

medal in the women's 100-meter butterfly event;

Whereas, on August 12, 2008, Michael Phelps set a world-record time of 1:42.96 and won the gold medal in the men's 200-meter freestyle event, and Peter Vanderkaay of Rochester, Michigan, won the bronze medal in the same event;

Whereas, on August 12, 2008, Natalie Coughlin set a record time for athletes from the United States of 58.96 and won the gold medal in the women's 100-meter backstroke event, and Margaret Hoelzer of Huntsville, Alabama, won the bronze medal in the same event;

Whereas, on August 12, 2008, Aaron Peirsol of Irvine, California, set a world-record time of 52.54 and won the gold medal in the men's 100-meter backstroke event, and Matt Grevers of Lake Forest, Illinois, won the silver medal in the same event;

Whereas, on August 12, 2008, Rebecca Soni of Plainsboro, New Jersey, won the silver medal in the women's 100-meter breaststroke event;

Whereas, on August 13, 2008, Michael Phelps set a world-record time of 1:52:03 and won the gold medal in the men's 200-meter butterfly event, edging Laszlo Cseh of Hungary by the width of a fingernail;

Whereas Michael Phelps then teamed with Ricky Berens of Charlotte, North Carolina, Ryan Lochte, and Peter Vanderkaay, to set a world-record time of 6:58.56 and win the gold medal in the men's 800-meter freestyle relay event, beating the team from Russia by more than 5 seconds and winning the tenth and 11th gold medals of Michael Phelps's career, more than any other athlete in history;

Whereas, on August 13, 2008, Natalie Coughlin won the bronze medal in the women's 200-meter individual medley event;

Whereas, on August 13, 2008, Katie Hoff set a record time for athletes from the United States of 1:55.78 and finished fourth in the women's 200-meter freestyle event;

Whereas, on August 14, 2008, Allison Schmitt of Canton, Michigan, Caroline Burckle of Louisville, Kentucky, Natalie Coughlin, and Katie Hoff set a record time for athletes from the United States of 7:46.33 and won the bronze medal in the women's 800-meter freestyle relay event;

Whereas, on August 14, 2008, Jason Lezak tied Cesar Cielo of Brazil for the bronze medal in the men's 100-meter freestyle event;

Whereas, on August 15, 2008, Michael Phelps set a world-record time of 1:54.23 and won the gold medal in the men's 200-meter individual medley event, and Ryan Lochte won the bronze medal in the same event;

Whereas, on August 15, 2008, Ryan Lochte set a world-record time of 1:53.94 and won the gold medal in the men's 200-meter backstroke event, and Aaron Peirsol won the silver medal in the same event;

Whereas, on August 15, 2008, Rebecca Soni set a world-record time of 2:20.22 and won the gold medal in the women's 200-meter breaststroke event;

Whereas, on August 15, 2008, Natalie Coughlin tied the record time for athletes from the United States of 53.39, which she herself set, and won the bronze medal in the women's 100-meter freestyle event;

Whereas, on August 16, 2008, Michael Phelps set an Olympic-record time of 50.58 and won the gold medal in the men's 100-meter butterfly event, tying 1972 Olympian Mark Spitz for the most gold medals, 7, won by an individual in a single Olympic Games;

Whereas, on August 16, 2008, Margaret Hoelzer won the silver medal in the women's 200-meter backstroke event;

Whereas, on August 17, 2008, Brendan Hansen of Havertown, Pennsylvania, Aaron Peirsol, Michael Phelps, and Jason Lezak set a world-record time of 3:29.34 and won the

gold medal in the men's 400-meter medley relay event;

Whereas, on August 17, 2008, Dara Torres set a record time for athletes from the United States of 24.07 and won the silver medal in the women's 50-meter freestyle event;

Whereas Dara Torres then teamed with Natalie Coughlin, Rebecca Soni, and Christine Magnuson to set a record time for athletes from the United States of 3:53.30 and won the silver medal in the women's 400-meter medley relay event;

Whereas Caroline Burckle, Larsen Jensen, and Allison Schmitt each won 1 bronze medal;

Whereas Matt Grevers, Kara Lynn Joyce, and Lacey Nymeyer each won 1 silver medal;

Whereas Ricky Berens, Brendan Hansen, Cullen Jones, and Garrett Weber-Gale each won 1 gold medal;

Whereas Margaret Hoelzer won 1 silver medal and 1 bronze medal;

Whereas Christine Magnuson won 2 silver medals;

Whereas Peter Vanderkaay won 1 gold medal and 1 bronze medal;

Whereas Katie Hoff won 1 silver medal and 2 bronze medals;

Whereas Jason Lezak won 2 gold medals and 1 bronze medal;

Whereas Aaron Peirsol won 2 gold medals and 1 silver medal;

Whereas Rebecca Soni won 1 gold medal and 2 silver medals;

Whereas Ryan Lochte won 2 gold medals and 2 bronze medals;

Whereas Dara Torres—

(1) is the first swimmer from the United States to compete in 5 Olympic Games, representing the United States in the Summer Olympic Games of 1984, 1988, 1992, 2000, and 2008;

(2) won 5 medals at the 2000 Summer Olympic Games in Sydney, Australia, as the oldest member of the women's swimming team at the age of 33;

(3) at the age of 41 is the oldest member of the women's team by 15 years;

(4) won the silver medal in all 3 events in which she competed in the 2008 Summer Olympic Games;

(5) has won 12 Olympic medals, including 4 gold medals, 4 silver medals, and 4 bronze medals, over the course of her career;

(6) has won at least 1 medal in each of the 5 Olympic Games in which she has competed, making her 1 of only a handful of Olympians to earn medals in 5 different Olympic Games;

Whereas Natalie Coughlin won 1 gold medal, 2 silver medals, and 3 bronze medals, becoming the first female athlete from the United States to win 6 medals in 1 year's Olympic Games, breaking the record of 5 medals she tied in the 2004 Summer Olympic Games;

Whereas Michael Phelps has trained under the expert tutelage of coach Bob Bowman for 12 years, first at the North Baltimore Aquatic Club and more recently at the University of Michigan;

Whereas, during the awards ceremony for the men's 400-meter medley relay event, the Fédération Internationale de Natation, the international governing body of swimming, diving, water polo, synchronized swimming, and open water swimming, honored Michael Phelps for his historic accomplishment of—

(1) setting 7 world records and 1 Olympic record;

(2) winning 8 gold medals, the most ever by an individual athlete in a single Olympic Games; and

(3) winning 14 gold medals over the course of his Olympic career, another record for an individual athlete at the Olympic Games;

Whereas Michael Phelps's Olympic performance places him in the pantheon of the greatest athletes of all time; and

Whereas the United States Olympic Swimming Team collectively won 31 medals, including 12 gold medals, 9 silver medals, and 10 bronze medals: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Michael Phelps, Natalie Coughlin, Ryan Lochte, Dara Torres, Katie Hoff, Jason Lezak, Aaron Peirsol, Rebecca Soni, and the other members of the United States Olympic Swimming Team for their record-breaking performances and commends them for their dedication, courage, and sportsmanship, and for the exemplary way in which they represented the United States of America while competing in Beijing, China;

(2) congratulates and commends for their devotion, professionalism, and tireless advocacy on behalf of the team and the sport of swimming generally—

(A) National Team Head Coach Mark Schubert;

(B) Head Men's Coach Eddie Reese;

(C) Head Women's Coach Jack Bauerle;

(D) Assistant Coaches Bob Bowman, Gregg Troy, Frank Busch, Teri McKeever, Paul Yetter, and Sean Hutchison;

(E) Men's and Women's Open Water Head Coaches John Dussliere and Bill Rose;

(F) Open Water Chief of Mission Paul Asmuth; and

(G) the staff of the United States Olympic Swimming Team; and

(3) requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the United States Olympic Swimming Team at the national headquarters of USA Swimming in Colorado Springs, Colorado; and

(B) Michael Phelps and the North Baltimore Aquatic Club in Baltimore, Maryland, in honor of Michael Phelps's singular, historic, and inspirational achievement.

#### ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3658, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3658) to require the accreditation of English language training programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

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

The bill (S. 3658) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3658

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

#### SECTION 1. ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i), by striking “a language” and inserting “an accredited language”; and

(2) by adding at the end the following:

“(52) The term ‘accredited language training program’ means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall—

(A) take effect on the date that is 180 days after the date of the enactment of this Act; and

(B) apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—

(A) IN GENERAL.—Notwithstanding section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), during the 3-year period beginning on the date of the enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a language training program that has been certified by the Secretary of Homeland Security and has not been accredited or denied accreditation by an entity described in section 101(a)(52) of such Act may be granted a nonimmigrant visa under such section 101(a)(15)(F)(i).

(B) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under subparagraph (A) if the sponsoring institution of the language training program to which the alien seeks to enroll does not—

(i) submit an application for the accreditation of such program to a regional or national accrediting agency recognized by the Secretary of Education within 1 year after the date of the enactment of this Act; and

(ii) comply with the applicable accrediting requirements of such agency.

## KIDS ACT OF 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 431.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*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 an amendment to strike out all after the enacting clause and insert:

### SECTION 1. SHORT TITLE.

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

### SEC. 2. DIRECTION TO THE ATTORNEY GENERAL.

(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE CERTAIN INTERNET RELATED INFORMATION TO SEX OFFENDER REGISTRIES.—The Attorney General, using the authority provided in section 114(a)(7) of the Sex Offender Registration and Notification Act, shall require that each sex offender provide to the sex offender registry those Internet identifiers the sex offender uses or will use of any type that the Attorney General determines to be appropriate under that Act. These records of Internet identifiers shall be subject to the Privacy Act (5 U.S.C. 552a) to the same extent as the other records in the National Sex Offender Registry.

(b) TIMELINESS OF REPORTING OF INFORMATION.—The Attorney General, using the authority provided in section 112(b) of the Sex Offender Registration and Notification Act, shall

specify the time and manner for keeping current information required to be provided under this section.

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

(d) NOTICE TO SEX OFFENDERS OF NEW REQUIREMENTS.—The Attorney General shall ensure that procedures are in place to notify each sex offender of changes in requirements that apply to that sex offender as a result of the implementation of this section.

(e) DEFINITIONS.—

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

(A) means an Internet website—

(i) that allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users; and

(ii) that offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and

(iii) whose primary purpose is to facilitate on-line social interactions; and

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

(2) OF “INTERNET IDENTIFIERS”.—As used in this Act, the term “Internet identifiers” means electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting.

(3) OTHER TERMS.—A term defined for the purposes of the Sex Offender Registration and Notification Act has the same meaning in this Act.

### SEC. 3. CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.

(a) IN GENERAL.—

(1) SECURE SYSTEM FOR COMPARISONS.—The Attorney General shall establish and maintain a secure system that permits social networking websites to compare the information contained in the National Sex Offender Registry with the Internet identifiers of users of the social networking websites, and view only those Internet identifiers that match. The system—

(A) shall not require or permit any social networking website to transmit Internet identifiers of its users to the operator of the system, and

(B) shall use secure procedures that preserve the secrecy of the information made available by the Attorney General, including protection measures that render the Internet identifiers and other data elements indecipherable.

(2) PROVISION OF INFORMATION RELATING TO IDENTITY.—Upon receiving a matched Internet identifier, the social networking website may make a request of the Attorney General for, and the Attorney General shall provide promptly, information related to the identity of the individual that has registered the matched Internet identifier. This information is limited to the name, sex, resident address, photograph, and physical description.

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

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

(2) the contact information for the website;

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

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

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

(A) any individual who is denied access to that website on the basis of information obtained through the system is promptly notified of the basis for the denial and has the ability to challenge the denial of access; and

(B) if the social networking website finds that information is inaccurate, incomplete, or cannot

be verified, the site immediately notifies the appropriate State registry and the Department of Justice, so that they may delete or correct that information in the respective State and national databases;

(6) the identity and address of, and contact information for, any contractor that will be used by the social networking website to use the system; and

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

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

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

(c) SEARCHES AGAINST THE SYSTEM.—

(1) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system may conduct searches under the system as frequently as the Attorney General may allow.

(2) AUTHORITY OF ATTORNEY GENERAL TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

(A) provides false information in its application for use of the system;

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

(C) fails to comply with the procedures required under subsection (b)(5); or

(D) uses information obtained from the system in any way that is inconsistent with the purposes of this Act.

(3) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system may release to the public any list of the Internet identifiers of sex offenders contained in the system.

(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under subsection (a) by social networking websites approved to use such system.

(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under subsection (a) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

(4) PAYMENT OF FEE.—A social networking website approved to use the system shall pay any fee established by the Attorney General for use of the system.

(5) LIMITATION ON LIABILITY.—

(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, contractor, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subparagraph (A) does not apply to a claim if the social networking website, or a director, officer, employee, parent, contractor, or agent of that social networking website—

(i) engaged in intentional misconduct; or

(ii) acted, or failed to act—

(I) with actual malice;

(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

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

(C) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the Internet identifiers for which a match has been found through the system.