

110TH CONGRESS  
1ST SESSION

# H. R. 752

To direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2007

Mr. BUTTERFIELD (for himself, Mr. CONYERS, Ms. LEE, Mr. HONDA, and Mr. BACA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries.

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 2007”.

1 **SEC. 2. REQUIREMENT TO DONATE USEFUL FEDERAL**  
2 **ELECTRONIC EQUIPMENT TO QUALIFYING**  
3 **RECIPIENTS.**

4 (a) **TRANSFER OF EQUIPMENT TO QUALIFYING EN-**  
5 **TITIES.**—Each Federal agency shall identify useful Fed-  
6 eral electronic equipment that the agency has determined  
7 is surplus property and—

8 (1) transfer such equipment to the Adminis-  
9 trator of General Services for transfer for donation  
10 to a qualifying recipient in accordance with section  
11 549 of title 40, United States Code;

12 (2) transfer such equipment directly to a quali-  
13 fying recipient, through an arrangement made by  
14 the Administrator of General Services under sub-  
15 section (b); or

16 (3) transfer such equipment directly to a quali-  
17 fying recipient pursuant to section 11(i) of the Ste-  
18 venson-Wydler Technology Innovation Act of 1980  
19 (15 U.S.C. 3710(i)) and in accordance with sub-  
20 section (c).

21 (b) **ADVANCE REPORTING OF EQUIPMENT TO**  
22 **GSA.**—Each Federal agency shall report to the Adminis-  
23 trator of General Services the availability of useful Federal  
24 electronic equipment as far as possible in advance of the  
25 date the equipment is expected to become surplus, so that

1 the Administrator may attempt to arrange for the direct  
2 transfer from the donating agency to qualifying recipients.

3 (c) TRANSFERS UNDER STEVENSON-WYDLER.—

4 With respect to any transfer described in subsection  
5 (a)(3), if the equipment is not classroom-usable, the equip-  
6 ment shall be conveyed initially to a nonprofit refurbisher  
7 for upgrade before transfer to the recipient.

8 (d) PREFERENCE.—In transferring any equipment  
9 pursuant to this Act, the Administrator of General Serv-  
10 ices shall give the highest preference to qualifying recipi-  
11 ents located in an enterprise community or empowerment  
12 zone designated under section 1391 or 1400 of the Inter-  
13 nal Revenue Code of 1986.

14 (e) LOW COST.—Any transfer made pursuant to this  
15 Act shall be made at the lowest cost to the qualifying re-  
16 cipient permitted by law.

17 (f) NOTICE OF AVAILABILITY OF EQUIPMENT.—The  
18 Administrator of General Services shall provide notice of  
19 the anticipated availability of useful Federal electronic  
20 equipment to qualifying recipients by all practicable  
21 means, including newspapers, community announcements,  
22 and the Internet.

23 (g) FACILITATION BY REGIONAL FEDERAL EXECU-  
24 TIVE BOARDS.—The regional Federal Executive Boards  
25 (as that term is used in part 960 of title 5, Code of Fed-

1 eral Regulations) shall help facilitate the transfer of useful  
2 Federal electronic equipment from the agencies they rep-  
3 resent to qualifying recipients under this Act.

4 **SEC. 3. RULEMAKING.**

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

7 **SEC. 4. EFFECT ON OTHER LAWS.**

8 This Act supersedes Executive Order No. 12999 of  
9 April 17, 1996.

10 **SEC. 5. RULE OF CONSTRUCTION.**

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

15 **SEC. 6. DEFINITIONS.**

16 In this Act:

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

21 (2) The term “qualifying recipient” means any  
22 of the following:

23 (A) An educational recipient.

24 (B) A qualifying small town.

25 (C) A qualifying county.

1 (D) A library.

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

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

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

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

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

19 (6) The term “qualifying small town” means a  
20 political subdivision with a population of not more  
21 than 24,999 individuals where 20 percent or more of  
22 the residents earn less than the poverty threshold  
23 (as defined by the Bureau of the Census).

24 (7) The term “qualifying county” means a  
25 county where 20 percent or more of the residents

1       earn less than the poverty threshold (as defined by  
2       the Bureau of the Census).

3               (8) The term “useful Federal electronic equip-  
4       ment”—

5                       (A) means—

6                               (i) computers and related peripheral  
7                               tools (such as computer printers, modems,  
8                               routers, and servers), including tele-  
9                               communications and research equipment;

10                              (ii) fax machines; and

11                              (iii) any other electronic equipment  
12                              determined by a Federal agency to be po-  
13                              tentially useful to a qualifying recipient;  
14                              and

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

17               (9) The term “classroom-usable,” with respect  
18       to useful Federal electronic equipment, means such  
19       equipment that does not require an upgrade of hard-  
20       ware or software in order to be used by an edu-  
21       cational recipient without being first transferred  
22       under section 2(c) to a nonprofit refurbisher for  
23       such an upgrade.

24               (10) The term “nonprofit refurbisher” means  
25       an organization that—

1           (A) is exempt from income taxes under  
2 section 501(e) 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 recipient  
7 school or community-based educational organi-  
8 zation.

○