

118TH CONGRESS
2D SESSION

H. R. 6125

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Online Dating Safety
3 Act of 2023”.

4 **SEC. 2. ONLINE DATING SAFETY.**

5 (a) FRAUD BAN NOTIFICATION.—

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

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

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

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

23 (C) A statement that a member should not
24 send money or personal financial information to
25 another member.

1 (D) An online link to information regard-
2 ing ways to avoid online fraud or being de-
3 frauded by a member of an online dating serv-
4 ice.

5 (E) Contact information to reach the cus-
6 tomer service department of the online dating
7 service provider.

8 (3) MANNER AND TIMING.—

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

11 (i) clear and conspicuous; and

12 (ii) provided by email, text message,
13 or other appropriate means of communica-
14 tion consented to by the member.

15 (B) TIMING.—

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

22 (ii) DELAY BASED ON JUDGMENT OF
23 PROVIDER.—If, in the judgment of the on-
24 line dating service provider, the cir-
25 cumstances require a fraud ban notifica-

1 tion under paragraph (1) to be provided
2 after the 24-hour period described in
3 clause (i), the online dating service pro-
4 vider shall, except as provided in clause
5 (iii), provide the notification not later than
6 3 days after the day on which the fraud
7 ban is initiated against the banned mem-
8 ber.

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

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

23 (II) shall provide the notification
24 not later than 3 days after the last
25 day of the period of delay (including

1 any extension of such period) re-
2 requested by the law enforcement offi-
3 cial.

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

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

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

22 (3) RULE OF CONSTRUCTION.—Nothing in this
23 section may be construed to limit the authority of
24 the 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
12 of the State involved shall provide to the Commis-
13 sion a written notice of such action and a copy of
14 the complaint for such action. If the attorney gen-
15 eral, official, or agency determines that it is not fea-
16 sible to provide the notice described in this para-
17 graph before the filing of the action, the attorney
18 general, official, or agency shall provide written no-
19 tice of the action and a copy of the complaint to the
20 Commission immediately upon the filing of the ac-
21 tion.

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

24 (A) IN GENERAL.—On receiving notice
25 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
10 States has instituted a civil action for violation
11 of this section (referred to in this subparagraph
12 as the “Federal action”), no State attorney
13 general, official, or agency may bring an action
14 under this subsection during the pendency of
15 the Federal action against any defendant
16 named in the complaint in the Federal action
17 for any violation of this section alleged in such
18 complaint.

19 (4) RULE OF CONSTRUCTION.—For purposes of
20 bringing a civil action under this subsection, nothing
21 in this section may be construed to prevent an attor-
22 ney general, official, or agency of a State from exer-
23 cising the powers conferred on the attorney general,
24 official, or agency by the laws of such State to con-
25 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, pre-
6 scribe, or continue in effect any law, rule, regulation,
7 requirement, 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
14 of the online dating service that the member has re-
15 ceived a message from or sent a message to a
16 banned member 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
23 member” means a member of an online dating serv-
24 ice whose account or profile on the online dating
25 service 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 pro-
7 vider, there is a significant risk the member will at-
8 tempt to obtain money from another member
9 through fraudulent means.

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

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

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

18 (5) ONLINE DATING SERVICE.—The term “on-
19 line 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 per-
3 son engaged in the business of offering an online
4 dating service.

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

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

Passed the House of Representatives September 23,
2024.

Attest: KEVIN F. MCCUMBER,
Clerk.