

Calendar No. 582

117TH CONGRESS
2^D SESSION**H. R. 3544****[Report No. 117-224]**

IN THE SENATE OF THE UNITED STATES

JULY 13, 2022

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

DECEMBER 5, 2022

Reported by Mr. PETERS, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]**AN ACT**

To require the Administrator of General Services to transfer
certain surplus computers and technology equipment to
nonprofit computer refurbishers for repair, distribution,
and return, 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 “Computers for Vet-

5 erans and Students Act of 2022” or the “COVS Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Access to computers and computer tech-
4 nology is indispensable for success in the 21st cen-
5 tury. Millions of Americans do not regularly use a
6 computer and research shows that substantial dis-
7 parities remain in both internet use and the quality
8 of access with the digital divide concentrated among
9 older, less educated, less affluent populations, espe-
10 cially veterans, low-income students, and senior citi-
11 zens.

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

19 (3) Any Federal program that distributes sur-
20 plus Federal computers to a public school, an edu-
21 cational nonprofit, or a nonprofit computer refur-
22 bishers for repair and distribution would benefit from
23 a partnership with a nonprofit organization, whose
24 mission is bridging the digital divide.

1 **SEC. 3. REFURBISHMENT AND DISTRIBUTION OF SURPLUS**
2 **COMPUTERS AND TECHNOLOGY EQUIPMENT.**

3 (a) **GSA TRANSFER.—**

4 (1) **IN GENERAL.**—Not later than 30 days after
5 State agencies for surplus property have been given
6 an opportunity to review surplus computer or tech-
7 nology equipment that has been determined to be re-
8 pairable, the Administrator shall transfer to partici-
9 pating nonprofit computer refurbishers such equip-
10 ment with full title to such equipment, for repair
11 and distribution in accordance with subsection
12 (c)(1).

13 (2) **INFORMATION ON EQUIPMENT REFUR-**
14 **BISHED.**—A nonprofit computer refurbisher that re-
15 ceives surplus computer or technology equipment
16 under this subsection shall provide the Adminis-
17 trator with any information the Administrator deter-
18 mines to be necessary for required reporting, includ-
19 ing information about the distribution of such equip-
20 ment.

21 (b) **PARTNERSHIP.**—The Administrator may estab-
22 lish a partnership with non-governmental entities, at no
23 cost, to—

24 (1) facilitate the identification of nonprofit com-
25 puter refurbishers and the distribution of surplus

1 computer or technology equipment under this sec-
 2 tion; and

3 ~~(2) facilitate the participation of nonprofit com-~~
 4 ~~puter refurbishers under this section.~~

5 ~~(c) REPAIR AND DISTRIBUTION.—~~

6 ~~(1) DISTRIBUTION TO BRIDGE THE DIGITAL DI-~~
 7 ~~VIDE.—A nonprofit computer refurbisher that re-~~
 8 ~~ceives equipment under subsection (a) shall repair~~
 9 ~~and distribute such equipment to an educational in-~~
 10 ~~stitution, a veteran, an individual with a disability,~~
 11 ~~a low-income individual, a student, or a senior in~~
 12 ~~need that is residing or based in the United States.~~

13 ~~(2) TRAINING PROGRAMS.—Any nonprofit com-~~
 14 ~~puter refurbisher that receives any equipment under~~
 15 ~~subsection (a) shall offer training programs on the~~
 16 ~~use of computers and technology equipment for any~~
 17 ~~of the following:~~

18 ~~(A) Educational institutions.~~

19 ~~(B) Veterans.~~

20 ~~(C) Individuals with disabilities.~~

21 ~~(D) Low-income individuals.~~

22 ~~(E) Students.~~

23 ~~(F) Seniors.~~

24 ~~(d) REPORTS REQUIRED.—Not later than 1 year~~
 25 ~~after the date of the enactment of this Act, and every 2~~

1 years thereafter for the next 4 years, the Administrator
 2 shall submit to Congress a report on the efforts of the
 3 Administrator under this Act.

4 (e) AGENCY REPORTS.—Not later than 5 years after
 5 the date of the enactment of this Act, and annually there-
 6 after, the head of each Federal agency shall make a report
 7 available to the public on the number of repairable com-
 8 puters that were sent to recycling, abandoned, or de-
 9 stroyed.

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

14 (g) DEFINITIONS.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-
 16 trator” means the Administrator of General Serv-
 17 ices.

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

22 (3) EDUCATIONAL INSTITUTION.—The term
 23 “educational institution” means—

24 (A) any public or private child care center,
 25 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 one 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 a private school for purposes of applicable State law).

(4) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “federal agency” in section 102 of title 40, United States Code.

(5) 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).

(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).

1 (7) ~~LOW-INCOME INDIVIDUALS.~~—The term “low
2 income individual” has the meaning given such term
3 in section 351 of the Small Business Investment Act
4 of 1958 (15 U.S.C. 689).

5 (8) ~~NONPROFIT COMPUTER REFURBISHER.~~—
6 The term “nonprofit computer refurbisher” means a
7 nonprofit organization that primarily works to im-
8 prove access to information and communication
9 technology in their mission to bridge the digital di-
10 vide.

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

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

19 (11) ~~SECONDARY SCHOOL.~~—The term “sec-
20 ondary school” has the meaning given such term in
21 section 8101 of the Elementary and Secondary Edu-
22 cation Act of 1965.

23 (12) ~~SENIOR.~~—The term “senior” means an in-
24 dividual who is 65 years of age or older.

1 (13) SENIOR IN NEED.—The term “senior in
2 need” means a senior who experiences cultural, so-
3 cial, or geographical isolation that—

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

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

8 (14) STATE AGENCY FOR SURPLUS PROP-
9 ERTY.—The term “State agency for surplus prop-
10 erty” has the meaning given the term “state agen-
11 cy” under section 549 of title 40, United States
12 Code.

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

16 (16) SURPLUS COMPUTER OR TECHNOLOGY
17 EQUIPMENT.—The term “surplus computer or tech-
18 nology equipment” means computer or technology
19 equipment that is property described under section
20 549(b)(2) of title 40, United States Code.

21 (17) TECHNOLOGY EQUIPMENT.—The term
22 “technology equipment” means any physical asset
23 related to a computer or information technology, in-
24 cluding any peripheral component, tablet, commu-
25 nication device (such as a router, server, or cell

1 phone), printer, scanner, uninterruptible power
 2 source, cable, or connection.

3 ~~(18) VETERAN.~~—The term “veteran” has the
 4 meaning given that term in section 101 of title 38,
 5 United States Code.

6 ~~(h) REGULATIONS.~~—The Administrator may issue
 7 regulations that are necessary and appropriate to imple-
 8 ment this section.

9 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of
 11 complying with the Statutory Pay-As-You-Go Act of 2010,
 12 shall be determined by reference to the latest statement
 13 titled “Budgetary Effects of PAYGO Legislation” for this
 14 Act, submitted for printing in the Congressional Record
 15 by the Chairman of the House Budget Committee, pro-
 16 vided that such statement has been submitted prior to the
 17 vote on passage.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Computers for Veterans*
 20 *and Students Act of 2022” or the “COVS Act”.*

21 **SEC. 2. FINDINGS.**

22 *Congress finds the following:*

23 *(1) Access to computers and computer technology*
 24 *is indispensable for success in the 21st century. Mil-*
 25 *lions of Americans do not regularly use a computer*

1 *and research shows that substantial disparities re-*
 2 *main in both internet use and the quality of access,*
 3 *with the digital divide concentrated among older, less*
 4 *educated, less affluent populations, especially vet-*
 5 *erans, low-income students, and senior citizens.*

6 *(2) The COVID–19 pandemic has highlighted the*
 7 *gap between those with computer access and those*
 8 *without. Millions of students, their families, and*
 9 *workers from across the economy were unable to do*
 10 *schoolwork, work remotely from home, or connect to*
 11 *loved ones and their communities because of the dig-*
 12 *ital divide.*

13 *(3) Any Federal program that distributes sur-*
 14 *plus, repairable Federal computers or technology*
 15 *equipment would benefit from a partnership with a*
 16 *nonprofit organization whose mission is bridging the*
 17 *digital divide.*

18 **SEC. 3. REFURBISHMENT AND DISTRIBUTION OF SURPLUS**

19 **COMPUTERS AND TECHNOLOGY EQUIPMENT.**

20 *(a) IN GENERAL.—Subchapter III of chapter 5 of title*
 21 *40, United States Code, is amended by inserting after sec-*
 22 *tion 549 the following:*

1 **“§ 549a. Donation of personal property through non-**
 2 **profit refurbishers**

3 “(a) *AUTHORIZATION.*—Not later than 30 days after
 4 the date on which the Administrator provides State agencies
 5 for surplus property an opportunity to review surplus com-
 6 puter or technology equipment under section 549, the Ad-
 7 ministrator shall, as appropriate, transfer full title to such
 8 surplus computer or technology equipment that is deter-
 9 mined to be eligible under subsection (b)(1) to nonprofit
 10 computer refurbishers for repair, distribution, and subse-
 11 quent transfer of full title of the equipment to eligible recipi-
 12 ents under this section.

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

14 “(1) *ELIGIBILITY.*—Surplus computer or tech-
 15 nology equipment is eligible for transfer under this
 16 section if a Federal agency determines that—

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

19 “(B) the surplus computer or technology
 20 equipment meets the Guidelines for Media Sani-
 21 tization issued by the National Institute of
 22 Standards and Technology (NIST Special Publi-
 23 cation 800–88), or any successor thereto.

24 “(2) *PARTICIPATION.*—The Administrator may
 25 establish partnerships with nongovernmental entities,
 26 at no cost and through cooperative agreements, to fa-

1 *cilitate the identification and participation of non-*
 2 *profit computer refurbishers under this section.*

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

6 “(A) *make necessary repairs to restore the*
 7 *surplus computer or technology equipment to*
 8 *working order;*

9 “(B) *distribute the repaired surplus com-*
 10 *puter or technology equipment to eligible recipi-*
 11 *ents at no cost, except to the extent—*

12 “(i) *necessary to facilitate shipping*
 13 *and handling of such equipment; and*

14 “(ii) *that such cost is consistent with*
 15 *any regulations promulgated by the Admin-*
 16 *istrator under subsection (d);*

17 “(C) *offer training programs on the use of*
 18 *the repaired computers and technology equip-*
 19 *ment for the recipients of the equipment; and*

20 “(D) *use recyclers to the maximum extent*
 21 *practicable in the event that surplus computer or*
 22 *technology equipment transferred under this sec-*
 23 *tion cannot be repaired or reused.*

24 “(c) *REPORTING REQUIREMENTS.—*

1 “(1) *REFURBISHER REPORTS.*—A nonprofit
2 *computer refurbisher that receives surplus computer*
3 *or technology equipment under this section shall pro-*
4 *vide the Administrator with any information the Ad-*
5 *ministrator determines to be necessary for required*
6 *reporting—*

7 “(A) *including information about the dis-*
8 *tribution of such equipment; and*

9 “(B) *which shall not include any personal*
10 *identifying information about the recipient of*
11 *such equipment apart from whether a recipient*
12 *is an educational institution, individual with*
13 *disabilities, low-income individual, student, sen-*
14 *ior in need, or veteran for the purposes of eligi-*
15 *bility under this section.*

16 “(2) *ADMINISTRATOR REPORTS.*—*Annually and*
17 *consistent with reporting requirements for transfers of*
18 *Federal personal property to non-Federal entities, the*
19 *Administrator shall submit to Congress and make*
20 *publicly available a report that includes, for the pe-*
21 *riod covered by the report—*

22 “(A) *a description of the efforts of the Ad-*
23 *ministrator under this section;*

1 “(B) a list of nongovernmental entities with
2 which the Administrator had a partnership de-
3 scribed in subsection (b)(2);

4 “(C) a list of nonprofit computer refur-
5 bishers that received, made repairs to, and dis-
6 tributed surplus computer and technology equip-
7 ment, including disclosure of any foreign owner-
8 ship interest in a nonprofit computer refur-
9 bisher; and

10 “(D) a list of donated and subsequently re-
11 paired surplus computer or technology equip-
12 ment identifying—

13 “(i) the Federal agency that donated
14 the surplus computer or technology equip-
15 ment;

16 “(ii) the State and county (or similar
17 unit of local government) where the recipi-
18 ent is located; and

19 “(iii) whether the recipient is an edu-
20 cational institution, individual with dis-
21 abilities, low-income individual, student,
22 senior in need, or veteran.

23 “(3) AGENCY REPORTS.—Not later than 5 years
24 after the date of enactment of this section, and annu-
25 ally thereafter, the head of each Federal agency shall

1 *make publicly available a report on the number of*
2 *pieces of repairable surplus computer or technology*
3 *equipment that were sent to recycling, abandoned, or*
4 *destroyed.*

5 “(d) *REGULATIONS.—The Administrator shall issue*
6 *regulations that are necessary and appropriate to imple-*
7 *ment this section, including—*

8 “(1) *allowing nonprofit computer refurbishers to*
9 *assess nominal fees (which shall not exceed fair mar-*
10 *ket value) on recipients of refurbished surplus com-*
11 *puter or technology equipment to facilitate shipping*
12 *and handling of the surplus computer or technology*
13 *equipment;*

14 “(2) *determining, in coordination with other rel-*
15 *evant Federal agencies, eligibility and certification*
16 *requirements for nongovernmental entities and non-*
17 *profit computer refurbishers to participate in the pro-*
18 *gram established under this section, including whether*
19 *the participation of a nongovernmental entity or non-*
20 *profit computer refurbisher poses any actual or poten-*
21 *tial harm to the national security interests of the*
22 *United States;*

23 “(3) *establishing an efficient process for identi-*
24 *fying eligible recipients; and*

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

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

8 “(f) *RULE OF CONSTRUCTION.—Nothing in this sec-*
 9 *tion may be construed to supersede the requirements of the*
 10 *Stevenson-Wydler Technology Innovation Act of 1980 (Pub-*
 11 *lic Law 96–480; 15 U.S.C. 3701 et seq.).*

12 “(g) *DEFINITIONS.—In this section:*

13 “(1) *ADMINISTRATOR.—The term ‘Adminis-*
 14 *trator’ means the Administrator of General Services.*

15 “(2) *DIGITAL DIVIDE.—The term ‘digital divide’*
 16 *means the gap between those who have an internet-*
 17 *connected computer and the skills to use the computer*
 18 *and those who do not.*

19 “(3) *DISABILITY.—The term ‘disability’ has the*
 20 *meaning given that term in section 3 of the Ameri-*
 21 *cans with Disabilities Act of 1990 (42 U.S.C. 12102).*

22 “(4) *EDUCATIONAL INSTITUTION.—The term*
 23 *‘educational institution’ means—*

24 “(A) *any public or private child care cen-*
 25 *ter, preschool, elementary school, secondary*

1 *school, accredited institution of vocational or*
 2 *professional education, or institution of higher*
 3 *education;*

4 *“(B) in the case of an accredited institution*
 5 *of vocational or professional education or an in-*
 6 *stitution of higher education composed of more*
 7 *than 1 school, college, or department that is ad-*
 8 *ministratively a separate unit, each such school,*
 9 *college, or department; and*

10 *“(C) a home school (whether treated as a*
 11 *home school or private school for the purposes of*
 12 *applicable State law).*

13 *“(5) ELIGIBLE RECIPIENT.—The term ‘eligible*
 14 *recipient’ means an educational institution, indi-*
 15 *vidual with a disability, low-income individual, stu-*
 16 *dent, senior in need, or veteran that is residing or*
 17 *based in the United States.*

18 *“(6) INSTITUTION OF HIGHER EDUCATION.—The*
 19 *term ‘institution of higher education’ has the meaning*
 20 *given that term in section 101 of the Higher Edu-*
 21 *cation Act of 1965 (20 U.S.C. 1001).*

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

1 “(8) *NONGOVERNMENTAL ENTITY.*—*The term*
2 *‘nongovernmental entity’ means an organization or*
3 *group of organizations that—*

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

6 “(B) *are nonprofit computer refurbishers or*
7 *other industry participants that—*

8 “(i) *primarily work to improve access*
9 *to information and communication tech-*
10 *nology in their mission to bridge the digital*
11 *divide through coordination and oversight*
12 *of computer refurbishment and repair; and*

13 “(ii) *operate in the United States.*

14 “(9) *NONPROFIT COMPUTER REFURBISHER.*—
15 *The term ‘nonprofit computer refurbisher’ means a*
16 *nonprofit organization that—*

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

20 “(B) *operates in the United States.*

21 “(10) *NONPROFIT ORGANIZATION.*—*The term*
22 *‘nonprofit organization’ means an organization that*
23 *is described under section 501(c)(3) of the Internal*
24 *Revenue Code of 1986 and is exempt from taxation*
25 *under section 501(a) of such Code.*

1 “(11) *REPAIRABLE*.—The term ‘repairable’
2 *means property that is unusable in its current state*
3 *but can be economically repaired.*

4 “(12) *SECONDARY SCHOOL*.—The term ‘sec-
5 *ondary school’ has the meaning given that term in*
6 *section 8101 of the Elementary and Secondary Edu-*
7 *cation Act of 1965 (20 U.S.C. 7801).*

8 “(13) *SENIOR*.—The term ‘senior’ means an in-
9 *dividual who is 65 years of age or older.*

10 “(14) *SENIOR IN NEED*.—The term ‘senior in
11 *need’ means a senior who experiences cultural, social,*
12 *or geographical isolation that—*

13 “(A) *restricts the ability of the senior to*
14 *perform normal daily tasks; or*

15 “(B) *threatens the capacity of the senior to*
16 *live independently.*

17 “(15) *STATE AGENCY FOR SURPLUS PROP-*
18 *ERTY*.—The term ‘State agency for surplus property’
19 *has the meaning given the term ‘state agency’ under*
20 *section 549(a).*

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

24 “(17) *SURPLUS COMPUTER OR TECHNOLOGY*
25 *EQUIPMENT*.—The term ‘surplus computer or tech-

1 *nology equipment’ means computer or technology*
 2 *equipment that is property described under section*
 3 *549(b)(2).*

4 “(18) *TECHNOLOGY EQUIPMENT.*—*The term*
 5 *‘technology equipment’ means any physical asset re-*
 6 *lated to a computer or information technology, in-*
 7 *cluding any peripheral component, tablet, commu-*
 8 *nication device (such as a router, server, or cell*
 9 *phone), printer, scanner, uninterruptible power*
 10 *source, cable, or connection.*

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

13 (b) *CONFORMING AMENDMENT.*—*The table of sections*
 14 *for chapter 5 of title 40, United States Code, is amended*
 15 *by inserting after the item relating to section 549 the fol-*
 16 *lowing:*

“549a. Donation of personal property through nonprofit refurbishers.”.

17 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

18 *The budgetary effects of this Act, for the purpose of*
 19 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
 20 *shall be determined by reference to the latest statement titled*
 21 *“Budgetary Effects of PAYGO Legislation” for this Act,*
 22 *submitted for printing in the Congressional Record by the*
 23 *Chairman of the Senate Budget Committee, provided that*
 24 *such statement has been submitted prior to the vote on pas-*
 25 *sage.*

Amend the title so as to read: “An Act to authorize the Administrator of General Services to transfer certain surplus computers and technology equipment to nonprofit computer refurbishers for repair and distribution, and for other purposes.”.

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117TH CONGRESS
2D Session

H. R. 3544

[Report No. 117-224]

AN ACT

To require the Administrator of General Services to transfer certain surplus computers and technology equipment to nonprofit computer refur-bishers for repair, distribution, and return, and for other purposes.

DECEMBER 5, 2022

Reported with an amendment and an amendment to the title