

117TH CONGRESS
2^D SESSION

H. R. 8946

To require online dating service providers to provide safety awareness and fraud ban notifications to online dating service members and to verify the identity of online dating service members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2022

Mr. VALADAO introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require online dating service providers to provide safety awareness and fraud ban notifications to online dating service members and to verify the identity of 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 2022”.

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

7 (a) SAFETY AWARENESS NOTIFICATION.—

1 (1) IN GENERAL.—An online dating service pro-
2 vider shall provide to members of the online dating
3 service a safety awareness notification that includes
4 a list of safety measures reasonably designed to in-
5 crease awareness of safer online dating practices and
6 clear guidelines and resources for reporting crimes
7 committed by members of the online dating service.

8 (2) REQUIREMENTS.—The notification required
9 by paragraph (1) shall meet the following require-
10 ments:

11 (A) The notification shall have a heading
12 substantially similar to the following: “Online
13 Dating Safety Awareness”.

14 (B) The notification shall include the fol-
15 lowing information (which may be revised or
16 updated to reflect changing information and
17 best safety practices):

18 (i) An advisory that getting to know
19 an individual through an online dating
20 service may be risky and a member should
21 follow safety precautions when sharing in-
22 formation or meeting in person.

23 (ii) An advisory that a member should
24 avoid sharing, in the dating profile or ini-
25 tial email messages or other communica-

1 tions of the member, the last name, email
2 address, home address, phone number,
3 place of work, Social Security number, de-
4 tails of the daily routine, or other identi-
5 fying information of the member.

6 (iii) An advisory that a member
7 should stop communicating with an indi-
8 vidual who pressures the member for per-
9 sonal or financial information or attempts
10 to trick the member into revealing personal
11 or financial information.

12 (iv) An advisory that a member
13 should not send money to an individual the
14 member meets on an online dating service,
15 especially by wire transfer, even if the indi-
16 vidual claims to be experiencing an emer-
17 gency.

18 (v) An advisory that an individual
19 may provide false information in a dating
20 profile.

21 (vi) An advisory that a member
22 should block and report to the online dat-
23 ing service provider a member whose be-
24 havior is suspicious, offensive, harassing,
25 threatening, fraudulent, or involves a re-

1 quest for money or an attempt to sell a
2 product or service.

3 (vii) A request that, if a member is
4 the victim or survivor of a crime, including
5 sexual or intimate partner violence or a fi-
6 nancial crime, committed by someone the
7 member met on the online dating service,
8 the member report the incident to the on-
9 line dating service provider and to law en-
10 forcement.

11 (viii) A advisory that, if a member is
12 the victim or survivor of a crime, including
13 sexual or intimate partner violence or a fi-
14 nancial crime, committed by someone the
15 member met on the online dating service,
16 the member is not to blame and may seek
17 support through national or local hotlines
18 and other services.

19 (3) METHOD FOR REPORTING CRIMINAL ACTIV-
20 ITY.—

21 (A) IN GENERAL.—An online dating serv-
22 ice provider shall provide a clear and con-
23 spicuous method for a member of the online
24 dating service to contact the online dating serv-
25 ice provider to report a member of the online

1 dating service who engages in criminal activity,
2 including an act of sexual or intimate partner
3 violence or a financial crime.

4 (B) INCLUSION IN NOTIFICATION.—An on-
5 line dating service provider shall include infor-
6 mation relating to the contact method required
7 by subparagraph (A) in the notification re-
8 quired by paragraph (1).

9 (4) TIMING AND MANNER.—An online dating
10 service provider shall clearly and conspicuously pro-
11 vide the notification required by paragraph (1)—

12 (A) to each member of the online dating
13 service at the time when the member registers
14 with the online dating service provider; and

15 (B) through a link that may be accessed
16 by members of the online dating service at any
17 time on—

18 (i) the main website of the online dat-
19 ing service; and

20 (ii) the mobile application of the on-
21 line dating service.

22 (b) FRAUD BAN NOTIFICATION.—

23 (1) IN GENERAL.—An online dating service pro-
24 vider shall provide to a member of the online dating
25 service a fraud ban notification if the member has

1 received and responded to a message through the
2 online dating service from a banned member of the
3 online dating service.

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

7 (A) The username, identification number,
8 or other profile identifier of the banned mem-
9 ber, as well as the most recent time when the
10 member to whom the notification is being pro-
11 vided sent or received a message through the
12 online dating service to or from the banned
13 member.

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

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

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

24 (3) MANNER AND TIMING.—

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

3 (i) clear and conspicuous; and

4 (ii) provided by email, text message,
5 or other appropriate means of communica-
6 tion consented to by the member.

7 (B) TIMING.—

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

14 (ii) DELAY BASED ON JUDGMENT OF
15 PROVIDER.—If, in the judgment of the on-
16 line dating service provider, the cir-
17 cumstances require a fraud ban notifica-
18 tion under paragraph (1) to be provided
19 after the 24-hour period described in
20 clause (i), the online dating service pro-
21 vider shall, except as provided in clause
22 (iii), provide the notification not later than
23 3 days after the day on which the fraud
24 ban is initiated against the banned mem-
25 ber.

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

10 (I) may not provide the notifica-
11 tion before the end of the period of
12 delay (including any extension of such
13 period) requested by the law enforce-
14 ment official; and

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

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

1 (A) The means of communication used to
2 provide a fraud ban notification to a member
3 under paragraph (1).

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

6 (C) The disclosure of information in a
7 fraud ban notification provided under para-
8 graph (1), including the following:

9 (i) Information that a member is a
10 banned member or the subject of a fraud
11 ban.

12 (ii) The username, identification num-
13 ber, or other profile identifier of the
14 banned member.

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

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

24 (c) IDENTITY VERIFICATION.—

1 (1) IN GENERAL.—An online dating service pro-
2 vider shall, before allowing an individual to register
3 with the online dating service provider, verify the
4 identity provided by the individual to the online dat-
5 ing service provider.

6 (2) FORM OF IDENTIFICATION.—An online dat-
7 ing service provider shall—

8 (A) require an individual seeking to reg-
9 ister with the online dating service provider to
10 submit to the provider an acceptable (as deter-
11 mined by the provider) government-issued iden-
12 tity document (or a copy of such a document)
13 that includes the date of birth of the individual;
14 and

15 (B) use the document (or copy) submitted
16 under subparagraph (A) to verify the identity of
17 the individual as required by paragraph (1).

18 (3) LIMITATION ON RETENTION OF INFORMA-
19 TION.—An online dating service provider may only
20 retain an identity document (or copy of such a docu-
21 ment) provided by an individual under paragraph
22 (2), and any other information relating to the
23 verification of the identity of the individual under
24 paragraph (1) (other than whether the identity of

1 the individual is or is not verified), until the earlier
2 of—

3 (A) the date on which the provider verifies
4 the identity of the individual; or

5 (B) the date that is 90 days after the indi-
6 vidual provides the identity document (or copy)
7 under paragraph (2).

8 (d) ENFORCEMENT BY FEDERAL TRADE COMMIS-
9 SION.—

10 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
11 TICES.—A violation of this section shall be treated
12 as a violation of a regulation under section
13 18(a)(1)(B) of the Federal Trade Commission Act
14 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
15 tive acts or practices.

16 (2) POWERS OF COMMISSION.—Except as pro-
17 vided in paragraphs (3) and (4), the Commission
18 shall enforce this section in the same manner, by the
19 same means, and with the same jurisdiction, powers,
20 and duties as though all applicable terms and provi-
21 sions of the Federal Trade Commission Act (15
22 U.S.C. 41 et seq.) were incorporated into and made
23 a part of this section, and any person who violates
24 this section shall be subject to the penalties and en-

1 titled to the privileges and immunities provided in
2 the Federal Trade Commission Act.

3 (3) CIVIL PENALTY AMOUNT.—The amount of a
4 civil penalty under section 5(m) of the Federal
5 Trade Commission Act (15 U.S.C. 45(m)) for a vio-
6 lation of this section shall be not more than \$1,000
7 for each violation.

8 (4) ADDITIONAL LIMITATION.—The Commis-
9 sion may not bring a civil action under section 19
10 of the Federal Trade Commission Act (15 U.S.C.
11 57b) with respect to a violation of this section.

12 (e) DEFINITIONS.—In this section:

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

17 (2) COMMISSION.—The term “Commission”
18 means the Federal Trade Commission.

19 (3) FRAUD BAN.—The term “fraud ban” means
20 the termination or suspension of the account or pro-
21 file of a member of an online dating service because,
22 in the judgment of the online dating service pro-
23 vider, there is a significant risk the member will at-
24 tempt to obtain money from another member
25 through fraudulent means.

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

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

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

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

11 (A) is provided through a website or a mo-
12 bile application; and

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

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

21 (f) EFFECTIVE DATE.—This section shall take effect
22 on the date that is 1 year after the date of the enactment
23 of this Act.

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