied access to*  
10 *that website on the basis of information obtained*  
11 *through the system is promptly notified of the*  
12 *basis for the denial and has the ability to chal-*  
13 *lenge the denial of access; and*

14                   (B) *if the social networking website finds*  
15 *that information is inaccurate, incomplete, or*  
16 *cannot be verified, the site immediately notifies*  
17 *the appropriate State registry and the Depart-*  
18 *ment of Justice, so that they may delete or cor-*  
19 *rect that information in the respective State and*  
20 *national databases;*

21           (6) *the identity and address of, and contact in-*  
22 *formation for, any contractor that will be used by the*  
23 *social networking website to use the system; and*

1           (7) *such other information or attestations as the*  
2 *Attorney General may require to ensure that the*  
3 *website will use the system—*

4                 (A) *to protect the safety of the users of such*  
5 *website; and*

6                 (B) *for the limited purpose of making the*  
7 *automated comparison described in subsection*  
8 *(a).*

9         (c) *SEARCHES AGAINST THE SYSTEM.—*

10                 (1) *FREQUENCY OF USE OF THE SYSTEM.—A so-*  
11 *cial networking website approved by the Attorney*  
12 *General to use the system may conduct searches under*  
13 *the system as frequently as the Attorney General may*  
14 *allow.*

15                 (2) *AUTHORITY OF ATTORNEY GENERAL TO SUS-*  
16 *PEND USE.—The Attorney General may deny, sus-*  
17 *pend, or terminate use of the system by a social net-*  
18 *working website that—*

19                         (A) *provides false information in its appli-*  
20 *cation for use of the system;*

21                         (B) *may be using or seeks to use the system*  
22 *for any unlawful or improper purpose;*

23                         (C) *fails to comply with the procedures re-*  
24 *quired under subsection (b)(5); or*

1           (D) uses information obtained from the sys-  
2           tem in any way that is inconsistent with the  
3           purposes of this Act.

4           (3) *LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.*—  
5

6           (A) *NO PUBLIC RELEASE.*—Neither the At-  
7           torney General nor a social networking website  
8           approved to use the system may release to the  
9           public any list of the Internet identifiers of sex  
10          offenders contained in the system.

11          (B) *ADDITIONAL LIMITATIONS.*—The Attor-  
12          ney General shall limit the release of informa-  
13          tion obtained through the use of the system estab-  
14          lished under subsection (a) by social networking  
15          websites approved to use such system.

16          (C) *STRICT ADHERENCE TO LIMITATION.*—  
17          The use of the system established under sub-  
18          section (a) by a social networking website shall  
19          be conditioned on the website’s agreement to ob-  
20          serve the limitations required under this para-  
21          graph.

22          (D) *RULE OF CONSTRUCTION.*—This sub-  
23          section shall not be construed to limit the author-  
24          ity of the Attorney General under any other pro-  
25          vision of law to conduct or to allow searches or

1           *checks against sex offender registration informa-*  
 2           *tion.*

3           (4) *PAYMENT OF FEE.*—*A social networking*  
 4           *website approved to use the system shall pay any fee*  
 5           *established by the Attorney General for use of the sys-*  
 6           *tem.*

7           (5) *LIMITATION ON LIABILITY.*—

8                   (A) *IN GENERAL.*—*A civil claim against a*  
 9                   *social networking website, including any direc-*  
 10                   *tor, officer, employee, parent, contractor, or*  
 11                   *agent of that social networking website, arising*  
 12                   *from the use by such website of the National Sex*  
 13                   *Offender Registry, may not be brought in any*  
 14                   *Federal or State court.*

15                   (B) *INTENTIONAL, RECKLESS, OR OTHER*  
 16                   *MISCONDUCT.*—*Subparagraph (A) does not*  
 17                   *apply to a claim if the social networking website,*  
 18                   *or a director, officer, employee, parent, con-*  
 19                   *tractor, or agent of that social networking*  
 20                   *website—*

21                           (i) *engaged in intentional misconduct;*

22                                   *or*

23                           (ii) *acted, or failed to act—*

24                                           (I) *with actual malice;*

1                   (II) *with reckless disregard to a*  
2                   *substantial risk of causing injury with-*  
3                   *out legal justification; or*

4                   (III) *for a purpose unrelated to*  
5                   *the performance of any responsibility*  
6                   *or function described in paragraph (3).*

7                   (C) *MINIMIZING ACCESS.—A social net-*  
8                   *working website shall minimize the number of*  
9                   *employees that are provided access to the Inter-*  
10                   *net identifiers for which a match has been found*  
11                   *through the system.*

12                   (6) *RULE OF CONSTRUCTION.—Nothing in this*  
13                   *section shall be construed to require any Internet*  
14                   *website, including a social networking website, to use*  
15                   *the system, and no Federal or State liability, or any*  
16                   *other actionable adverse consequence, shall be imposed*  
17                   *on such website based on its decision not to do so.*

18 **SEC. 4. MODIFICATION OF MINIMUM STANDARDS RE-**  
19                   **QUIRED FOR ELECTRONIC MONITORING**  
20                   **UNITS USED IN SEXUAL OFFENDER MONI-**  
21                   **TORING PILOT PROGRAM.**

22                   (a) *IN GENERAL.—Subparagraph (C) of section*  
23                   *621(a)(1) of the Adam Walsh Child Protection and Safety*  
24                   *Act of 2006 (42 U.S.C. 16981(a)(1)) is amended to read*  
25                   *as follows:*

1                   “(C) *MINIMUM STANDARDS.*—*The electronic*  
2                   *monitoring units used in the pilot program shall*  
3                   *at a minimum—*

4                               “(i) *provide a tracking device for each*  
5                               *offender that contains a central processing*  
6                               *unit with global positioning system; and*

7                                       “(ii) *permit continuous monitoring of*  
8                                       *offenders 24 hours a day.*”.

9                   (b) *EFFECTIVE DATE.*— *The amendment made by sub-*  
10 *section (a) shall apply to grants provided on or after the*  
11 *date of the enactment of this Act.*

Attest:

*Clerk.*



110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 431**

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**AMENDMENT**