

[117H8946]



(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To require online dating service providers to provide fraud ban notifications to online dating service members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. VALADAO introduced the following bill; which was referred to the Committee on _____

A BILL

To require online dating service providers to provide fraud ban notifications to online dating service members, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Online Dating Safety
5 Act of 2023”.

6 **SEC. 2. ONLINE DATING SAFETY.**

7 (a) **FRAUD BAN NOTIFICATION.**—

1 (1) IN GENERAL.—An online dating service pro-
2 vider shall provide to a member of the online dating
3 service a fraud ban notification if the member has
4 received a message through the online dating service
5 from a banned member of the online dating service.

6 (2) REQUIRED CONTENTS.—A fraud ban notifi-
7 cation under paragraph (1) shall include the fol-
8 lowing:

9 (A) The username or other profile identi-
10 fier of the banned member, as well as the most
11 recent time when the member to whom the noti-
12 fication is being provided sent or received a
13 message through the online dating service to or
14 from the banned member.

15 (B) A statement that the banned member
16 may have been using a false identity or at-
17 tempting to defraud members.

18 (C) A statement that a member should not
19 send money or personal financial information to
20 another member.

21 (D) An online link to information regard-
22 ing ways to avoid online fraud or being de-
23 frauded by a member of an online dating serv-
24 ice.

1 (E) Contact information to reach the cus-
2 tomer service department of the online dating
3 service provider.

4 (3) MANNER AND TIMING.—

5 (A) MANNER.—A fraud ban notification
6 under paragraph (1) shall be—

- 7 (i) clear and conspicuous; and
8 (ii) provided by email, text message,
9 or other appropriate means of communica-
10 tion consented to by the member.

11 (B) TIMING.—

12 (i) IN GENERAL.—Except as provided
13 in clauses (ii) and (iii), an online dating
14 service provider shall provide a fraud ban
15 notification under paragraph (1) not later
16 than 24 hours after the fraud ban is initi-
17 ated against the banned member.

18 (ii) DELAY BASED ON JUDGMENT OF
19 PROVIDER.—If, in the judgment of the on-
20 line dating service provider, the cir-
21 cumstances require a fraud ban notifica-
22 tion under paragraph (1) to be provided
23 after the 24-hour period described in
24 clause (i), the online dating service pro-
25 vider shall, except as provided in clause

1 (iii), provide the notification not later than
2 3 days after the day on which the fraud
3 ban is initiated against the banned mem-
4 ber.

5 (iii) DELAY UPON REQUEST OF LAW
6 ENFORCEMENT OFFICIAL.—If, due to an
7 ongoing investigation, a law enforcement
8 official requests an online dating service
9 provider to delay providing a fraud ban no-
10 tification under paragraph (1) beyond the
11 time when the notification is required to be
12 provided under clause (i) or (ii), the online
13 dating service provider—

14 (I) may not provide the notifica-
15 tion before the end of the period of
16 delay (including any extension of such
17 period) requested by the law enforce-
18 ment official; and

19 (II) shall provide the notification
20 not later than 3 days after the last
21 day of the period of delay (including
22 any extension of such period) re-
23 quested by the law enforcement offi-
24 cial.

1 (4) LIMITATION OF LIABILITY.—An online dat-
2 ing service provider is not liable to a person in a
3 civil action based on any of the following:

4 (A) The means of communication used to
5 provide a fraud ban notification to a member
6 under paragraph (1).

7 (B) The timing of a fraud ban notification
8 provided to a member under paragraph (1).

9 (C) The disclosure of information in a
10 fraud ban notification provided under para-
11 graph (1), including the following:

12 (i) Information that a member is a
13 banned member or the subject of a fraud
14 ban.

15 (ii) The username or other profile
16 identifier of the banned member.

17 (iii) The reason that the online dating
18 service provider initiated the fraud ban of
19 the banned member.

20 (5) NO PRIVATE RIGHT OF ACTION; PRESERVA-
21 TION OF CERTAIN IMMUNITY.—This subsection does
22 not create a private right of action or diminish or
23 adversely affect protections for an online dating
24 service provider under section 230 of the Commu-
25 nications Act of 1934 (47 U.S.C. 230).

1 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
2 SION.—

3 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
4 TICES.—A violation of this section shall be treated
5 as a violation of a regulation under section
6 18(a)(1)(B) of the Federal Trade Commission Act
7 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
8 tive acts or practices.

9 (2) POWERS OF COMMISSION.—The Commis-
10 sion shall enforce this section in the same manner,
11 by the same means, and with the same jurisdiction,
12 powers, and duties as though all applicable terms
13 and provisions of the Federal Trade Commission Act
14 (15 U.S.C. 41 et seq.) were incorporated into and
15 made a part of this section, and any person who vio-
16 lates this section shall be subject to the penalties
17 and entitled to the privileges and immunities pro-
18 vided in the Federal Trade Commission Act.

19 (3) RULE OF CONSTRUCTION.—Nothing in this
20 section may be construed to limit the authority of
21 the Commission under any other provision of law.

22 (c) ONE NATIONAL STANDARD.—

23 (1) IN GENERAL.—A State, or political subdivi-
24 sion of a State, may not maintain, enforce, pre-
25 scribe, or continue in effect any law, rule, regulation,

1 requirement, standard, or other provision having the
2 force and effect of law of the State, or political sub-
3 division of the State, that requires an online dating
4 service provider to notify, prohibits an online dating
5 service provider from notifying, or otherwise affects
6 the manner in which an online dating service pro-
7 vider is required or permitted to notify, a member
8 of the online dating service that the member has re-
9 ceived a message from or sent a message to a
10 banned member through the online dating service.

11 (2) RULE OF CONSTRUCTION.—This subsection
12 may not be construed to preempt any law of a State
13 or political subdivision of a State relating to con-
14 tracts or torts.

15 (d) DEFINITIONS.—In this section:

16 (1) BANNED MEMBER.—The term “banned
17 member” means a member of an online dating serv-
18 ice whose account or profile on the online dating
19 service is the subject of a fraud ban.

20 (2) COMMISSION.—The term “Commission”
21 means the Federal Trade Commission.

22 (3) FRAUD BAN.—The term “fraud ban” means
23 the termination or suspension of the account or pro-
24 file of a member of an online dating service because,
25 in the judgment of the online dating service pro-

1 vider, there is a significant risk the member will at-
2 tempt to obtain money from another member
3 through fraudulent means.

4 (4) MEMBER.—The term “member” means an
5 individual who—

6 (A) submits to an online dating service
7 provider the information required by the pro-
8 vider to establish an account or profile on the
9 online dating service; and

10 (B) is allowed by the provider to establish
11 such an account or profile.

12 (5) ONLINE DATING SERVICE.—The term “on-
13 line dating service” means a service that—

14 (A) is provided through a website or a mo-
15 bile application; and

16 (B) offers members access to dating or ro-
17 mantic relationships with other members by ar-
18 ranging or facilitating the social introduction of
19 members.

20 (6) ONLINE DATING SERVICE PROVIDER.—The
21 term “online dating service provider” means a per-
22 son engaged in the business of offering an online
23 dating service.

24 (7) STATE.—The term “State” means each
25 State of the United States, the District of Columbia,

1 each commonwealth, territory, or possession of the
2 United States, and each federally recognized Indian
3 Tribe.

4 (e) EFFECTIVE DATE.—This section shall take effect
5 on the date that is 1 year after the date of the enactment
6 of this Act.