

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4785

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2002

Mr. FERGUSON (for himself, Mr. SOUDER, Mr. LATOURETTE, Mr. SMITH of New Jersey, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Government Reform

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## 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 EDUCATIONALLY USEFUL FED-**  
2 **ERAL EQUIPMENT.**

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

7 **SEC. 3. EFFICIENT TRANSFER OF EDUCATIONALLY USEFUL**  
8 **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 educationally useful Federal equip-  
13 ment that it no longer needs or such equipment that  
14 has been declared surplus in accordance with section  
15 203(j) of the Federal Property and Administrative  
16 Services Act of 1949 (40 U.S.C. 484(j));

17 (2) erase any hard drive, before transfer under  
18 paragraph (3), in accordance with standards in ef-  
19 fect under the Department of Defense Industrial Se-  
20 curity Program (Directive 5220.22 or successor au-  
21 thority); 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 educationally useful Federal equipment as far as possible  
10 in advance of the date the equipment is to become surplus,  
11 so that the Administrator may attempt to arrange for the  
12 direct transfer from the donating agency to educational  
13 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 NON-CLASSROOM-USABLE  
22 EQUIPMENT.—At the request of an educational recipient,  
23 educationally useful Federal equipment that is not class-  
24 room-usable shall be conveyed initially to a nonprofit re-

1 furbisher for upgrade before transfer to the educational  
2 recipient.

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 educationally useful Federal  
9 equipment (including non-classroom-usable equipment) to  
10 educational recipients by all practicable means, including  
11 the Internet, newspapers, and community announcements.

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

18 **SEC. 4. AGENCY TECHNICAL ASSISTANCE.**

19 Each Federal agency with employees who have com-  
20 puter expertise shall, to the extent permitted by law and  
21 in accordance with any guidelines prescribed by the Direc-  
22 tor of the Office of Personnel Management, encourage  
23 those employees—

24 (1) to help connect classrooms in schools to the  
25 Nation's information infrastructure;

1           (2) to assist teachers in schools in learning to  
2           use computers to teach; and

3           (3) to assist in providing ongoing maintenance  
4           of, and technical support for, educationally useful  
5           Federal equipment transferred to educational recipi-  
6           ents under this Act.

7 **SEC. 5. RULEMAKING.**

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

10 **SEC. 6. EFFECT ON OTHER LAWS.**

11           This Act supersedes Executive Order No. 12999 of  
12           April 17, 1996.

13 **SEC. 7. RULE OF CONSTRUCTION.**

14           This Act may not be construed to create any right  
15           or benefit, substantive or procedural, enforceable at law  
16           by a party against the United States, its agencies, officers,  
17           or employees.

18 **SEC. 8. DEFINITIONS.**

19           In this Act:

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

1           (2) The term “educational recipient” means a  
2 school or a community-based educational organiza-  
3 tion.

4           (3) The term “school” includes a prekinderg-  
5 arten program (as that term is used in the Elemen-  
6 tary and Secondary Education Act of 1965), an ele-  
7 mentary school, a secondary school, and a local edu-  
8 cational agency (as those terms are defined in sec-  
9 tion 9101 of that Act).

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

12           (A) is engaged in collaborative projects  
13 with schools or the primary focus of which is  
14 education; and

15           (B) qualifies as a nonprofit educational in-  
16 stitution or organization for purposes of section  
17 203(j)(3) of the Federal Property and Adminis-  
18 trative Services Act of 1949 (40 U.S.C.  
19 484(j)(3)).

20          (5) The term “educationally useful Federal  
21 equipment” means computers and related peripheral  
22 tools (such as computer printers, modems, routers,  
23 and servers), including telecommunications and re-  
24 search equipment, that are appropriate for use by an  
25 educational recipient. The term also includes com-

1       puter software, where the transfer of a license is  
2       permitted.

3           (6) The term “classroom-usable”, with respect  
4       to educationally useful Federal equipment, means  
5       such equipment that does not require an upgrade of  
6       hardware or software in order to be used by an edu-  
7       cational recipient without being first transferred  
8       under section 3(d) to a nonprofit refurbisher for  
9       such an upgrade.

10          (7) The term “nonprofit refurbisher” means an  
11       organization that—

12           (A) is exempt from income taxes under  
13       section 501(c) of the Internal Revenue Code of  
14       1986; and

15           (B) upgrades educationally useful Federal  
16       equipment that is not classroom-usable at no  
17       cost or low cost to the ultimate recipient school  
18       or community-based educational organization.

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