



The Honorable Mike Lee

PROTECT ACT OF 2024

The Preventing Rampant Online Technological and Criminal Trafficking Act of 2024 (PROTECT Act) would require sites that host pornography to obtain verified consent forms from individuals uploading content, or appearing in uploaded content, and would also require websites to remove nonconsensual images from their platforms.

BACKGROUND

Online pornography is one of the most lucrative and fastest growing industries in the world. The leading pornography website, for example, reported attracting more than 3,500,000,000 monthly users, exceeding the combined traffic of Netflix, Twitter, Instagram, Pinterest, and LinkedIn. Much of the material on these sites is the product of sex trafficking and child exploitation.

The rapid growth in production and monetization of child pornography, or child sexual abuse materials (“CSAM”), is of great concern. The National Center for Missing and Exploited Children recorded more than 29,300,000 reports of suspected CSAM to its CyberTipline in 2021. This was the highest number of reports ever recorded, and a 35% increase from the number of reports received in 2020. This sharp increase in the amount of CSAM online is accompanied by an increase in the violent and graphic nature of these images and videos.

While law enforcement has made great strides in finding and prosecuting individuals who distribute child sexual abuse materials, their resources are limited and the problem is overwhelming. The FBI, for example, has had to prioritize the investigation of images depicting infants and toddlers. This severe imbalance has left countless older children and trafficked adults with no avenue for justice or healing when their images are shared by these pornographic websites.

Meanwhile, pornography sites make virtually no effort to combat this problem. The pornographic film industry is worth an estimated \$97 billion dollars—rivaling the revenue of Hollywood, and more than the combined revenues of the NFL, NBA, and MLB—yet the industry is largely immune from regulation. The vast majority of pornography sites make no effort to verify the age, consent, or identify of individuals appearing in content uploaded to their sites. This enables human traffickers to profit off of underage or nonconsenting individuals through forced participation in the production of pornographic content. Every time a pornographic image or video featuring a nonconsenting individual is viewed or shared, the trauma to that individual, and the profit for the trafficker, increases.

Pornography sites need to be held to a reasonable standard to prevent the exploitation that is occurring on their platforms. Victims need to be able to remove images shared without their consent. The PROTECT Act is a step in that direction.

WHAT THE BILL DOES

First, this law requires websites to verify the age and identity of individuals uploading pornographic images. Failure to comply with this section would result in a \$10,000 civil penalty.

Second, this law requires pornography sites to obtain signed consent forms verifying the age and identity of any individual appearing in uploaded content. Any image uploaded without the consent of the individual appearing therein must be removed from the platform within 72 hours. Failure to follow these regulations would result in a civil penalty of up to \$10,000 per day per image.

Third, this law criminalizes knowing publication of pornographic images to websites with knowledge or reckless disregard for the lack of consent and the reasonable expectation that the images would not be published. This is commonly referred to as revenge porn. Individuals appearing in these images, or their legally authorized representative, may request that these images be removed from the platforms. If the images are not removed within 72 hours of the request, the information content provider the image(s) will be subject to a criminal penalty and the victim may seek damages against them.

Overall, this law would require information content providers to reasonably engage in the fight against human trafficking by eliminating the ability of traffickers to monetize victim content on pornographic platforms and provide victims with a mechanism to have nonconsensual content removed.

FOR MORE INFORMATION. Please contact Sean Peterson at x4-1018 for more information, or to join as a cosponsor.