

Union Calendar No. 521

118TH CONGRESS
2^D SESSION

H. R. 6125

[Report No. 118-623]

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

OCTOBER 30, 2023

Mr. VALADAO (for himself and Ms. PETERSEN) introduced the following bill;
which was referred to the Committee on Energy and Commerce

JULY 30, 2024

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 30, 2023]

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.—*

8 *(1) IN GENERAL.—An online dating service pro-*
9 *vider shall provide to a member of the online dating*
10 *service a fraud ban notification if the member has re-*
11 *ceived a message through the online dating service*
12 *from a banned member of the online dating service.*

13 *(2) REQUIRED CONTENTS.—A fraud ban notifi-*
14 *cation under paragraph (1) shall include the fol-*
15 *lowing:*

16 *(A) The username or other profile identifier*
17 *of the banned member, as well as the most recent*
18 *time when the member to whom the notification*
19 *is being provided sent or received a message*
20 *through the online dating service to or from the*
21 *banned member.*

22 *(B) A statement, as applicable, that the*
23 *banned member may have been using a false*
24 *identity or attempting to defraud members.*

1 (C) *A statement that a member should not*
2 *send money or personal financial information to*
3 *another member.*

4 (D) *An online link to information regard-*
5 *ing ways to avoid online fraud or being de-*
6 *frauded by a member of an online dating service.*

7 (E) *Contact information to reach the cus-*
8 *tomers service department of the online dating*
9 *service provider.*

10 (3) *MANNER AND TIMING.—*

11 (A) *MANNER.—A fraud ban notification*
12 *under paragraph (1) shall be—*

13 (i) *clear and conspicuous; and*

14 (ii) *provided by email, text message, or*
15 *other appropriate means of communication*
16 *consented to by the member.*

17 (B) *TIMING.—*

18 (i) *IN GENERAL.—Except as provided*
19 *in clauses (ii) and (iii), an online dating*
20 *service provider shall provide a fraud ban*
21 *notification under paragraph (1) not later*
22 *than 24 hours after the fraud ban is initi-*
23 *ated against the banned member.*

24 (ii) *DELAY BASED ON JUDGMENT OF*
25 *PROVIDER.—If, in the judgment of the on-*

1 *line dating service provider, the cir-*
2 *cumstances require a fraud ban notification*
3 *under paragraph (1) to be provided after*
4 *the 24-hour period described in clause (i),*
5 *the online dating service provider shall, ex-*
6 *cept as provided in clause (iii), provide the*
7 *notification not later than 3 days after the*
8 *day on which the fraud ban is initiated*
9 *against the banned member.*

10 *(iii) DELAY UPON REQUEST OF LAW*
11 *ENFORCEMENT OFFICIAL.—If, due to an on-*
12 *going investigation, a law enforcement offi-*
13 *cial requests an online dating service pro-*
14 *vider to delay providing a fraud ban notifi-*
15 *cation under paragraph (1) beyond the time*
16 *when the notification is required to be pro-*
17 *vided under clause (i) or (ii), the online*
18 *dating service provider—*

19 *(I) may not provide the notifica-*
20 *tion before the end of the period of*
21 *delay (including any extension of such*
22 *period) requested by the law enforce-*
23 *ment official; and*

24 *(II) shall provide the notification*
25 *not later than 3 days after the last day*

1 of the period of delay (including any
2 extension of such period) requested by
3 the law enforcement official.

4 (b) *ENFORCEMENT BY FEDERAL TRADE COMMISS-*
5 *SION.—*

6 (1) *UNFAIR OR DECEPTIVE ACTS OR PRAC-*
7 *TICES.—A violation of this section shall be treated as*
8 *a violation of a regulation under section 18(a)(1)(B)*
9 *of the Federal Trade Commission Act (15 U.S.C.*
10 *57a(a)(1)(B)) regarding unfair or deceptive acts or*
11 *practices.*

12 (2) *POWERS OF COMMISSION.—The Commission*
13 *shall enforce this section in the same manner, by the*
14 *same means, and with the same jurisdiction, powers,*
15 *and duties as though all applicable terms and provi-*
16 *sions of the Federal Trade Commission Act (15*
17 *U.S.C. 41 et seq.) were incorporated into and made*
18 *a part of this section, and any person who violates*
19 *this section shall be subject to the penalties and enti-*
20 *tled to the privileges and immunities provided in the*
21 *Federal Trade Commission Act.*

22 (3) *RULE OF CONSTRUCTION.—Nothing in this*
23 *section may be construed to limit the authority of the*
24 *Commission under any other provision of law.*

25 (c) *ACTIONS BY STATES.—*

1 (1) *IN GENERAL.*—*In any case in which the at-*
2 *torney general of a State, or an official or agency of*
3 *a State, has reason to believe that an interest of the*
4 *residents of such State has been or is threatened or*
5 *adversely affected by an act or practice in violation*
6 *of this section, the State, as parens patriae, may*
7 *bring a civil action on behalf of the residents of the*
8 *State in an appropriate district court of the United*
9 *States to obtain appropriate relief.*

10 (2) *NOTICE.*—*Before filing an action under this*
11 *subsection, the attorney general, official, or agency of*
12 *the State involved shall provide to the Commission a*
13 *written notice of such action and a copy of the com-*
14 *plaint for such action. If the attorney general, official,*
15 *or agency determines that it is not feasible to provide*
16 *the notice described in this paragraph before the filing*
17 *of the action, the attorney general, official, or agency*
18 *shall provide written notice of the action and a copy*
19 *of the complaint to the Commission immediately*
20 *upon the filing of the action.*

21 (3) *AUTHORITY OF FEDERAL TRADE COMMIS-*
22 *SION.*—

23 (A) *IN GENERAL.*—*On receiving notice*
24 *under paragraph (2) of an action under this*

1 subsection, the Commission shall have the
2 right—

3 (i) to intervene in the action;

4 (ii) upon so intervening, to be heard
5 on all matters arising therein; and

6 (iii) to file petitions for appeal.

7 (B) *LIMITATION ON STATE ACTION WHILE*
8 *FEDERAL ACTION IS PENDING.*—If the Commis-
9 sion or the Attorney General of the United States
10 has instituted a civil action for violation of this
11 section (referred to in this subparagraph as the
12 “Federal action”), no State attorney general, of-
13 ficial, or agency may bring an action under this
14 subsection during the pendency of the Federal ac-
15 tion against any defendant named in the com-
16 plaint in the Federal action for any violation of
17 this section alleged in such complaint.

18 (4) *RULE OF CONSTRUCTION.*—For purposes of
19 bringing a civil action under this subsection, nothing
20 in this section may be construed to prevent an attor-
21 ney general, official, or agency of a State from exer-
22 cising the powers conferred on the attorney general,
23 official, or agency by the laws of such State to con-
24 duct investigations, administer oaths and affirma-

1 *tions, or compel the attendance of witnesses or the*
2 *production of documentary and other evidence.*

3 *(d) ONE NATIONAL STANDARD.—*

4 *(1) IN GENERAL.—A State, or political subdivi-*
5 *sion of a State, may not maintain, enforce, prescribe,*
6 *or continue in effect any law, rule, regulation, re-*
7 *quirement, standard, or other provision having the*
8 *force and effect of law of the State, or political sub-*
9 *division of the State, that requires an online dating*
10 *service provider to notify, prohibits an online dating*
11 *service provider from notifying, or otherwise affects*
12 *the manner in which an online dating service pro-*
13 *vider is required or permitted to notify, a member of*
14 *the online dating service that the member has received*
15 *a message from or sent a message to a banned mem-*
16 *ber through the online dating service.*

17 *(2) RULE OF CONSTRUCTION.—This subsection*
18 *may not be construed to preempt any law of a State*
19 *or political subdivision of a State relating to con-*
20 *tracts or torts.*

21 *(e) DEFINITIONS.—In this section:*

22 *(1) BANNED MEMBER.—The term “banned mem-*
23 *ber” means a member of an online dating service*
24 *whose account or profile on the online dating service*
25 *is the subject of a fraud ban.*

1 (2) *COMMISSION.*—*The term “Commission”*
2 *means the Federal Trade Commission.*

3 (3) *FRAUD BAN.*—*The term “fraud ban” means*
4 *the termination or suspension of the account or pro-*
5 *file of a member of an online dating service because,*
6 *in the judgment of the online dating service provider,*
7 *there is a significant risk the member will attempt to*
8 *obtain money from another member through fraudu-*
9 *lent means.*

10 (4) *MEMBER.*—*The term “member” means an*
11 *individual who—*

12 (A) *submits to an online dating service pro-*
13 *vider the information required by the provider to*
14 *establish an account or profile on the online dat-*
15 *ing service; and*

16 (B) *is allowed by the provider to establish*
17 *such an account or profile.*

18 (5) *ONLINE DATING SERVICE.*—*The term “online*
19 *dating service” means a service that—*

20 (A) *is provided through a website or a mo-*
21 *bile application; and*

22 (B) *offers members access to dating or ro-*
23 *mantic relationships with other members by ar-*
24 *ranging or facilitating the social introduction of*
25 *members.*

1 (6) *ONLINE DATING SERVICE PROVIDER.*—*The*
2 *term “online dating service provider” means a person*
3 *engaged in the business of offering an online dating*
4 *service.*

5 (7) *STATE.*—*The term “State” means each State*
6 *of the United States, the District of Columbia, each*
7 *commonwealth, territory, or possession of the United*
8 *States, and each federally recognized Indian Tribe.*

9 (f) *EFFECTIVE DATE.*—*This section shall take effect on*
10 *the date that is 1 year after the date of the enactment of*
11 *this Act.*

Union Calendar No. 521

118TH CONGRESS
2^D SESSION

H. R. 6125

[Report No. 118-623]

A BILL

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

JULY 30, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed