

policies, procedures, and controls in place to prevent the unauthorized disclosure of customer financial information and to deter and detect activities proscribed under section 6821 of this title.

(Pub. L. 106-102, title V, §525, Nov. 12, 1999, 113 Stat. 1448.)

### § 6826. Reports

#### (a) Report to the Congress

Before the end of the 18-month period beginning on November 12, 1999, the Comptroller General, in consultation with the Federal Trade Commission, Federal banking agencies, the National Credit Union Administration, the Securities and Exchange Commission, appropriate Federal law enforcement agencies, and appropriate State insurance regulators, shall submit to the Congress a report on the following:

(1) The efficacy and adequacy of the remedies provided in this subchapter in addressing attempts to obtain financial information by fraudulent means or by false pretenses.

(2) Any recommendations for additional legislative or regulatory action to address threats to the privacy of financial information created by attempts to obtain information by fraudulent means or false pretenses.

#### (b) Annual report by administering agencies

The Federal Trade Commission and the Attorney General shall submit to Congress an annual report on number and disposition of all enforcement actions taken pursuant to this subchapter.

(Pub. L. 106-102, title V, §526, Nov. 12, 1999, 113 Stat. 1448.)

### § 6827. Definitions

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

#### (1) Customer

The term “customer” means, with respect to a financial institution, any person (or authorized representative of a person) to whom the financial institution provides a product or service, including that of acting as a fiduciary.

#### (2) Customer information of a financial institution

The term “customer information of a financial institution” means any information maintained by or for a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

#### (3) Document

The term “document” means any information in any form.

#### (4) Financial institution

##### (A) In general

The term “financial institution” means any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution.

#### (B) Certain financial institutions specifically included

The term “financial institution” includes any depository institution (as defined in section 461(b)(1)(A) of title 12), any broker or dealer, any investment adviser or investment company, any insurance company, any loan or finance company, any credit card issuer or operator of a credit card system, and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 1681a(p) of this title).

#### (C) Securities institutions

For purposes of subparagraph (B)—

(i) the terms “broker” and “dealer” have the same meanings as given in section 78c of this title;

(ii) the term “investment adviser” has the same meaning as given in section 80b-2(a)(11) of this title; and

(iii) the term “investment company” has the same meaning as given in section 80a-3 of this title.

#### (D) Certain persons and entities specifically excluded

The term “financial institution” does not include any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act [7 U.S.C. 1 et seq.] and does not include the Federal Agricultural Mortgage Corporation or any entity chartered and operating under the Farm Credit Act of 1971 [12 U.S.C. 2001 et seq.].

#### (E) Further definition by regulation

The Federal Trade Commission, after consultation with Federal banking agencies and the Securities and Exchange Commission, may prescribe regulations clarifying or describing the types of institutions which shall be treated as financial institutions for purposes of this subchapter.

(Pub. L. 106-102, title V, §527, Nov. 12, 1999, 113 Stat. 1449.)

#### REFERENCES IN TEXT

The Commodity Exchange Act, referred to in par. (4)(D), is act Sept. 21, 1922, ch. 369, 42 Stat. 998, as amended, which is classified generally to chapter 1 (§1 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1 of Title 7 and Tables.

The Farm Credit Act of 1971, referred to in par. (4)(D), is Pub. L. 92-181, Dec. 10, 1971, 85 Stat. 583, as amended, which is classified generally to chapter 23 (§2001 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 12 and Tables.

### CHAPTER 95—MICROENTERPRISE TECHNICAL ASSISTANCE AND CAPACITY BUILDING PROGRAM

|            |                                      |
|------------|--------------------------------------|
| Sec. 6901. | Definitions.                         |
| 6902.      | Establishment of program.            |
| 6903.      | Uses of assistance.                  |
| 6904.      | Qualified organizations.             |
| 6905.      | Allocation of assistance; subgrants. |

|       |                              |
|-------|------------------------------|
| Sec.  |                              |
| 6906. | Matching requirements.       |
| 6907. | Applications for assistance. |
| 6908. | Recordkeeping.               |
| 6909. | Authorization.               |
| 6910. | Implementation.              |

### § 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 en-

tity, 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.)

#### 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

(4) an Indian tribe acting on its own, if the Indian tribe can certify that no private organization or program referred to in this paragraph exists within its jurisdiction.

(Pub. L. 103-325, title I, §175, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1473.)

#### § 6905. Allocation of assistance; subgrants

##### (a) Allocation of assistance

###### (1) In general

The Administrator shall allocate assistance from the Administration under this chapter to ensure that—

(A) activities described in section 6903(1) of this title are funded using not less than 75 percent of amounts made available for such assistance; and

(B) activities described in section 6903(2) of this title are funded using not less than 15 percent of amounts made available for such assistance.

###### (2) Limit on individual assistance

No single person may receive more than 10 percent of the total funds appropriated under this chapter in a single fiscal year.

##### (b) Targeted assistance

The Administrator shall ensure that not less than 50 percent of the grants made under this chapter are used to benefit very low-income persons, including those residing on Indian reservations.

##### (c) Subgrants authorized

###### (1) In general

A qualified organization receiving assistance under this chapter may provide grants using that assistance to qualified small and emerging microenterprise organizations and programs, subject to such rules and regulations as the Administrator determines to be appropriate.

###### (2) Limit on administrative expenses

Not more than 7.5 percent of assistance received by a qualified organization under this chapter may be used for administrative expenses in connection with the making of subgrants under paragraph (1).

##### (d) Diversity

In making grants under this chapter, the Administrator shall ensure that grant recipients include both large and small microenterprise organizations, serving urban, rural, and Indian tribal communities serving diverse populations.

##### (e) Prohibition on preferential consideration of certain SBA program participants

In making grants under this chapter, the Administrator shall ensure that any application

made by a qualified organization that is a participant in the program established under section 636(m) of this title does not receive preferential consideration over applications from other qualified organizations that are not participants in such program.

(Pub. L. 103-325, title I, §176, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1473.)

#### § 6906. Matching requirements

##### (a) In general

Financial assistance under this chapter shall be matched with funds from sources other than the Federal Government on the basis of not less than 50 percent of each dollar provided by the Administration.

##### (b) Sources of matching funds

Fees, grants, gifts, funds from loan sources, and in-kind resources of a grant recipient from public or private sources may be used to comply with the matching requirement in subsection (a) of this section.

##### (c) Exception

###### (1) In general

In the case of an applicant for assistance under this chapter with severe constraints on available sources of matching funds, the Administrator may reduce or eliminate the matching requirements of subsection (a) of this section.

###### (2) Limitation

Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this chapter may be excepted from the matching requirements of subsection (a) of this section, as authorized by paragraph (1) of this subsection.

(Pub. L. 103-325, title I, §177, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1474.)

#### § 6907. Applications for assistance

An application for assistance under this chapter shall be submitted in such form and in accordance with such procedures as the Administrator shall establish.

(Pub. L. 103-325, title I, §178, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1474.)

#### § 6908. Recordkeeping

The requirements of section 4714 of title 12 shall apply to a qualified organization receiving assistance from the Administration under this chapter as if it were a community development financial institution receiving assistance from the Fund under subtitle A.

(Pub. L. 103-325, title I, §179, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1474.)

#### REFERENCES IN TEXT

Subtitle A, referred to in text, is subtitle A (§§101-121) of title I of Pub. L. 103-325, Sept. 23, 1994, 108 Stat. 2163, known as the Community Development

Banking and Financial Institutions Act of 1994, which is classified principally to subchapter I (§4701 et seq.) of chapter 47 of Title 12, Banks and Banking. For complete classification of subtitle A to the Code, see Short Title note set out under section 4701 of Title 12 and Tables.

**§ 6909. Authorization**

In addition to funds otherwise authorized to be appropriated to the Fund to carry out this title,<sup>1</sup> there are authorized to be appropriated to the Administrator to carry out this chapter—

- (1) \$15,000,000 for fiscal year 2000;
- (2) \$15,000,000 for fiscal year 2001;
- (3) \$15,000,000 for fiscal year 2002; and
- (4) \$15,000,000 for fiscal year 2003.

(Pub. L. 103-325, title I, §180, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1474.)

REFERENCES IN TEXT

This title, referred to in text, is title I of Pub. L. 103-325, Sept. 23, 1994, 108 Stat. 2163. Subtitle A (§§101-121) of title I, known as the Community Development Banking and Financial Institutions Act of 1994, is classified principally to subchapter I (§4701 et seq.) of chapter 47 of Title 12, Banks and Banking. Subtitle B (§§151-158) of title I, known as the Home Ownership and Equity Protection Act of 1994, enacted sections 1639 and 1648 of this title, amended sections 1602, 1604, 1610, 1640, 1641, and 1647 of this title, and enacted provisions set out as notes under sections 1601 and 1602 of this title. Subtitle C (§§171-181) of title I, known as the Program for Investment in Microentrepreneurs Act of 1999 or PRIME Act, is classified generally to this chapter. For complete classification of title I of Pub. L. 103-325 to the Code, see Tables.

**§ 6910. Implementation**

The Administrator shall, by regulation, establish such requirements as may be necessary to carry out this chapter.

(Pub. L. 103-325, title I, §181, as added Pub. L. 106-102, title VII, §725, Nov. 12, 1999, 113 Stat. 1475.)

**CHAPTER 96—ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE**

**SUBCHAPTER I—ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE**

- |       |   |
|-------|---|
| Sec.  |   |
| 7001. | General rule of validity.                       |
| 7002. | Exemption to preemption.                        |
| 7003. | Specific exceptions.                            |
| 7004. | Applicability to Federal and State governments. |
| 7005. | Studies.  |
| 7006. | Definitions.                                    |

**SUBCHAPTER II—TRANSFERABLE RECORDS**

- 7021. Transferable records.

**SUBCHAPTER III—PROMOTION OF INTERNATIONAL ELECTRONIC COMMERCE**

- 7031. Principles governing the use of electronic signatures in international transactions.

**SUBCHAPTER I—ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE**

**§ 7001. General rule of validity**

**(a) In general**

Notwithstanding any statute, regulation, or other rule of law (other than this subchapter

and subchapter II of this chapter), with respect to any transaction in or affecting interstate or foreign commerce—

(1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and

(2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

**(b) Preservation of rights and obligations**

This subchapter does not—

(1) limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form; or

(2) require any person to agree to use or accept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract to which it is a party.

**(c) Consumer disclosures**

**(1) Consent to electronic records**

Notwithstanding subsection (a) of this section, if a statute, regulation, or other rule of law requires that information relating to a transaction or transactions in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of an electronic record to provide or make available (whichever is required) such information satisfies the requirement that such information be in writing if—

(A) the consumer has affirmatively consented to such use and has not withdrawn such consent;

(B) the consumer, prior to consenting, is provided with a clear and conspicuous statement—

(i) informing the consumer of (I) any right or option of the consumer to have the record provided or made available on paper or in nonelectronic form, and (II) the right of the consumer to withdraw the consent to have the record provided or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of such withdrawal;

(ii) informing the consumer of whether the consent applies (I) only to the particular transaction which gave rise to the obligation to provide the record, or (II) to identified categories of records that may be provided or made available during the course of the parties' relationship;

(iii) describing the procedures the consumer must use to withdraw consent as provided in clause (i) and to update information needed to contact the consumer electronically; and

(iv) informing the consumer (I) how, after the consent, the consumer may, upon

<sup>1</sup> See References in Text note below.