

110TH CONGRESS
1ST SESSION

H. R. 1048

To establish a program to transfer surplus computers of Federal agencies to schools, nonprofit community-based educational organizations, and families of members of the Armed Forces who are deployed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2007

Mr. FERGUSON introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To establish a program to transfer surplus computers of Federal agencies to schools, nonprofit community-based educational organizations, and families of members of the Armed Forces who are deployed, 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. DEFINITIONS.**

2 In this Act:

3 (1) **CLASSROOM-USABLE.**—The term “class-
4 room-usable”, with respect to potential educationally
5 useful Federal equipment, means such equipment
6 that does not require an upgrade of hardware or
7 software in order to be used by an educational re-
8 cipient or military family recipient without being
9 first transferred under section 4(d) to a nonprofit
10 refurbisher for such an upgrade.

11 (2) **COMMUNITY-BASED EDUCATIONAL ORGANI-
12 ZATION.**—The term “community-based educational
13 organization” means a nonprofit entity that—

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

17 (B) qualifies as a nonprofit educational in-
18 stitution or organization for purposes of section
19 549(c)(3) of title 40, United States Code.

20 (3) **EDUCATIONAL RECIPIENT.**—The term
21 “educational recipient” means a school or a commu-
22 nity-based educational organization.

23 (4) **FEDERAL AGENCY.**—The term “Federal
24 agency” means an Executive agency as defined
25 under section 105 of title 5, United States Code.

1 (5) MILITARY FAMILY RECIPIENT.—The term
2 “military family recipient” means a member of the
3 immediate family of a member of the Armed Forces
4 who is deployed.

5 (6) NONPROFIT REFURBISHER.—The term
6 “nonprofit refurbisher” means an organization
7 that—

8 (A) is described under section 501(c) of
9 the Internal Revenue Code of 1986 and exempt
10 from taxation under section 501(a) of such
11 Code; and

12 (B) upgrades potential educationally useful
13 Federal equipment that is not yet classroom-us-
14 able at no cost or low cost to the ultimate edu-
15 cational recipient or military family recipient.

16 (7) POTENTIAL EDUCATIONALLY USEFUL FED-
17 ERAL EQUIPMENT.—The term “potential education-
18 ally useful Federal equipment”—

19 (A) means computers and related periph-
20 eral tools (such as computer printers, modems,
21 routers, and servers), including telecommuni-
22 cations and research equipment, that are appro-
23 priate for use by an educational recipient or a
24 military family recipient; and

1 (B) includes computer software, if the
2 transfer of a license is permitted.

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

9 **SEC. 3. PROTECTION OF POTENTIAL EDUCATIONALLY USE-**
10 **FUL FEDERAL EQUIPMENT.**

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

15 **SEC. 4. EFFICIENT TRANSFER OF POTENTIAL EDUCATION-**
16 **ALLY USEFUL FEDERAL EQUIPMENT.**

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

20 (1) identify potential educationally useful Fed-
21 eral equipment that the Federal agency no longer
22 needs or such equipment that has been declared sur-
23 plus in accordance with section 549 of title 40,
24 United States Code;

1 (2) erase all hard drives and other information
2 storage devices, before transfer under paragraph (3),
3 in accordance with standards in effect under the Na-
4 tional Institute of Standards and Technology; Guide-
5 lines for Media Sanitization; and

6 (3)(A) transfer the equipment to the Adminis-
7 trator of General Services for transfer to educational
8 recipients or military family recipients; or

9 (B) transfer the equipment directly to—

10 (i) an educational recipient or a military
11 family recipient, through an arrangement made
12 by the Administrator of General Services under
13 subsection (b); or

14 (ii) a nonprofit refurbisher under sub-
15 section (d).

16 (b) ADVANCE REPORTING OF EQUIPMENT TO
17 GSA.—Each Federal agency shall report to the Adminis-
18 trator of General Services the anticipated availability of
19 potential educationally useful Federal equipment as far as
20 possible in advance of the date the equipment is to become
21 surplus, so that the Administrator may attempt to arrange
22 for the direct transfer from the donating agency to edu-
23 cational recipients or military family recipients.

24 (c) PREFERENCE.—In carrying out transfers to edu-
25 cational recipients and military family recipients under

1 this Act, the Administrator of General Services shall, to
2 the extent practicable, give particular preference to edu-
3 cational recipients and military family recipients located
4 in an enterprise community, empowerment zone, or re-
5 newal community designated under section 1391, 1400,
6 or 1400E of the Internal Revenue Code of 1986.

7 (d) REFURBISHMENT OF POTENTIAL EDUCATION-
8 ALLY USEFUL EQUIPMENT.—Potential educationally use-
9 ful Federal equipment that is not classroom-usable shall
10 be transferred initially to a nonprofit refurbisher for up-
11 grade before transfer to an educational recipient or mili-
12 tary family recipient. The refurbisher shall be responsible
13 for proper disposal of any equipment that cannot be suc-
14 cessfully refurbished.

15 (e) LOWEST COST.—All transfers to educational re-
16 cipients and military family recipients shall be made at
17 the lowest cost to the recipient permitted by law.

18 (f) NOTICE OF AVAILABILITY OF EQUIPMENT.—The
19 Administrator of General Services shall provide notice of
20 the anticipated availability of potential educationally use-
21 ful Federal equipment (including nonclassroom-usable
22 equipment) to educational recipients and military family
23 recipients by all practical means, including the Internet,
24 newspapers, nonprofit refurbishers and community an-
25 nouncements.

1 (g) FACILITATION BY REGIONAL FEDERAL EXECU-
2 TIVE BOARDS.—The regional Federal Executive Boards
3 (as that term is used in part 960 of title 5, Code of Fed-
4 eral Regulations) shall help facilitate the transfer of po-
5 tential educationally useful Federal equipment from the
6 agencies they represent to recipients eligible under this
7 Act.

8 **SEC. 5. RULEMAKING.**

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

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

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

14 **SEC. 7. RULE OF CONSTRUCTION.**

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

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