

(b) Civil action**(1) Right of action****(A) In general**

Except as provided in paragraph (4), an individual whose intimate visual depiction is disclosed, in or affecting interstate or foreign commerce or using any means or facility of interstate or foreign commerce, without the consent of the individual, where such disclosure was made by a person who knows that, or recklessly disregards whether, the individual has not consented to such disclosure, may bring a civil action against that person in an appropriate district court of the United States for relief as set forth in paragraph (3).

(B) Rights on behalf of certain individuals

In the case of an individual who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the individual or representative of the identifiable individual's estate, another family member, or any other person appointed as suitable by the court, may assume the identifiable individual's¹ rights under this section, but in no event shall the defendant be named as such representative or guardian.

(2) Consent

For purposes of an action under paragraph (1)—

(A) the fact that the individual consented to the creation of the depiction shall not establish that the person consented to its distribution; and

(B) the fact that the individual disclosed the intimate visual depiction to someone else shall not establish that the person consented to the further disclosure of the intimate visual depiction by the person alleged to have violated paragraph (1).

(3) Relief**(A) In general**

In a civil action filed under this section—

(i) an individual may recover the actual damages sustained by the individual or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred; and

(ii) the court may, in addition to any other relief available at law, order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the visual depiction.

(B) Preservation of anonymity

In ordering relief under subparagraph (A), the court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym.

(4) Exceptions

An identifiable individual may not bring an action for relief under this section relating to—

(A) an intimate image that is commercial pornographic content, unless that content

was produced by force, fraud, misrepresentation, or coercion of the depicted individual;

(B) a disclosure made in good faith—

(i) to a law enforcement officer or agency;

(ii) as part of a legal proceeding;

(iii) as part of medical education, diagnosis, or treatment; or

(iv) in the reporting or investigation of—

(I) unlawful content; or

(II) unsolicited or unwelcome conduct;

(C) a matter of public concern or public interest; or

(D) a disclosure reasonably intended to assist the identifiable individual.

(Pub. L. 117–103, div. W, title XIII, § 1309, Mar. 15, 2022, 136 Stat. 929.)

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Pub. L. 117–103, div. W, § 4, Mar. 15, 2022, 136 Stat. 846, provided that:

“(a) **IN GENERAL.**—Except as provided in subsection (b), this Act [div. W of Pub. L. 117–103, see Tables for classification] and the amendments made by this Act shall not take effect until October 1 of the first fiscal year beginning after the date of enactment of this Act [Mar. 15, 2022].

“(b) **EFFECTIVE ON DATE OF ENACTMENT.**—Sections 106, 107, 304, 606, 803, and 1306 [amending section 2265 of Title 18, Crimes and Criminal Procedure, section 1302a of Title 25, Indians, and section 21308 of Title 34, Crime Control and Law Enforcement] and any amendments made by such sections shall take effect on the date of enactment of this Act.”

SEVERABILITY

Pub. L. 117–103, div. W, § 6, Mar. 15, 2022, 136 Stat. 846, provided that: “If any provision of this Act [div. W of Pub. L. 117–103, see Tables for classification], an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions or amendment to any other person or circumstance, shall not be affected.”

DEFINITIONS

For definitions of terms used in this section, see section 12291 of Title 34, Crime Control and Law Enforcement, as made applicable by section 2(b) of div. W of Pub. L. 117–103, which is set out as a note under section 12291 of Title 34.

CHAPTER 95—MICROENTERPRISE TECHNICAL ASSISTANCE AND CAPACITY BUILDING PROGRAM

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§ 6901. Definitions

For purposes of this chapter, the following definitions shall apply:

(1) Administration

The term “Administration” means the Small Business Administration.

(2) Administrator

The term “Administrator” means the Administrator of the Small Business Administration.

(3) Capacity building services

The term “capacity building services” means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing its ability to provide training and services to disadvantaged entrepreneurs.

(4) Collaborative

The term “collaborative” means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this chapter.

(5) Disadvantaged entrepreneur

The term “disadvantaged entrepreneur” means a microentrepreneur that is—

- (A) a low-income person;
- (B) a very low-income person; or
- (C) an entrepreneur that lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

(6) Indian tribe

The term “Indian tribe” has the meaning given the term in section 4702 of title 12.

(7) Intermediary

The term “intermediary” means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs as authorized under section 6904 of this title.

(8) Low-income person

The term “low-income person” has the meaning given the term in section 4702 of title 12.

(9) Microentrepreneur

The term “microentrepreneur” means the owner or developer of a microenterprise.

(10) Microenterprise

The term “microenterprise” means a sole proprietorship, partnership, or corporation that—

- (A) has fewer than 5 employees; and
- (B) generally lacks access to conventional loans, equity, or other banking services.

(11) Microenterprise development organization or program

The term “microenterprise development organization or program” means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

(12) Training and technical assistance

The term “training and technical assistance” means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business

planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

(13) Very low-income person

The term “very low-income person” means having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 9902(2) of title 42, including any revision required by that section).

(Pub. L. 103-325, title I, §172, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1472.)

Statutory Notes and Related Subsidiaries**SHORT TITLE**

Pub. L. 103-325, title I, §171, as added by Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1471, provided that: “This subtitle [subtitle C (§§ 171-181) of title I of Pub. L. 103-325, as added by Pub. L. 106-102, enacting this chapter] may be cited as the ‘Program for Investment in Microentrepreneurs Act of 1999’, also referred to as the ‘PRIME Act’.”

§ 6902. Establishment of program

The Administrator shall establish a microenterprise technical assistance and capacity building grant program to provide assistance from the Administration in the form of grants to qualified organizations in accordance with this chapter.

(Pub. L. 103-325, title I, §173, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1473.)

§ 6903. Uses of assistance

A qualified organization shall use grants made under this chapter—

- (1) to provide training and technical assistance to disadvantaged entrepreneurs;
- (2) to provide training and capacity building services to microenterprise development organizations and programs and groups of such organizations to assist such organizations and programs in developing microenterprise training and services;
- (3) to aid in researching and developing the best practices in the field of microenterprise and technical assistance programs for disadvantaged entrepreneurs; and
- (4) for such other activities as the Administrator determines are consistent with the purposes of this chapter.

(Pub. L. 103-325, title I, §174, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1473.)

§ 6904. Qualified organizations

For purposes of eligibility for assistance under this chapter, a qualified organization shall be—

- (1) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a demonstrated record of delivering microenterprise services to disadvantaged entrepreneurs;
- (2) an intermediary;
- (3) a microenterprise development organization or program that is accountable to a local community, working in conjunction with a State or local government or Indian tribe; or