WASHINGTON, D.C. – Congressman John Katko (R-NY) and Congresswoman Jackie Speier (D-CA) applaud the passage of the Stopping Harmful Image Exploitation and Limiting Distribution Act of 2021 (the “SHIELD Act”), which was included as an amendment to H.R. 1620, the Violence Against Women Reauthorization Act of 2021.

This bipartisan legislation seeks to address the exploitation of private, sexually explicit or nude images often referred to as “nonconsensual pornography.” Rep. Speier introduced the very first bill to tackle this harmful and widespread issue in the 114th Congress, as the Intimate Privacy Protection Act (IPPA) of 2016, and the SHIELD Act was endorsed by President Joe Biden as part of his campaign platform to address violence against women. Then-Senator Kamala Harris was the sponsor of the Senate companion legislation.

“For victims of nonconsensual pornography, technology today makes it possible to destroy a person’s life with a single click. The damage caused by these attacks can crush careers, tear apart families, and, in the worst cases, has led to suicide,” Rep. Speier, Co-Chair of the Democratic Women’s Caucus said. “For too many, the Internet is a place of unrelenting sexism, racism, and verbal abuse. Even in states that have laws on the books, the average
person can’t afford to take on these predators in civil courts. Worse yet are the numerous victims who have mustered the courage to pursue criminal charges, only to learn there is no law that protects them. The SHIELD Act will fix this gaping hole in our legal system. I am proud to see it included in the Violence Against Women Reauthorization Act and urge our colleagues in the Senate to take up this legislation and pass it immediately.”

“The nonconsensual sharing of intimate imagery without legal recourse is unacceptable, carrying severe consequences that transcend digital platforms and place lives at risk,” Rep. Katko said. “As a former prosecutor, I can speak directly to the importance of enacting substantive and consistent laws to ensure justice for the survivors of these heinous crimes. With that in mind, I am proud to join Congresswoman Speier in announcing passage of our bipartisan measure, the SHIELD Act, which would establish commonsense privacy protections to prohibit the widespread distribution of nonconsensual pornography. This important legislation ensures our nation’s privacy laws are keeping pace with modern demands for online safety.”

The SHIELD Act would:

Ensure that the Department of Justice has an appropriate and effective tool to address these serious privacy violations.

Narrowly establish federal criminal liability for individuals who share private, sexually explicit or nude images without consent.

Strike an effective balance between protecting the victims of these serious privacy violations and ensuring that vibrant online speech is not burdened.

Prosecution under the SHIELD Act would require proving that the defendant was aware of a substantial risk that the person depicted in an image expected the image would remain private and that the person did not consent to the image’s distribution. A prosecution would also have to prove that no reasonable person would consider the shared image to touch on a matter of public concern.

Though 46 states and the District of Columbia have enacted statutes in this area, they offer incomplete and inconsistent coverage.

The amendment is cosponsored by Reps. Veronica Escobar (D-TX), Hakeem Jeffries (D-NY), Ted Lieu (D-CA), Stacey Plaskett (D-VI), and Mary Gay Scanlon (D-PA). The standalone legislation was cosponsored by 92 Members in the 116th Congress.

The amendment is endorsed by the Cyber Civil Rights Initiative, Feminist Majority Foundation, Clearinghouse on Women’s Issues, Girls Inc., the Information Technology and Innovation Foundation, the National Association of Police Organizations, and the National District Attorneys Association. Quotes from endorsing organizations are listed below.
"As the nation’s leading nonprofit organization on the issue of nonconsensual pornography, the Cyber Civil Rights Initiative welcomes the inclusion of the SHIELD Act as an amendment to the Violence Against Women Reauthorization Act of 2021," said Dr. Mary Anne Franks, President and Legislative & Tech Policy Director, Cyber Civil Rights Initiative. "This is an urgently needed measure to combat an egregious form of cyber sexual abuse that threatens the privacy, safety, and civic participation of women and girls in particular. No matter the motive - personal vengeance, profit, entertainment, social validation, voyeurism - the unauthorized disclosure of private, intimate images causes devastating and irreparable harm, including harassment, stalking, loss of educational and employment opportunities, and suicide. Ending the impunity for this abuse is a necessary step toward combating violence against women and achieving gender equality."

"Women and girls are almost twice as likely to be victimized by the sharing of private, sexually explicit, or nude images without their consent, and the toll it takes on their lives is significant and long lasting," said Stephanie J. Hull, Ph.D., President and CEO of Girls Inc. "While there are laws in 46 states and in DC that ban the practice, there is no federal law, which has led to inconsistent enforcement. Girls Inc. is grateful to Representatives Speier and Katko for introducing the SHIELD Act, which would address this gap in the law."

“Justice requires accountability, and this legislation would hold abusers and harassers accountable for distributing private, explicit images of individuals without their consent,” said Daniel Castro, Vice President of the Information Technology and Innovation Foundation. “Federal laws have not kept up with the rise of revenge porn, and this type of targeted bill is exactly what is needed to ensure these despicable acts become unlawful while upholding free speech rights for all Americans. We thank Congresswoman Speier and Congressman Katko for their continued leadership in combatting online abuse and making the Internet a safer space for the exchange of ideas and commerce.”

“NDAA is thrilled that the House of Representatives included the bipartisan SHIELD Act in the Violence Against Women Reauthorization Act. This important legislation takes steps to end the exploitation of private, sexually explicit images through sextortion by providing law enforcement the tools needed to hold bad actors accountable,” said Nelson Bunn, Executive Director of the National District Attorneys Association.

A copy of the amendment is attached to this release below.