

116TH CONGRESS
1ST SESSION

H. R. 5495

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2019

Mr. BUTTERFIELD (for himself and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients, 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 “Federal Electronic
5 Equipment Donation Act of 2019”.

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.—The head of each Federal
7 agency shall identify useful Federal electronic equip-
8 ment that the head has determined is excess to the
9 needs of the Federal agency and—

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

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

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

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

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

3 (3) EXCEPTION.—Equipment transferred under
4 section 11(i) of the Stevenson-Wydler Technology
5 Innovation Act of 1980 (15 U.S.C. 3710(i)) is nei-
6 ther transferred pursuant to this Act nor subject to
7 the requirements of this Act.

8 (b) ADVANCE REPORTING OF EQUIPMENT TO
9 GSA.—The head of each Federal agency shall report to
10 the Administrator of General Services the availability of
11 useful Federal electronic equipment as far as possible in
12 advance of the date the equipment is expected to become
13 excess to the needs of the Federal agency, so that the Ad-
14 ministrator may attempt to arrange for the direct transfer
15 from the donating agency to educational 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 head of the trans-
20 ferring agency shall convey the equipment initially to a
21 nonprofit refurbisher for upgrade before transfer to the
22 educational recipient.

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

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

7 (e) PREFERENCE.—In transferring any equipment
8 pursuant to this Act, the head of the transferring agency
9 shall give the highest preference to educational recipients
10 located in a persistent poverty county, a qualified oppor-
11 tunity zone, an enterprise community, a qualifying small
12 town, or a qualifying county.

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

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

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

1 (i) 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 useful
5 Federal electronic equipment from the agencies they rep-
6 resent to educational recipients under this Act.

7 **SEC. 3. PREFERENCE IN DONATION OF PERSONAL PROP-**
8 **ERTY THROUGH STATE AGENCIES.**

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

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

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

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

17 “(ii) PREFERENCE.—The state plan
18 of operation shall require the state agency
19 to give the highest preference for electronic
20 equipment to eligible institutions (as de-
21 scribed in subsection (c)(3)) that are lo-
22 cated in an enterprise community or em-
23 powerment zone designated under section
24 1391 or 1400 of the Internal Revenue
25 Code of 1986, a political subdivision with

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

9 **SEC. 4. REPORT TO CONGRESS.**

10 Not later than 18 months after the date of the enact-
11 ment of this Act, the Administrator of General Services
12 shall submit to Congress a report that contains the fol-
13 lowing:

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

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

20 (A) transferred to educational recipients
21 pursuant to this Act;

22 (B) transferred to other Federal agencies
23 and organizations pursuant to section 521 of
24 title 40, United States Code;

1 (C) transferred to State agencies pursuant
2 to section 549 of title 40, United States Code;
3 or

4 (D) disposed of through other means.

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

10 **SEC. 5. RULEMAKING.**

11 Not later than 6 months after the date of the enact-
12 ment of this Act, the Administrator of General Services
13 shall prescribe rules and procedures to carry out this Act.

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

16 (1) CLASSROOM-USABLE.—The term “class-
17 room-usable”, with respect to useful Federal elec-
18 tronic equipment, means such equipment that does
19 not require an upgrade of hardware or software in
20 order to be used by an educational recipient without
21 being first transferred under section 2(c) to a non-
22 profit refurbisher for such an upgrade.

23 (2) COMMUNITY BASED EDUCATIONAL ORGANI-
24 ZATION.—The term “community based educational
25 organization” means a nonprofit entity that qualifies

1 as a nonprofit educational institution or organization
2 for purposes of section 501(c)(3) of the Internal
3 Revenue Code of 1986 and—

4 (A) is engaged in collaborative projects,
5 the primary focus of which is education, with
6 schools, qualifying small towns, qualifying coun-
7 ties, or libraries; or

8 (B) provides use of computers and internet
9 access to members of the community at no
10 charge.

11 (3) EDUCATIONAL RECIPIENT.—The term
12 “educational recipient” means a school or a commu-
13 nity-based educational organization.

14 (4) ENTERPRISE COMMUNITY.—The term “en-
15 terprise community” has the meaning given that
16 term in section 1391 of the Internal Revenue Code
17 of 1986 (26 U.S.C. 1391).

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

22 (6) NONPROFIT REFURBISHER.—The term
23 “nonprofit refurbisher” means an organization
24 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 (7) SCHOOL.—The term “school” includes an
9 early childhood education program (as that term is
10 defined in section 103 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C. 7801)),
12 an elementary school, a secondary school, and a local
13 educational agency (as those terms are defined in
14 section 8101 of that Act).

15 (8) QUALIFIED OPPORTUNITY ZONE.—The term
16 “qualified opportunity zone” has the meaning given
17 that term under section 1400Z–1 of the Internal
18 Revenue Code of 1986 (26 U.S.C. 1400Z–1).

19 (9) PERSISTENT POVERTY COUNTY.—The term
20 “persistent poverty county” means any county that
21 has had 20 percent or more of its population living
22 in poverty over the past 30 years, as measured by
23 the last three completed decennial censuses, and the
24 most recently available American Community Survey
25 5 year average.

1 (10) QUALIFYING COUNTY.—The term “quali-
2 fying county” means a county where 20 percent or
3 more of the residents earn less than the poverty
4 threshold (as defined by the Bureau of the Census).

5 (11) QUALIFYING SMALL TOWN.—The term
6 “qualifying small town” means a political subdivi-
7 sion with a population of not more than 24,999 indi-
8 viduals where 20 percent or more of the residents
9 earn less than the poverty threshold (as defined by
10 the Bureau of the Census).

11 (12) USEFUL FEDERAL ELECTRONIC EQUIP-
12 MENT.—The term “useful Federal electronic equip-
13 ment”—

14 (A) means—

15 (i) computers and related peripheral
16 tools (such as computer printers, modems,
17 routers, and servers), including tele-
18 communications and research equipment;

19 (ii) fax machines; and

20 (iii) any other electronic equipment
21 determined by a Federal agency to be po-
22 tentially useful to an educational recipient;
23 and

24 (B) includes computer software if the
25 transfer of a license is permitted.

1 **SEC. 7. EFFECT ON OTHER LAWS; RULE OF CONSTRUCTION.**

2 (a) EFFECT ON OTHER LAWS.—This Act supersedes
3 Executive Order 12999 (61 Fed. Reg. 17227; relating to
4 educational technology: ensuring opportunity for all chil-
5 dren in the next century).

6 (b) RULE OF CONSTRUCTION.—This Act may not be
7 construed to create any right or benefit, substantive or
8 procedural, enforceable at law by a party against the
9 United States or its agencies, officers, or employees.

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