

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H. R. 3544

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. HASSAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Access to computers and computer tech-
9 nology is indispensable for success in the 21st cen-
10 tury. Millions of Americans do not regularly use a
11 computer and research shows that substantial dis-

1 parities remain in both internet use and the quality
2 of access with the digital divide concentrated among
3 older, less educated, less affluent populations, espe-
4 cially veterans, low-income students, and senior citi-
5 zens.

6 (2) The COVID–19 pandemic has highlighted
7 the gap between those with computer access and
8 those without. Millions of students, their families,
9 and workers from across the economy were unable to
10 do schoolwork, work remotely from home, or connect
11 to loved ones and their communities because of the
12 digital 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
21 title 40, United States Code, is amended by inserting after
22 section 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 agen-
5 cies for surplus property an opportunity to review surplus
6 computer or technology equipment under section 549, the
7 Administrator shall, as appropriate, transfer full title to
8 such surplus computer or technology equipment that is de-
9 termined to be eligible under subsection (b)(1) to non-
10 profit computer refurbishers for repair, distribution, and
11 subsequent transfer of full title of the equipment to eligi-
12 ble recipients 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 Standard and Technology (NIST Special Publi-
23 cation 800–88), or any successor thereto.

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

1 to facilitate the identification and participation of
2 nonprofit 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 Ad-
16 ministrator 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
22 or technology equipment transferred under this
23 section 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
4 provide the Administrator with any information the
5 Administrator determines to be necessary for re-
6 quired 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
18 of Federal personal property to non-Federal entities,
19 the Administrator shall submit to Congress and
20 make publicly available a report that includes, for
21 the period 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
2 with which the Administrator had a partnership
3 described in subsection (b)(2);

4 “(C) a list of nonprofit computer refurbishers that received, made repairs, and distributed surplus computer and technology equipment, including disclosure of any foreign ownership interest in a nonprofit computer refurbisher; and

10 “(D) a list of donated and subsequently repaired surplus computer or technology identifying—

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

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

19 “(iii) whether the recipient is an educational institution, individual with disabilities, low-income individual, student, senior in need, or veteran.

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

1 agency shall make publicly available a report on the
2 number of pieces of repairable computer or tech-
3 nology equipment that were sent to recycling, aban-
4 doned, or 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
9 to assess nominal fees (which shall not exceed fair
10 market value) on recipients of refurbished computer
11 or technology equipment to facilitate shipping and
12 handling of the computer or technology equipment;

13 “(2) determining, in coordination with other
14 relevant Federal agencies, eligibility and certification
15 requirements for nongovernmental entities and non-
16 profit computer refurbishers to participate in the
17 program established under this section, including
18 whether the participation of a nongovernmental enti-
19 ty or nonprofit computer refurbisher poses any ac-
20 tual or potential harm to the national security inter-
21 ests of the United States;

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

24 “(4) determining appropriate recyclers to dis-
25 pose of surplus computer or technology equipment if

1 it cannot be repaired or refurbished under this sec-
2 tion.

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

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

11 “(g) DEFINITIONS.—In this section:

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

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

18 “(3) DISABILITY.—The term ‘disability’ has the
19 meaning given that term in section 3 of the Ameri-
20 cans with Disabilities Act of 1990 (42 U.S.C.
21 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 institu-
5 tion of vocational or professional education or
6 an institution of higher education composed of
7 more than 1 school, college, or department that
8 is administratively a separate unit, each such
9 school, college, or department; and

10 “(C) a home school (whether treated as a
11 home school or private school for the purposes
12 of 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.—
19 The term ‘institution of higher education’ has the
20 meaning given that term in section 101 of the High-
21 er Education Act of 1965 (20 U.S.C. 1001).

22 “(7) LOW-INCOME INDIVIDUAL.—The term
23 ‘low-income individual’ has the meaning given that
24 term in section 351 of the Small Business Invest-
25 ment Act 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,
5 local, Tribal, or territorial government; and

6 “(B) are nonprofit computer refurbishers
7 or 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, so-
12 cial, 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
16 to live independently.

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

21 “(16) STUDENT.—The term ‘student’ means
22 any individual enrolled in an educational institution,
23 but 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 sec-
14 tions for chapter 5 of title 40, United States Code, is
15 amended by inserting after the item relating to section
16 549 the following:

“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
21 titled “Budgetary Effects of PAYGO Legislation” for this
22 Act, submitted for printing in the Congressional Record
23 by the Chairman of the Senate Budget Committee, pro-
24 vided that such statement has been submitted prior to the
25 vote on passage.