

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2521

To establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2005

Mr. FERGUSON (for himself and Mr. TOWNS) introduced the following bill;  
which was referred to the Committee on Government Reform

---

## A BILL

To establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Profiting from Access  
5 to Computer Technology (PACT) Act” or the “Child  
6 PACT Act”.

1 **SEC. 2. PROTECTION OF POTENTIAL EDUCATIONALLY USE-**  
2 **FUL FEDERAL EQUIPMENT.**

3 Each Federal agency shall, to the extent practicable,  
4 protect and safeguard potential educationally useful Fed-  
5 eral equipment that has been determined to be surplus,  
6 so that such equipment may be transferred under this Act.

7 **SEC. 3. EFFICIENT TRANSFER OF POTENTIAL EDUCATION-**  
8 **ALLY USEFUL FEDERAL EQUIPMENT.**

9 (a) TRANSFER OF EQUIPMENT TO GSA.—Each Fed-  
10 eral agency, to the extent permitted by law and where ap-  
11 propriate, shall—

12 (1) identify potential educationally useful Fed-  
13 eral equipment that it no longer needs or such  
14 equipment that has been declared surplus in accord-  
15 ance with section 549 of title 40, United States  
16 Code;

17 (2) erase all hard drives and other information  
18 storage devices, before transfer under paragraph (3),  
19 in accordance with standards in effect under the Na-  
20 tional Security Agency's Information Assurance Di-  
21 rectorate; and

22 (3)(A) transfer the equipment to the Adminis-  
23 trator of General Services for conveyance to edu-  
24 cational recipients; or

25 (B) transfer the equipment directly to—

1 (i) an educational recipient, through an ar-  
2 rangement made by the Administrator of Gen-  
3 eral Services under subsection (b); or

4 (ii) a nonprofit refurbisher under sub-  
5 section (d).

6 (b) ADVANCE REPORTING OF EQUIPMENT TO  
7 GSA.—Each Federal agency shall report to the Adminis-  
8 trator of General Services the anticipated availability of  
9 potential educationally useful Federal equipment as far as  
10 possible in advance of the date the equipment is to become  
11 surplus, so that the Administrator may attempt to arrange  
12 for the direct transfer from the donating agency to edu-  
13 cational recipients.

14 (c) PREFERENCE.—In carrying out conveyances to  
15 educational recipients under this Act, the Administrator  
16 of General Services shall, to the extent practicable, give  
17 particular preference to educational recipients located in  
18 an enterprise community, empowerment zone, or renewal  
19 community designated under section 1391, 1400, or  
20 1400E of the Internal Revenue Code of 1986.

21 (d) REFURBISHMENT OF POTENTIAL EDUCATION-  
22 ALLY USEFUL EQUIPMENT.—Potential educationally use-  
23 ful Federal equipment that is not classroom-usable shall  
24 be conveyed initially to a nonprofit refurbisher for upgrade  
25 before transfer to the educational recipient. The refurb-

1 bisher shall be responsible for proper disposal of any  
2 equipment that cannot be successfully refurbished.

3 (e) **LOWEST COST.**—All transfers to educational re-  
4 cipients shall be made at the lowest cost to the recipient  
5 permitted by law.

6 (f) **NOTICE OF AVAILABILITY OF EQUIPMENT.**—The  
7 Administrator of General Services shall provide notice of  
8 the anticipated availability of potential educationally use-  
9 ful Federal equipment (including nonclassroom-usable  
10 equipment) to educational recipients by all practical  
11 means, including the Internet, newspapers, nonprofit re-  
12 furbishers and community announcements.

13 (g) **FACILITATION BY REGIONAL FEDERAL EXECU-**  
14 **TIVE BOARDS.**—The regional Federal Executive Boards  
15 (as that term is used in part 960 of title 5, Code of Fed-  
16 eral Regulations) shall help facilitate the transfer of po-  
17 tential educationally useful Federal equipment from the  
18 agencies they represent to recipients eligible under this  
19 Act.

20 **SEC. 4. RULEMAKING.**

21 The Administrator of General Services shall prescribe  
22 rules and procedures to carry out this Act.

23 **SEC. 5. EFFECT ON OTHER LAWS.**

24 This Act supersedes Executive Order No. 12999 of  
25 April 17, 1996.

1 **SEC. 6. RULE OF CONSTRUCTION.**

2 This Act may not be construed to create any right  
3 or benefit, substantive or procedural, enforceable at law  
4 by a party against the United States or its agencies, offi-  
5 cers, or employees.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) The term “Federal agency” means an Exec-  
9 utive department or an Executive agency (as such  
10 terms are defined in chapter 1 of title 5, United  
11 States Code).

12 (2) The term “educational recipient” means a  
13 school or a community-based educational organiza-  
14 tion.

15 (3) The term “school” includes a pre-kinder-  
16 garten program (as that term is used in the Elemen-  
17 tary and Secondary Education Act of 1965), an ele-  
18 mentary school, a secondary school, and a local edu-  
19 cational agency (as those terms are defined in sec-  
20 tion 9101 of that Act).

21 (4) The term “community-based educational or-  
22 ganization” means a nonprofit entity that—

23 (A) is engaged in collaborative projects  
24 with schools or the primary focus of which is  
25 education; and

1 (B) qualifies as a nonprofit educational in-  
2 stitution or organization for purposes of section  
3 549(c)(3) of title 40, United States Code.

4 (5) The term “potential educationally useful  
5 Federal equipment” means computers and related  
6 peripheral tools (such as computer printers,  
7 modems, routers, and servers), including tele-  
8 communications and research equipment, that are  
9 appropriate for use by an educational recipient. The  
10 term also includes computer software, where the  
11 transfer of a license is permitted.

12 (6) The term “classroom-usable,” with respect  
13 to potential educationally useful Federal equipment,  
14 means such equipment that does not require an up-  
15 grade of hardware or software in order to be used  
16 by an educational recipient without being first trans-  
17 ferred under section 3(d) to a nonprofit refurbisher  
18 for such an upgrade.

19 (7) The term “nonprofit refurbisher” means an  
20 organization that—

21 (A) is exempt from income taxes under  
22 section 501(c) of the Internal Revenue Code of  
23 1986; and

24 (B) upgrades potential educationally useful  
25 Federal equipment that is not yet classroom-us-

1           able at no cost or low cost to the ultimate re-  
2           cipient school or community-based educational  
3           organization.

○