

**AMENDMENT OFFERED BY MR. BUTTERFIELD OF  
NORTH CAROLINA  
TO THE RULES COMMITTEE PRINT OF H.R.1734,  
AS REPORTED**

At the end, add the following new section:

1 **SEC. 22. FEDERAL ELECTRONIC EQUIPMENT DONATION**

2 **ACT.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Federal Electronic Equipment Donation Act”.

5 (b) **REQUIREMENT TO TRANSFER USEFUL FEDERAL**  
6 **ELECTRONIC EQUIPMENT TO EDUCATIONAL RECIPI-**  
7 **ENTS.**—

8 (1) **TRANSFER OF EQUIPMENT TO EDU-**  
9 **CATIONAL ENTITIES.**—

10 (A) **IN GENERAL.**—Each Federal agency  
11 shall identify useful Federal electronic equip-  
12 ment that the agency has determined is excess  
13 to its needs and—

14 (i) report such equipment to the Ad-  
15 ministrator of General Services for proc-  
16 essing for transfer to an educational recipi-  
17 ent in accordance with section 549 of title  
18 40, United States Code;

1 (ii) transfer such equipment directly  
2 to an educational recipient, through an ar-  
3 rangement made by the Administrator of  
4 General Services under paragraph (2); or

5 (iii) report such equipment to the Ad-  
6 ministrator of General Services as excess  
7 property if transfer under clause (i) or (ii)  
8 is not practicable.

9 (B) MANAGEMENT OF NONTRANSFERABLE  
10 EQUIPMENT.—For equipment reported under  
11 subparagraph (A)(iii), the Administrator of  
12 General Services shall manage the equipment in  
13 accordance with subchapters II and III of chap-  
14 ter 5 of title 40, United States Code.

15 (C) EXCEPTION.—Equipment transferred  
16 pursuant to section 11(i) of the Stevenson-  
17 Wydler Technology Innovation Act of 1980 (15  
18 U.S.C. 3710(i)) is neither transferred pursuant  
19 to this section nor subject to this section's re-  
20 quirements.

21 (2) ADVANCE REPORTING OF EQUIPMENT TO  
22 GSA.—Each Federal agency shall report to the Ad-  
23 ministrator of General Services the availability of  
24 useful Federal electronic equipment as far as pos-  
25 sible in advance of the date the equipment is ex-

1       pected to become excess to its needs, so that the Ad-  
2       ministrator may attempt to arrange for the direct  
3       transfer from the donating agency to educational re-  
4       cipients.

5           (3) USE OF NONPROFIT REFURBISHERS.—In  
6       transferring any equipment pursuant to this section,  
7       at the request of the educational recipient and if ap-  
8       propriate, if the equipment is not classroom-usable,  
9       the transferring agency shall convey the equipment  
10      initially to a nonprofit refurbisher for upgrade before  
11      transfer to the educational recipient.

12          (4) REMOVAL OF DATA BEFORE TRANSFER.—In  
13      transferring any equipment pursuant to this section,  
14      the transferring agency shall remove data from the  
15      equipment prior to transfer to the educational recipi-  
16      ent according to accepted sanitization procedures.  
17      To the maximum extent practicable, the transferring  
18      agency shall remove data using a means that does  
19      not remove, disable, destroy, or otherwise render un-  
20      usable the equipment or components.

21          (5) PREFERENCE.—In transferring any equip-  
22      ment pursuant to this section, the transferring agen-  
23      cy shall give the highest preference to educational  
24      recipients located in an enterprise community or em-  
25      powerment zone designated under section 1391 or

1 1400 of the Internal Revenue Code of 1986, a quali-  
2 fying small town, or a qualifying county.

3 (6) LOW COST.—Any transfer made pursuant  
4 to this section shall be made at the lowest cost to  
5 the educational recipient permitted by law.

6 (7) TITLE.—Title of ownership of equipment  
7 transferred pursuant to this section shall transfer to  
8 the educational recipient receiving the equipment.

9 (8) NOTICE OF AVAILABILITY OF EQUIP-  
10 MENT.—The Administrator of General Services shall  
11 provide notice of the anticipated availability of useful  
12 Federal electronic equipment to educational recipi-  
13 ents by all practicable means, including newspapers,  
14 community announcements, and the Internet.

15 (9) FACILITATION BY REGIONAL FEDERAL EX-  
16 ECUTIVE BOARDS.—The regional Federal Executive  
17 Boards (as that term is used in part 960 of title 5,  
18 Code of Federal Regulations) shall help facilitate the  
19 transfer of useful Federal electronic equipment from  
20 the agencies they represent to educational recipients  
21 under this section.

22 (c) RULEMAKING.—The Administrator of General  
23 Services shall prescribe rules and procedures to carry out  
24 this section.

1 (d) EFFECT ON OTHER LAWS.—This section super-  
2 sedes Executive Order No. 12999 of April 17, 1996.

3 (e) RULE OF CONSTRUCTION.—This section may not  
4 be construed to create any right or benefit, substantive  
5 or procedural, enforceable at law by a party against the  
6 United States or its agencies, officers, or employees.

7 (f) DEFINITIONS.—In this section:

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

12 (2) The term “educational recipient” means a  
13 school or a community-based educational organiza-  
14 tion.

15 (3) The term “school” includes a prekind-  
16 garten program (as that term is used in the Elemen-  
17 tary and Secondary Education Act of 1965), an ele-  
18 mentary school, a secondary school, and a local edu-  
19 cational agency (as those terms are defined in sec-  
20 tion 9101 of that Act).

21 (4) The term “community based educational or-  
22 ganization” means a nonprofit entity that qualifies  
23 as a nonprofit educational institution or organization  
24 for purposes of section 501(c)(3) of the Internal  
25 Revenue Code of 1986 and—

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

5 (B) provides use of computers and Internet  
6 access to members of the community at no  
7 charge.

8 (5) The term “qualifying small town” means a  
9 political subdivision with a population of not more  
10 than 24,999 individuals where 20 percent or more of  
11 the residents earn less than the poverty threshold  
12 (as defined by the Bureau of the Census).

13 (6) The term “qualifying county” means a  
14 county where 20 percent or more of the residents  
15 earn less than the poverty threshold (as defined by  
16 the Bureau of the Census).

17 (7) The term “useful Federal electronic equip-  
18 ment”—

19 (A) means—

20 (i) computers and related peripheral  
21 tools (such as computer printers, modems,  
22 routers, and servers), including tele-  
23 communications and research equipment;

24 (ii) fax machines; and

1 (iii) any other electronic equipment  
2 determined by a Federal agency to be po-  
3 tentially useful to an educational recipient;  
4 and

5 (B) includes computer software, where the  
6 transfer of a license is permitted.

7 (8) The term “classroom-usable”, with respect  
8 to useful Federal electronic equipment, means such  
9 equipment that does not require an upgrade of hard-  
10 ware or software in order to be used by an edu-  
11 cational recipient without being first transferred  
12 under subsection (b)(3) to a nonprofit refurbisher  
13 for such an upgrade.

14 (9) The term “nonprofit refurbisher” means an  
15 organization that—

16 (A) is exempt from income taxes under  
17 section 501(c) of the Internal Revenue Code of  
18 1986; and

19 (B) upgrades useful Federal electronic  
20 equipment that is not yet classroom-usable at  
21 no cost or low cost to the ultimate educational  
22 recipient.

23 (g) PREFERENCE IN DONATION OF PERSONAL PROP-  
24 erty THROUGH STATE AGENCIES.—Section 549(e)(3)(B)  
25 of title 40, United States Code, is amended—

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

3                       “(i) IN GENERAL.—The state plan”;

4                       and

5           (2) by adding at the end the following new  
6           clause:

7                       “(ii) PREFERENCE.—The state plan  
8                       of operation shall require the state agency  
9                       to give the highest preference for electronic  
10                      equipment to eligible institutions (as de-  
11                      scribed in subsection (c)(3)) that are lo-  
12                      cated in an enterprise community or em-  
13                      powerment zone designated under section  
14                      1391 or 1400 of the Internal Revenue  
15                      Code of 1986, a political subdivision with  
16                      a population of not more than 24,999 indi-  
17                      viduals where 20 percent or more of the  
18                      residents earn less than the poverty thresh-  
19                      old (as defined by the Bureau of the Cen-  
20                      sus), or a county where 20 percent or more  
21                      of the residents earn less than poverty  
22                      threshold (as defined by the Bureau of the  
23                      Census).”.

24           (h) REPORT TO CONGRESS.—



1           (1) REPORT REQUIRED.—Not later than 18  
2 months after the date of the enactment of this Act,  
3 the Administrator of General Services shall submit  
4 to Congress a report.

5           (2) CONTENTS OF REPORT.—The report shall  
6 contain the following:

7           (A) An inventory of items that Federal  
8 agencies identified as useful Federal electronic  
9 equipment that the agency has determined is  
10 excess to its needs in the first 365 days after  
11 the date of the enactment of this Act.

12           (B) The number of such items that were—

13           (i) transferred to educational recipi-  
14 ents pursuant to this section;

15           (ii) transferred to other Federal agen-  
16 cies and organizations pursuant to section  
17 521 of title 40, United States Code;

18           (iii) transferred to State agencies pur-  
19 suant to section 549 of title 40, United  
20 State Code; or

21           (iv) disposed of through other means.

22           (C) Recommendations for further legisla-  
23 tion or administrative action that the Adminis-  
24 trator considers appropriate to establish an ef-  
25 fective system for transferring excess useful

- 1 Federal electronic equipment to educational re-
- 2 cipients.

