

***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 *cure 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*

(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*

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 IDEN-*  
 5           *TIFIERS.*—

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.*



110TH CONGRESS  
2D SESSION

**S. 431**

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**AMENDMENT**