

(3) provide ongoing maintenance of and technical support for the educationally useful Federal equipment transferred pursuant to this order.

(b) Each agency described in subsection (a) shall submit to the Office of Science and Technology Policy, within 6 months of the date of this order, an implementation plan to advance the developments described in this order, particularly those required in this section. The plan shall be consistent with approved agency budget totals and shall be coordinated through the Office of Science and Technology Policy.

(c) Nothing in this order shall be interpreted to bar a recipient of educationally useful Federal equipment from lending that equipment, whether on a permanent or temporary basis, to a teacher, administrator, student, employee, or other designated person in furtherance of educational goals.

SEC. 4. *Definitions.* For the purposes of this order: (a) "Schools" means individual public or private education institutions encompassing prekindergarten through twelfth grade, as well as public school districts.

(b) "Community-based educational organizations" means nonprofit entities that are engaged in collaborative projects with schools or that have education as their primary focus. Such organizations shall qualify as nonprofit educational institutions or organizations for purposes of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [now 40 U.S.C. 549].

(c) "Educationally useful Federal equipment" means computers and related peripheral tools (e.g., printers, modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in prekindergarten, elementary, middle, or secondary school education. It shall also include computer software, where the transfer of licenses is permitted.

(d) "Nonprofit reuse or recycling program" means a 501(c) organization able to upgrade computer equipment at no or low cost to the school or nonprofit organization taking title to it.

(e) "Federal Executive Boards," as defined in 5 C.F.R. Part 960, are regional organizations of each Federal agency's highest local officials.

SEC. 5. This order shall supersede Executive Order No. 12821 of November 16, 1992.

SEC. 6. *Judicial Review.* This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

WILLIAM J. CLINTON.

§ 549a. Donation of personal property through nonprofit refurbishers

(a) *AUTHORIZATION.*—Not later than 30 days after the date on which the Administrator provides State agencies for surplus property an opportunity to review surplus computer or technology equipment under section 549, the Administrator shall, as appropriate, transfer full title to such surplus computer or technology equipment that is determined to be eligible under subsection (b)(1) to nonprofit computer refurbishers for repair, distribution, and subsequent transfer of full title of the equipment to eligible recipients under this section.

(b) *ELIGIBILITY, PARTICIPATION, AND DUTIES.*—

(1) *ELIGIBILITY.*—Surplus computer or technology equipment is eligible for transfer under this section if a Federal agency determines that—

(A) the surplus computer or technology equipment is repairable; and

(B) the surplus computer or technology equipment meets the Guidelines for Media Sanitization issued by the National Institute

of Standards and Technology (NIST Special Publication 800-88), or any successor thereto.

(2) *PARTICIPATION.*—The Administrator may establish partnerships with nongovernmental entities, at no cost and through cooperative agreements, to facilitate the identification and participation of nonprofit computer refurbishers under this section.

(3) *DUTIES OF REFURBISHERS.*—A nonprofit computer refurbisher that receives surplus computer or technology equipment under this section shall—

(A) make necessary repairs to restore the surplus computer or technology equipment to working order;

(B) distribute the repaired surplus computer or technology equipment to eligible recipients at no cost, except to the extent—

(i) necessary to facilitate shipping and handling of such equipment; and

(ii) that such cost is consistent with any regulations promulgated by the Administrator under subsection (d);

(C) offer training programs on the use of the repaired computers and technology equipment for the recipients of the equipment; and

(D) use recyclers to the maximum extent practicable in the event that surplus computer or technology equipment transferred under this section cannot be repaired or reused.

(c) *REPORTING REQUIREMENTS.*—

(1) *REFURBISHER REPORTS.*—A nonprofit computer refurbisher that receives surplus computer or technology equipment under this section shall provide the Administrator with any information the Administrator determines to be necessary for required reporting—

(A) including information about the distribution of such equipment; and

(B) which shall not include any personal identifying information about the recipient of such equipment apart from whether a recipient is an educational institution, individual with disabilities, low-income individual, student, senior in need, or veteran for the purposes of eligibility under this section.

(2) *ADMINISTRATOR REPORTS.*—Annually and consistent with reporting requirements for transfers of Federal personal property to non-Federal entities, the Administrator shall submit to Congress and make publicly available a report that includes, for the period covered by the report—

(A) a description of the efforts of the Administrator under this section;

(B) a list of nongovernmental entities with which the Administrator had a partnership described in subsection (b)(2);

(C) a list of nonprofit computer refurbishers that received, made repairs to, and distributed surplus computer and technology equipment, including disclosure of any foreign ownership interest in a nonprofit computer refurbisher; and

(D) a list of donated and subsequently repaired surplus computer or technology equipment identifying—

(i) the Federal agency that donated the surplus computer or technology equipment;

(ii) the State and county (or similar unit of local government) where the recipient is located; and

(iii) whether the recipient is an educational institution, individual with disabilities, low-income individual, student, senior in need, or veteran.

(3) AGENCY REPORTS.—Not later than 5 years after the date of enactment of this section, and annually thereafter, the head of each Federal agency shall make publicly available a report on the number of pieces of repairable surplus computer or technology equipment that were sent to recycling, abandoned, or destroyed.

(d) REGULATIONS.—The Administrator shall issue regulations that are necessary and appropriate to implement this section, including—

(1) allowing nonprofit computer refurbishers to assess nominal fees (which shall not exceed fair market value) on recipients of refurbished surplus computer or technology equipment to facilitate shipping and handling of the surplus computer or technology equipment;

(2) determining, in coordination with other relevant Federal agencies, eligibility and certification requirements for nongovernmental entities and nonprofit computer refurbishers to participate in the program established under this section, including whether the participation of a nongovernmental entity or nonprofit computer refurbisher poses any actual or potential harm to the national security interests of the United States;

(3) establishing an efficient process for identifying eligible recipients; and

(4) determining appropriate recyclers to dispose of surplus computer or technology equipment if it cannot be repaired or refurbished under this section.

(e) JUDICIAL REVIEW.—Nothing in this section shall be construed to create any substantive or procedural right or benefit enforceable by law by a party against the United States, its agencies, its officers, or its employees.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supersede the requirements of the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480; 15 U.S.C. 3701 et seq.).

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) DIGITAL DIVIDE.—The term “digital divide” means the gap between those who have an internet-connected computer and the skills to use the computer and those who do not.

(3) DISABILITY.—The term “disability” has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(4) EDUCATIONAL INSTITUTION.—The term “educational institution” means—

(A) any public or private child care center, preschool, elementary school, secondary school, accredited institution of vocational

or professional education, or institution of higher education;

(B) in the case of an accredited institution of vocational or professional education or an institution of higher education composed of more than 1 school, college, or department that is administratively a separate unit, each such school, college, or department; and

(C) a home school (whether treated as a home school or private school for the purposes of applicable State law).

(5) ELIGIBLE RECIPIENT.—The term “eligible recipient” means an educational institution, individual with a disability, low-income individual, student, senior in need, or veteran that is residing or based in the United States.

(6) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) LOW-INCOME INDIVIDUAL.—The term “low-income individual” has the meaning given that term in section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689).

(8) NONGOVERNMENTAL ENTITY.—The term “nongovernmental entity” means an organization or group of organizations that—

(A) are not part of a Federal, State, local, Tribal, or territorial government; and

(B) are nonprofit computer refurbishers or other industry participants that—

(i) primarily work to improve access to information and communication technology in their mission to bridge the digital divide through coordination and oversight of computer refurbishment and repair; and

(ii) operate in the United States.

(9) NONPROFIT COMPUTER REFURBISHER.—The term “nonprofit computer refurbisher” means a nonprofit organization that—

(A) primarily works to improve access to information and communication technology in their mission to bridge the digital divide; and

(B) operates in the United States.

(10) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is described under section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(11) REPAIRABLE.—The term “repairable” means property that is unusable in its current state but can be economically repaired.

(12) SECONDARY SCHOOL.—The term “secondary school” has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(13) SENIOR.—The term “senior” means an individual who is 65 years of age or older.

(14) SENIOR IN NEED.—The term “senior in need” means a senior who experiences cultural, social, or geographical isolation that—

(A) restricts the ability of the senior to perform normal daily tasks; or

(B) threatens the capacity of the senior to live independently.

(15) STATE AGENCY FOR SURPLUS PROPERTY.—The term “State agency for surplus property” has the meaning given the term “state agency” under section 549(a).

(16) STUDENT.—The term “student” means any individual enrolled in an educational institution, but not a public or private child care center.

(17) SURPLUS COMPUTER OR TECHNOLOGY EQUIPMENT.—The term “surplus computer or technology equipment” means computer or technology equipment that is property described under section 549(b)(2).

(18) TECHNOLOGY EQUIPMENT.—The term “technology equipment” means any physical asset related to a computer or information technology, including any peripheral component, tablet, communication device (such as a router, server, or cell phone), printer, scanner, uninterruptible power source, cable, or connection.

(19) VETERAN.—The term “veteran” has the meaning given that term in section 101 of title 38.

(Added Pub. L. 117-328, div. Z, §103(a), Dec. 29, 2022, 136 Stat. 5524.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c)(3), is the date of enactment of Pub. L. 117-328, which was approved Dec. 29, 2022.

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (f), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (g)(10), is classified to section 501 of Title 26, Internal Revenue Code.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 117-328, div. Z, §102, Dec. 29, 2022, 136 Stat. 5523, provided that: “Congress finds the following:

“(1) Access to computers and computer technology is indispensable for success in the 21st century. Millions of Americans do not regularly use a computer and research shows that substantial disparities remain in both internet use and the quality of access, with the digital divide concentrated among older, less educated, less affluent populations, especially veterans, low-income students, and senior citizens.

“(2) The COVID-19 pandemic has highlighted the gap between those with computer access and those without. Millions of students, their families, and workers from across the economy were unable to do schoolwork, work remotely from home, or connect to loved ones and their communities because of the digital divide.

“(3) Any Federal program that distributes surplus, repairable Federal computers or technology equipment would benefit from a partnership with a non-profit organization whose mission is bridging the digital divide.”

§ 550. Disposal of real property for certain purposes

(a) DEFINITION.—In this section, the term “State” includes the District of Columbia, Puer-

to Rico, and the territories and possessions of the United States.

(b) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—

(1) IN GENERAL.—Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this title, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) SPECIFIED OFFICIAL.—The official referred to in paragraph (1) is—

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(c) PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.—

(1) ASSIGNMENT.—The Administrator, in the Administrator’s discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Education for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for school, classroom, or other educational use.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Education of a proposed transfer, the Secretary, for school, classroom, or other educational use, may sell or lease property as-