

117TH CONGRESS  
2D 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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2022

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

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## 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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