

(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 online 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.

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

SEC. 4. MODIFICATION OF MINIMUM STANDARDS REQUIRED FOR ELECTRONIC MONITORING UNITS USED IN SEXUAL OFFENDER MONITORING PILOT PROGRAM.

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

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

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

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

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply to grants provided on or after the date of the enactment of this Act.

Mr. SALAZAR. I ask unanimous consent that the Senate concur in the House amendment; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

BROADBAND DATA IMPROVEMENT ACT

Mr. SALAZAR. I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 1492.

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. 1492) entitled “An Act to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation,” do pass with amendments:

Page 20, beginning on line 4 of the Senate engrossed bill, strike “Senate Committee on Commerce, Science, and Transportation” and insert: “Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives”.

Page 21, beginning on line 13 of the Senate engrossed bill, strike “Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation” and insert: “Assistant Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives”.

Page 23, line 8 of the Senate engrossed bill, strike “**TITLE II**” and insert “**Subtitle B**”.

Mr. SALAZAR. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

MICHAEL A. MARZANO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1594, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1594) to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

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

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

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

The bill (H.R. 1594) was ordered to a third reading, was read the third time, and passed.

CLARIFYING THE BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM CLAM PASS UNIT FL-64P

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on EPW be discharged from further consideration of H.R. 1714, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1714) to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

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

The bill (H.R. 1714) was ordered to a third reading, was read the third time, and passed.

CODE TALKERS RECOGNITION ACT OF 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4544, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 4544) to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

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

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

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

The bill (H.R. 4544) was ordered to a third reading, was read the third time, and passed.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2008

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6045 which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 6045) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate has acted unanimously today to reauthorize the Bulletproof Vest Partnership Grant Program. This measure marks the fifth time that I have had the privilege of working to reauthorize this life-saving Federal grant program. I first worked with Senator Campbell 10 years ago to author the Bulletproof Vest Grant Partnership Act of 1998, which responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

In 2007, as a result of the Bulletproof Vest Grant Program, jurisdictions across the country received over \$28 million in Federal funds, which were used to purchase more than 180,000 armor vests. Between 1999 and 2007, \$234 million has gone to the States and has assisted in the purchase of an estimated 818,044 vests. It gives me a great sense of pride to know that the law we enacted is having a real impact in directly supporting the safety and security of American law enforcement officers.

In May, the Judiciary Committee held an important hearing and learned just how crucial this program has been to our law enforcement officers. Lieutenant Michael Macarilla with the Vermont State Police testified about how valuable this program is to small jurisdictions in Vermont, which often operate on very tight budgets. And Detective David Azur of the Baltimore Police Department testified about his experience of being shot at point-blank range and surviving because he was