

Congress of the United States
House of Representatives
Washington, DC 20515-2502

VICE RANKING MEMBER
COMMITTEE ON
FINANCIAL SERVICES

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SUBCOMMITTEE ON DIVERSITY AND
INCLUSION

SUBCOMMITTEE ON INVESTOR PROTECTION,
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SUBCOMMITTEE ON EUROPE, EURASIA,
ENERGY, AND THE ENVIRONMENT

SUBCOMMITTEE ON ASIA, THE PACIFIC,
AND NONPROLIFERATION

October 21, 2021

The Honorable Himamauli Das
Acting Director
Financial Crimes Enforcement Network
U.S. Department of the Treasury
2070 Chain Bridge Road
Vienna, VA 22182

Acting Director Das,

As public officials, we must do everything in our power to ensure children and vulnerable individuals are protected from harm and sexual exploitation. In 2021, the website OnlyFans.com (OnlyFans) has been linked to multiple severe crimes committed against women and children. The financial sector plays an integral role in combatting human trafficking and other criminal activity, and I am gravely concerned about “assurances” made between OnlyFans and its financial partners. It is the responsibility of the Financial Crimes Enforcement Network (FinCEN) to safeguard our financial system from illicit use. As Vice Ranking Member of the House Committee on Financial Services, I request that FinCEN, together with the appropriate federal regulators, conduct an immediate and thorough investigation of the agreements made between OnlyFans and its financial partners, specifically focusing on the “assurances” that preceded OnlyFans’ decision to continue allowing the sale of sexually explicit content.

Serious sex crimes involving OnlyFans have been occurring across the United States throughout 2021. These crimes include human trafficking, selling Child Sexual Abuse Material (CSAM), kidnapping, battery, and child rape. In January 2021, a couple in Miami, Florida, was arrested and charged with human trafficking, possession of a sexual performance by a child, and promoting the sexual performance by a child after allegedly selling explicit videos of a 16-year-old girl on OnlyFans.¹ In June 2021, a man in Tampa, Florida, was arrested and charged with extortion, felony battery, false imprisonment, and a slew of other offenses after allegedly kidnapping a woman and threatening to beat her if she did not create an OnlyFans account and upload videos of her having sex with the kidnapper and another woman.² In June 2021, a man in Boston, Massachusetts, was arrested and charged with aggravated rape of a child, trafficking of a person for the purposes of sexual servitude, extortion, and possession and distribution of CSAM after allegedly selling videos on OnlyFans of him sexually assaulting an underage girl. When the minor pleaded with her

¹ CBS4 Miami. January 29, 2021. “Hialeah Couple Hit With Human Trafficking Charges.” <https://miami.cbslocal.com/2021/01/29/hialeah-couple-faces-human-trafficking-charges/>

² FOX13 Tampa Bay. June 5, 2021. “Clearwater man kidnaps, beats woman, threatens more violence unless she opens OnlyFans account, police say.” <https://www.fox13news.com/news/clearwater-man-kidnaps-beats-woman-threatens-more-violence-unless-she-opens-only-fans-account-police-say>

trafficker to take the videos off OnlyFans, he reportedly said he would only do so if the minor performed more sexual acts.³ In August 2021, a man in Miami, Florida, was arrested and charged with human trafficking of a minor, sexual performance by a child, aggravated child abuse, and sexual battery after allegedly branding an underage female with a tattoo and selling videos of him having sex with the minor on OnlyFans.⁴ In September 2021, a man in McHenry County, Illinois, was arrested and charged with felony non-consensual dissemination of private sexual images after allegedly selling explicit photos on OnlyFans of a woman without her consent.⁵ These depraved crimes with which OnlyFans is indisputably connected are occurring month after month in communities across our country.

Not only is the prevalence of these horrific crimes shocking and unacceptable, media investigations have also highlighted a possible “tolerance” of this illegal content by OnlyFans. In August 2021, *BBC* published an investigatory report finding that users who break OnlyFans’ terms of service are not automatically shut down, but rather must post “at least five examples of illegal content” before the account is “escalated,” and accounts with more subscribers are given additional warnings. In this report, one OnlyFans moderator indicated that he “frequently” encountered content “where he fears people may be being exploited,” but OnlyFans’ policies “contain no requirements for moderators to raise concerns around exploitation.” Significant concerns certainly exist, as an agent for Homeland Security Investigations stated in the article that he “finds between 20-30 child abuse images a week” that have “clearly originated on OnlyFans.”⁶

As you may know, on August 10, 2021, I led a bipartisan coalition of over 100 Members of Congress calling on the Department of Justice (DOJ) to investigate the prevalence of CSAM, missing or abducted children, and solicitation on OnlyFans.⁷ This letter specifically requested DOJ to investigate the policies, or lack thereof, that OnlyFans employs to prevent, reduce, and respond to CSAM on its platform as well as report the presence of missing or abducted children found in content on the website. While OnlyFans stated that it has “a zero tolerance policy relating to Child Sexual Abuse Material (CSAM)” on its platform,⁸ the findings of the *BBC* investigation and the recurring sex crimes throughout the year refute that assertion.

Just over a week after the letter was sent to DOJ, OnlyFans announced that it would prohibit sexually explicit conduct on its website starting October 1, 2021.⁹ OnlyFans publicly stated that this policy change was necessary to “secure banking and payment services” in order to “ensure the

³ Sean Philip Cotter. *Boston Herald*. June 18, 2021. “Brockton coach accused of posting child rape on OnlyFans ordered to stay out of Boston.” <https://www.bostonherald.com/2021/06/18/brockton-coach-accused-of-posting-child-rape-on-onlyfans-ordered-to-stay-out-of-boston/>

⁴ Miami Dade County State Attorney’s Office. August 13, 2021. “For Immediate Release: Man Charged with Trafficking 15-Year-Old.” <https://miamisao.com/for-immediate-release-man-charged-with-trafficking-15-year-old/>

⁵ Sam Borcia. *Lake & McHenry County Scanner*. September 13, 2021. “Woodstock man arrested for selling woman’s sexually explicit images, posting them on Twitter and OnlyFans.” <https://www.lakemchenryscanner.com/2021/09/13/woodstock-man-arrested-for-selling-womans-sexually-explicit-images-posting-them-on-twitter-and-onlyfans/>

⁶ Noel Titheradge. *BBC News*. August 19, 2021. “OnlyFans: How it handles illegal sex videos – BBC investigation.” <https://www.bbc.com/news/uk-58255865>

⁷ Congresswoman Ann Wagner. August 10, 2021. “Congresswoman Ann Wagner Leads Bipartisan Coalition Calling For DOJ To Investigate OnlyFans for Child Exploitation.” <https://wagner.house.gov/media-center/press-releases/congresswoman-ann-wagner-leads-bipartisan-coalition-calling-for-doj-to>

⁸ Samantha Cole. *VICE*. August 12, 2021. “The Congresswoman Behind FOSTA Is Coming for OnlyFans.” <https://www.vice.com/en/article/4avpe3/ann-wagner-fosta-onlyfans-csam-doj-letter>

⁹ Lucas Shaw. *Bloomberg*. August 19, 2021. “OnlyFans to Bar Sexually Explicit Videos Starting in October.” <https://www.bloomberg.com/news/articles/2021-08-19/onlyfans-to-block-sexually-explicit-videos-starting-in-october>

long-term sustainability of the platform.”^{10,11} The Chief Executive Officer of OnlyFans, Tim Stokely, gave an interview on August 24, 2021, in which he claimed that OnlyFans was forced to change its policies due to “unfair” treatment by banks, saying financial institutions would cite certain risks associated with the website and “refuse our business.”¹²

However, just one day after this interview, OnlyFans reversed its decision to ban sexually explicit content, announcing that the company had “secured assurances necessary to support our diverse creator community and have suspended the planned October 1 policy change.”¹³ This dramatic shift is extremely disturbing and raises serious questions about the details of these “assurances.” If an agreement was made between OnlyFans and financial institutions to shield businesses from scrutiny or liability for sex crimes involving OnlyFans, it would constitute a severe breach of public trust and possible violation of federal anti-money laundering statutes and regulations.

Given FinCEN’s role in enforcing the Bank Secrecy Act, I request you conduct an immediate and thorough investigation of the “assurances” OnlyFans secured with its financial partners. This investigation should provide answers to the following:

- 1) Which financial institutions were involved in the agreement made with OnlyFans that led to its suspension of policy changes pertaining to sexually explicit content?
- 2) What specific “assurances” did OnlyFans “secure” from these financial partners?
- 3) Did these “assurances” involve the manner in which OnlyFans would report instances of illegal content on its site such that the financial institutions would be protected from public scrutiny and/or legal action?
- 4) Did these “assurances” involve how the financial institutions would respond to instances of illegal content sold on OnlyFans and/or Suspicious Activity Reports (SARs) filed against OnlyFans?

Due to the prevalence and depravity of the crimes in which OnlyFans is involved, I look forward to your prompt and detailed response.

Sincerely,



Ann Wagner

Member of Congress

¹⁰ @OnlyFans. *Twitter*. August 21, 2021. <https://twitter.com/OnlyFans/status/1429117407340240902?s=20>

¹¹ Ryan Browne. *CNBC*. August 20, 2021. “Porn made OnlyFans a powerhouse. Now it’s banning sexual content after pressure from banks.” <https://www.cnbc.com/2021/08/20/onlyfans-bans-sexually-explicit-content.html>

¹² Patricia Nilsson. *Financial Times*. August 24, 2021. “OnlyFans founder blames banks for ban on porn.” <https://www.ft.com/content/7b8ce71c-a87a-440e-9f3d-58069ca0480b>

¹³ @OnlyFans. *Twitter*. August 25, 2021. <https://twitter.com/OnlyFans/status/1430499277302816773?s=20>