

111TH CONGRESS
1ST SESSION

H. R. 3465

To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mr. BUTTERFIELD (for himself, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. BORDALLO, Mr. RUSH, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

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 “Federal Electronic
5 Equipment Donation Act of 2009”.

1 **SEC. 2. REQUIREMENT TO TRANSFER USEFUL FEDERAL**
2 **ELECTRONIC EQUIPMENT TO EDUCATIONAL**
3 **RECIPIENTS.**

4 (a) TRANSFER OF EQUIPMENT TO EDUCATIONAL
5 ENTITIES.—

6 (1) IN GENERAL.—Each Federal agency shall
7 identify useful Federal electronic equipment that the
8 agency has determined is excess to its needs and—

9 (A) report such equipment to the Adminis-
10 trator of General Services for processing for
11 transfer to an educational recipient in accord-
12 ance with section 549 of title 40, United States
13 Code;

14 (B) transfer such equipment directly to an
15 educational recipient, through an arrangement
16 made by the Administrator of General Services
17 under subsection (b); or

18 (C) report such equipment to the Adminis-
19 trator of General Services as excess property if
20 transfer under subparagraph (A) or (B) is not
21 practicable.

22 (2) MANAGEMENT OF NONTRANSFERABLE
23 EQUIPMENT.—For equipment reported under para-
24 graph (1)(C), the Administrator of General Services
25 shall manage the equipment in accordance with sub-

1 chapters II and III of chapter 5 of title 40, United
2 States Code.

3 (3) EXCEPTION.—Equipment transferred pur-
4 suant to section 11(i) of the Stevenson-Wydler Tech-
5 nology Innovation Act of 1980 (15 U.S.C. 3710(i))
6 is neither transferred pursuant to this Act nor sub-
7 ject to this Act’s requirements.

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

16 (c) USE OF NONPROFIT REFURBISHERS.—In trans-
17 ferring any equipment pursuant to this Act, at the request
18 of the educational recipient and if appropriate, if the
19 equipment is not classroom-usable, the transferring agen-
20 cy shall convey the equipment initially to a nonprofit re-
21 furber for upgrade before transfer to the educational
22 recipient.

23 (d) REMOVAL OF DATA BEFORE TRANSFER.—In
24 transferring any equipment pursuant to this Act, the
25 transferring agency shall remove data from the equipment

1 prior to transfer to the educational recipient according to
2 accepted sanitization procedures. To the maximum extent
3 practicable, the transferring agency shall remove data
4 using a means that does not remove, disable, destroy, or
5 otherwise render unusable the equipment or components.

6 (e) PREFERENCE.—In transferring any equipment
7 pursuant to this Act, the transferring agency shall give
8 the highest preference to educational recipients located in
9 an enterprise community or empowerment zone designated
10 under section 1391 or 1400 of the Internal Revenue Code
11 of 1986, a qualifying small town, or a qualifying county.

12 (f) LOW COST.—Any transfer made pursuant to this
13 Act shall be made at the lowest cost to the educational
14 recipient permitted by law.

15 (g) TITLE.—Title of ownership of equipment trans-
16 ferred pursuant to this Act shall transfer to the edu-
17 cational recipient receiving the equipment.

18 (h) NOTICE OF AVAILABILITY OF EQUIPMENT.—The
19 Administrator of General Services shall provide notice of
20 the anticipated availability of useful Federal electronic
21 equipment to educational recipients by all practicable
22 means, including newspapers, community announcements,
23 and the Internet.

24 (i) FACILITATION BY REGIONAL FEDERAL EXECU-
25 TIVE BOARDS.—The regional Federal Executive Boards

1 (as that term is used in part 960 of title 5, Code of Fed-
2 eral Regulations) shall help facilitate the transfer of useful
3 Federal electronic equipment from the agencies they rep-
4 resent to educational recipients under this Act.

5 **SEC. 3. RULEMAKING.**

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

8 **SEC. 4. EFFECT ON OTHER LAWS.**

9 This Act supersedes Executive Order No. 12999 of
10 April 17, 1996.

11 **SEC. 5. RULE OF CONSTRUCTION.**

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

16 **SEC. 6. DEFINITIONS.**

17 In this Act:

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

22 (2) The term “educational recipient” means a
23 school or a community-based educational organiza-
24 tion.

1 (3) The term “school” includes a prekindergarten
2 program (as that term is used in the Elementary
3 and Secondary Education Act of 1965), an elementary
4 school, a secondary school, and a local educational
5 agency (as those terms are defined in section
6 9101 of that Act).

7 (4) The term “community based educational organization”
8 means a nonprofit entity that qualifies as a nonprofit
9 educational institution or organization for purposes of
10 section 501(c)(3) of the Internal Revenue Code of 1986 and—

12 (A) is engaged in collaborative projects,
13 the primary focus of which is education, with
14 schools, qualifying small towns, qualifying counties,
15 or libraries; or

16 (B) provides use of computers and Internet
17 access to members of the community at no
18 charge.

19 (5) The term “qualifying small town” means a
20 political subdivision with a population of not more
21 than 24,999 individuals where 20 percent or more of
22 the residents earn less than the poverty threshold
23 (as defined by the Bureau of the Census).

24 (6) The term “qualifying county” means a
25 county where 20 percent or more of the residents

1 earn less than the poverty threshold (as defined by
2 the Bureau of the Census).

3 (7) The term “useful Federal electronic equip-
4 ment”—

5 (A) means—

6 (i) computers and related peripheral
7 tools (such as computer printers, modems,
8 routers, and servers), including tele-
9 communications and research equipment;

10 (ii) fax machines; and

11 (iii) any other electronic equipment
12 determined by a Federal agency to be po-
13 tentially useful to an educational recipient;
14 and

15 (B) includes computer software, where the
16 transfer of a license is permitted.

17 (8) The term “classroom-usable”, with respect
18 to useful Federal electronic equipment, means such
19 equipment that does not require an upgrade of hard-
20 ware or software in order to be used by an edu-
21 cational recipient without being first transferred
22 under section 2(c) to a nonprofit refurbisher for
23 such an upgrade.

24 (9) The term “nonprofit refurbisher” means an
25 organization that—

1 (A) is exempt from income taxes under
 2 section 501(c) of the Internal Revenue Code of
 3 1986; and

4 (B) upgrades useful Federal electronic
 5 equipment that is not yet classroom-usable at
 6 no cost or low cost to the ultimate educational
 7 recipient.

8 **SEC. 7. PREFERENCE IN DONATION OF PERSONAL PROP-**
 9 **ERTY THROUGH STATE AGENCIES.**

10 Section 549(e)(3)(B) of title 40, United States Code,
 11 is amended—

12 (1) by striking “The state plan” and inserting
 13 the following:

14 “(i) IN GENERAL.—The state plan”;
 15 and

16 (2) by adding at the end the following new
 17 clause:

18 “(ii) PREFERENCE.—The state plan
 19 of operation shall require the state agency
 20 to give the highest preference for electronic
 21 equipment to eligible institutions (as de-
 22 scribed in subsection (c)(3)) that are lo-
 23 cated in an enterprise community or em-
 24 powerment zone designated under section
 25 1391 or 1400 of the Internal Revenue

1 Code of 1986, a political subdivision with
2 a population of not more than 24,999 indi-
3 viduals where 20 percent or more of the
4 residents earn less than the poverty thresh-
5 old (as defined by the Bureau of the Cen-
6 sus), or a county where 20 percent or more
7 of the residents earn less than poverty
8 threshold (as defined by the Bureau of the
9 Census).”.

10 **SEC. 8. REPORT TO CONGRESS.**

11 (a) REPORT REQUIRED.—Not later than 18 months
12 after the date of the enactment of this Act, the Adminis-
13 trator of General Services shall submit to Congress a re-
14 port.

15 (b) CONTENTS OF REPORT.—The report shall con-
16 tain the following:

17 (1) An inventory of items that Federal agencies
18 identified as useful Federal electronic equipment
19 that the agency has determined is excess to its needs
20 in the first 365 days after the date of the enactment
21 of this Act.

22 (2) The number of such items that were—

23 (A) transferred to educational recipients
24 pursuant to this Act;

1 (B) transferred to other Federal agencies
2 and organizations pursuant to section 521 of
3 title 40, United States Code;

4 (C) transferred to State agencies pursuant
5 to section 549 of title 40, United State Code;
6 or

7 (D) disposed of through other means.

8 (3) Recommendations for further legislation or
9 administrative action that the Administrator con-
10 siders appropriate to establish an effective system
11 for transferring excess useful Federal electronic
12 equipment to educational recipients.

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