

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 752
OFFERED BY MR. TOWNS OF NEW YORK

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Electronic
3 Equipment Donation Act of 2008”.

4 SEC. 2. REQUIREMENT TO TRANSFER USEFUL FEDERAL
5 ELECTRONIC EQUIPMENT TO EDUCATIONAL
6 RECIPIENTS.

7 (a) TRANSFER OF EQUIPMENT TO EDUCATIONAL
8 ENTITIES.—Each Federal agency shall identify useful
9 Federal electronic equipment that the agency has deter-
10 mined is excess to its needs and—

11 (1) report such equipment to the Administrator
12 of General Services for processing for transfer to an
13 educational recipient in accordance with section 549
14 of title 40, United States Code;

15 (2) transfer such equipment directly to an edu-
16 cational recipient, through an arrangement made by
17 the Administrator of General Services under sub-
18 section (b); or

1 (3) transfer such equipment directly to an edu-
2 cational recipient pursuant to section 11(i) of the
3 Stevenson-Wydler Technology Innovation Act of
4 1980 (15 U.S.C. 3710(i)).

5 (b) ADVANCE REPORTING OF EQUIPMENT TO
6 GSA.—Each Federal agency shall report to the Adminis-
7 trator of General Services the availability of useful Federal
8 electronic equipment as far as possible in advance of the
9 date the equipment is expected to become excess to its
10 needs, so that the Administrator may attempt to arrange
11 for the direct transfer from the donating agency to edu-
12 cational recipients.

13 (c) USE OF NONPROFIT REFURBISHERS.—In trans-
14 ferring any equipment pursuant to this Act, at the request
15 of the educational recipient and if appropriate, if the
16 equipment is not classroom-usable, the transferring agen-
17 cy shall convey the equipment initially to a nonprofit re-
18 furbisher for upgrade before transfer to the educational
19 recipient.

20 (d) REMOVAL OF DATA BEFORE TRANSFER.—In
21 transferring any equipment pursuant to this Act, the
22 transferring agency shall remove data from the equipment
23 prior to transfer to the educational recipient according to
24 accepted sanitization procedures. To the maximum extent
25 practicable, the transferring agency shall remove data

1 using a means that does not remove, disable, destroy, or
2 otherwise render unusable the equipment or components.

3 (e) PREFERENCE.—In transferring any equipment
4 pursuant to this Act, the transferring agency shall give
5 the highest preference to educational recipients located in
6 an enterprise community or empowerment zone designated
7 under section 1391 or 1400 of the Internal Revenue Code
8 of 1986, a qualifying small town, or a qualifying county.

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

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

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

21 (i) FACILITATION BY REGIONAL FEDERAL EXECU-
22 TIVE BOARDS.—The regional Federal Executive Boards
23 (as that term is used in part 960 of title 5, Code of Fed-
24 eral Regulations) shall help facilitate the transfer of useful

1 Federal electronic equipment from the agencies they rep-
2 resent to educational recipients under this Act.

3 **SEC. 3. RULEMAKING.**

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

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

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

9 **SEC. 5. RULE OF CONSTRUCTION.**

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

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

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

20 (2) The term “educational recipient” means a
21 school or a community-based educational organiza-
22 tion.

23 (3) The term “school” includes a pre-kinder-
24 garten program (as that term is used in the Elemen-
25 tary and Secondary Education Act of 1965), an ele-

1 mentary school, a secondary school, and a local edu-
2 cational agency (as those terms are defined in sec-
3 tion 9101 of that Act.)

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

9 (A) is engaged in collaborative projects,
10 the primary focus of which is education, with
11 schools, qualifying small towns, qualifying coun-
12 ties, or libraries; or

13 (B) provides use of computers and Internet
14 access to members of the community at no
15 charge.

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

21 (6) The term “qualifying county” means a
22 county where 20 percent or more of the residents
23 earn less than the poverty threshold (as defined by
24 the Bureau of the Census).

1 (7) The term “useful Federal electronic equip-
2 ment”—

3 (A) means—

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

8 (ii) fax machines; and

9 (iii) any other electronic equipment
10 determined by a Federal agency to be po-
11 tentially useful to an educational recipient;
12 and

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

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

22 (9) The term “nonprofit refurbisher” means an
23 organization 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 **SEC. 7. PREFERENCE IN DONATION OF PERSONAL PROP-**
9 **ERTY THROUGH STATE AGENCIES.**

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

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

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

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

18 “(ii) PREFERENCE.—The state plan
19 of operation shall require the state agency
20 to give the highest preference to interested
21 public agencies and other eligible institu-
22 tions that are located in an enterprise com-
23 munity or empowerment zone designated
24 under section 1391 or 1400 of the Internal
25 Revenue Code of 1986, a political subdivi-

1 sion with a population of not more than
2 24,999 individuals where 20 percent or
3 more of the residents earn less than the
4 poverty threshold (as defined by the Bu-
5 reau of the Census), or a county where 20
6 percent or more of the residents earn less
7 than poverty threshold (as defined by the
8 Bureau of the Census).”.

Amend the title so as to read: “A bill to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.”.