

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mrs. BLACKBURN (for herself and Mr. HICKENLOOPER) introduced the following bill; which was read twice and 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 “Romance Scam Pre-
5 vention Act”.

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

1 service a fraud ban notification if the member has
2 received a message through the online dating service
3 from a banned member of the 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 or other profile identi-
8 fier of the banned member, as well as the most
9 recent time when the member to whom the noti-
10 fication is being provided sent or received a
11 message through the online dating service to or
12 from the banned member.

13 (B) A statement, as applicable, that the
14 banned member identified in subparagraph (A)
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 cash or another form of currency or per-
19 sonal financial information to another member.

20 (D) Information regarding best practices
21 to avoid online fraud or being defrauded by a
22 member of an online dating service, which may
23 be provided through a link to another web page
24 or disclosure.

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, if consented to by the member receiving
10 the fraud ban notification, other appro-
11 priate means of communication.

12 (B) TIMING.—

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

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

1 vider shall, except as provided in clause
2 (iii), provide the notification not later than
3 3 days after the day on which the fraud
4 ban is initiated against the banned mem-
5 ber.

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

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

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

1 same jurisdiction, powers, and duties as
2 though all applicable terms and provisions
3 of the Federal Trade Commission Act (15
4 U.S.C. 41 et seq.) were incorporated into
5 and made a part of this section,

6 (ii) PRIVILEGES AND IMMUNITIES.—
7 Any person who violates this section shall
8 be subject to the penalties and entitled to
9 the privileges and immunities provided in
10 the Federal Trade Commission Act.

11 (iii) AUTHORITY PRESERVED.—Noth-
12 ing in this section may be construed to
13 limit the authority of the Commission
14 under any other provision of law.

15 (2) ENFORCEMENT BY STATES.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), in any case in which the attorney
18 general of a State has reason to believe that an
19 interest of the residents of the State has been
20 or is threatened or adversely affected by the en-
21 gagement of any person in an act or practice
22 that violates this section, the attorney general
23 of the State may, as *parens patriae*, bring a
24 civil action on behalf of the residents of the

1 State in an appropriate district court of the
2 United States to obtain appropriate relief.

3 (B) RIGHTS OF THE COMMISSION.—

4 (i) NOTICE TO THE COMMISSION.—

5 (I) IN GENERAL.—Except as pro-
6 vided in subclause (III), before initi-
7 ating a civil action under subpara-
8 graph (A), the attorney general of a
9 State shall notify the Commission in
10 writing that the attorney general in-
11 tends to bring such civil action.

12 (II) CONTENTS.—The notifica-
13 tion required by subclause (I) shall in-
14 clude a copy of the complaint to be
15 filed to initiate the civil action.

16 (III) EXCEPTION.—If it is not
17 feasible for the attorney general of a
18 State to provide the notification re-
19 quired by subclause (I) before initi-
20 ating a civil action under subpara-
21 graph (A), the attorney general shall
22 notify the Commission immediately
23 upon instituting the civil action.

24 (ii) INTERVENTION BY THE COMMIS-
25 SION.—Upon receiving the notice required

1 by clause (i)(I), the Commission may inter-
2 vene in the civil action and, upon inter-
3 vening—

4 (I) be heard on all matters aris-
5 ing in the civil action; and

6 (II) file petitions for appeal of a
7 decision in the civil action.

8 (C) LIMITATION ON STATE ACTION WHILE
9 FEDERAL ACTION IS PENDING.—If the Commis-
10 sion has instituted a civil action for a violation
11 of this section or a regulation promulgated
12 under this section, no attorney general of a
13 State may bring an action under subparagraph
14 (A) during the pendency of that action against
15 any defendant named in the complaint of the
16 Commission for any violation of this section or
17 a regulation promulgated under this section al-
18 leged in the complaint.

19 (D) RULE OF CONSTRUCTION.—For pur-
20 poses of bringing a civil action under this sub-
21 section, nothing in this subsection may be con-
22 strued to prevent the attorney general of a
23 State from exercising the powers conferred on
24 the attorney general by the laws of the State to
25 conduct investigations, to administer oaths or

1 affirmations, or to compel the attendance of
2 witnesses or the production of documentary or
3 other evidence.

4 (E) ACTIONS BY OTHER STATE OFFI-
5 CIALS.—In addition to a civil action brought by
6 an attorney general under subparagraph (A),
7 any other consumer protection officer of a State
8 who is authorized by the State to do so may
9 bring a civil action under subparagraph (A),
10 subject to the same requirements and limita-
11 tions that apply under this paragraph to a civil
12 action brought by an attorney general.

13 (c) ONE NATIONAL STANDARD.—

14 (1) IN GENERAL.—A State, or political subdivi-
15 sion thereof, may not maintain, enforce, prescribe,
16 or continue in effect any law, rule, regulation, re-
17 quirement, standard, or other provision having the
18 force and effect of law of the State, or political sub-
19 division of the State, that requires an online dating
20 service provider to notify, prohibits an online dating
21 service provider from notifying, or otherwise affects
22 the manner in which an online dating service pro-
23 vider is required or permitted to notify, a member
24 of the online dating service that the member has re-
25 ceived a message from or sent a message to a mem-

1 ber whose account or profile on the online dating
2 service is the subject of a fraud ban through the on-
3 line dating service.

4 (2) RULE OF CONSTRUCTION.—This subsection
5 may not be construed to preempt any law of a State
6 or political subdivision of a State relating to con-
7 tracts or torts.

8 (d) DEFINITIONS.—In this section:

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

13 (2) COMMISSION.—The term “Commission”
14 means the Federal Trade Commission.

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

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

24 (A) submits to an online dating service
25 provider the information required by the pro-

1 vider to establish an account or profile on the
2 online dating service; and

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

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

7 (A) is provided through a website or a mo-
8 bile application; and

9 (B) offers members access to dating or ro-
10 mantic relationships with other members by ar-
11 ranging or facilitating the social introduction of
12 members.

13 (6) ONLINE DATING SERVICE PROVIDER.—The
14 term “online dating service provider” means a per-
15 son engaged in the business of offering an online
16 dating service.

17 (7) STATE.—The term “State” means each
18 State of the United States, the District of Columbia,
19 each commonwealth, territory, or possession of the
20 United States, and each federally recognized Indian
21 Tribe.

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