

One of its best-known events is the First Ladies luncheon, which funds charitable activities. My wife Linda was chair of the First Ladies luncheon in 2007, so I well appreciate the tremendous amount of planning and organization that goes into making this such an anticipated and successful event.

The vital role that the Congressional Club plays in the life of the Capitol Hill community and this city at large is evident by the fact that it is the only club in the Nation founded by an act of Congress.

With its tradition of civility and service, the Congressional Club remains as important to the life of the U.S. Congress as it was when it was founded 100 years ago. I extend my sincere commendations to all of its members, past and present, and wish the club all the best on this memorable centennial.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1026.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## FEDERAL ELECTRONIC EQUIPMENT DONATION ACT OF 2008

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Electronic Equipment Donation Act of 2008".

### SEC. 2. REQUIREMENT TO TRANSFER USEFUL FEDERAL ELECTRONIC EQUIPMENT TO EDUCATIONAL RECIPIENTS.

(a) TRANSFER OF EQUIPMENT TO EDUCATIONAL ENTITIES.—

(1) IN GENERAL.—Each Federal agency shall identify useful Federal electronic equipment that the agency has determined is excess to its needs and—

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

(B) transfer such equipment directly to an educational recipient, through an arrange-

ment made by the Administrator of General Services under subsection (b); or

(C) report such equipment to the Administrator of General Services as excess property if transfer under subparagraph (A) or (B) is not practicable.

(2) MANAGEMENT OF NONTRANSFERABLE EQUIPMENT.—For equipment reported under paragraph (1)(C), the Administrator of General Services shall manage the equipment in accordance with subchapters II and III of title 40, United States Code.

(3) EXCEPTION.—Equipment transferred pursuant to section 11(i) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is neither transferred pursuant to this Act nor subject to this Act's requirements.

(b) ADVANCE REPORTING OF EQUIPMENT TO GSA.—Each Federal agency shall report to the Administrator of General Services the availability of useful Federal electronic equipment as far as possible in advance of the date the equipment is expected to become excess to its needs, so that the Administrator may attempt to arrange for the direct transfer from the donating agency to educational recipients.

(c) USE OF NONPROFIT REFURBISHERS.—In transferring any equipment pursuant to this Act, at the request of the educational recipient and if appropriate, if the equipment is not classroom-usable, the transferring agency shall convey the equipment initially to a nonprofit refurbisher for upgrade before transfer to the educational recipient.

(d) REMOVAL OF DATA BEFORE TRANSFER.—In transferring any equipment pursuant to this Act, the transferring agency shall remove data from the equipment prior to transfer to the educational recipient according to accepted sanitization procedures. To the maximum extent practicable, the transferring agency shall remove data using a means that does not remove, disable, destroy, or otherwise render unusable the equipment or components.

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

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

(g) TITLE.—Title of ownership of equipment transferred pursuant to this Act shall transfer to the educational recipient receiving the equipment.

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

(i) FACILITATION BY REGIONAL FEDERAL EXECUTIVE BOARDS.—The regional Federal Executive Boards (as that term is used in part 960 of title 5, Code of Federal Regulations) shall help facilitate the transfer of useful Federal electronic equipment from the agencies they represent to educational recipients under this Act.

### SEC. 3. RULEMAKING.

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

### SEC. 4. EFFECT ON OTHER LAWS.

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

### SEC. 5. RULE OF CONSTRUCTION.

This Act may not be construed to create any right or benefit, substantive or proce-

dural, enforceable at law by a party against the United States or its agencies, officers, or employees.

### SEC. 6. DEFINITIONS.

In this Act:

(1) The term "Federal agency" means an Executive department or an Executive agency (as such terms are defined in chapter 1 of title 5, United States Code).

(2) The term "educational recipient" means a school or a community-based educational organization.

(3) The term "school" includes a pre-kindergarten program (as that term is used in the Elementary and Secondary Education Act of 1965), an elementary school, a secondary school, and a local educational agency (as those terms are defined in section 9101 of that Act.)

(4) The term "community based educational organization" means a nonprofit entity that qualifies as a nonprofit educational institution or organization for purposes of section 501(c)(3) of the Internal Revenue Code of 1986 and—

(A) is engaged in collaborative projects, the primary focus of which is education, with schools, qualifying small towns, qualifying counties, or libraries; or

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

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

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

(7) The term "useful Federal electronic equipment"—

(A) means—

(i) computers and related peripheral tools (such as computer printers, modems, routers, and servers), including telecommunications and research equipment;

(ii) fax machines; and

(iii) any other electronic equipment determined by a Federal agency to be potentially useful to an educational recipient; and

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

(8) The term "classroom-usable", with respect to useful Federal electronic equipment, means such equipment that does not require an upgrade of hardware or software in order to be used by an educational recipient without being first transferred under section 2(c) to a nonprofit refurbisher for such an upgrade.

(9) The term "nonprofit refurbisher" means an organization that—

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

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

### SEC. 7. PREFERENCE IN DONATION OF PERSONAL PROPERTY THROUGH STATE AGENCIES.

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

(1) by striking "The state plan" and inserting the following:

"(i) IN GENERAL.—The state plan"; and

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

"(ii) PREFERENCE.—The state plan of operation shall require the state agency to give the highest preference for electronic equipment to eligible institutions (as described in subsection (c)(3)) that are located in an enterprise community or empowerment zone

designated under section 1391 or 1400 of the Internal Revenue Code of 1986, a political subdivision with a population of not more than 24,999 individuals where 20 percent or more of the residents earn less than the poverty threshold (as defined by the Bureau of the Census), or a county where 20 percent or more of the residents earn less than poverty threshold (as defined by the Bureau of the Census).”.

#### SEC. 8. REPORT TO CONGRESS.

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

(b) CONTENTS OF REPORT.—The report shall contain the following:

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

(2) The number of such items that were—  
(A) transferred to educational recipients pursuant to this Act;

(B) transferred to other Federal agencies and organizations pursuant to section 521 of title 40, United States Code;

(C) transferred to State agencies pursuant to section 549 of title 40, United State Code; or

(D) disposed of through other means.  
(3) Recommendations for further legislative or administrative action that the Administrator considers appropriate to establish an effective system for transferring excess useful Federal electronic equipment to educational recipients.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to present for consideration H.R. 752, the Federal Electronic Equipment Donation Act, which will preserve an existing executive order issued during the Clinton administration directing Federal agencies to donate excess computer equipment to schools and education nonprofits, particularly those located in high-need areas.

At this point, I would like to have my colleague, the Honorable G.K. BUTTERFIELD, to have as much time as he will consume.

Mr. BUTTERFIELD. I want to thank the gentlelady for yielding the time and thank her for her leadership on this committee, and certainly thank her for her work on this bill. I also would like to thank Chairman TOWNS, in his absence, for allowing this matter to come to the committee and for his hard work not only on the committee, but here in the Congress.

Mr. Speaker, in short, H.R. 752 codifies Executive Order 12999, making many of the provisions permanent law, but also adds provisions making this much-needed equipment far more accessible to poor and underserved regions of our country.

The FEED Act, as we refer to it, would streamline the process for donating excess and surplus electronic equipment to small cities and towns and counties and school districts and libraries and community-based educational nonprofit organizations.

This legislation gives preference to poorer communities, which often have the greatest needs. This act would direct Federal agencies to transfer excess equipment to the GSA for transfer to the qualifying recipient at little or no cost.

The current system, Mr. Speaker, of acquiring Federal surplus equipment is flawed. It is riddled with governmental redtape. Many times it can take months or even years to receive requested equipment. There was one such case in my district, which was actually the impetus for the introduction of this bill, where GSA only began working on fulfilling the request after direct congressional action. Citizens in need of technology should be able to get it without bureaucratic redtape, which only serves to discourage the applicant from pursuing their goals.

Mr. Speaker, as you know, you and I both represent poor districts. I represent the 15th poorest district in the Nation. If my recollection is correct, you represent the poorest district in the Nation. And so we certainly understand.

My constituents do not have access to the technology afforded to so many. A small county, like Washington County in my district, which is the fifth poorest county in my State, are home to towns like Roper, North Carolina. With the county unemployment rate reaching nearly 8 percent, the visionary leadership of Mayor Estelle “Bunny” Sanders has transformed Roper into a technology oasis with job creation and training.

Roper, North Carolina, houses a technology center where citizens are put to work refurbishing and updating and repairing electronic equipment acquired through the process. They also receive training in Web development, server management and computer maintenance. Without the necessary excess and surplus electronic equipment with which to work, the technology center and its trainees stand the risk of losing years of hard work. Mayor Sanders has the patience and determination required to navigate the murky waters of Federal excess and surplus equipment, but most would not be that resilient.

Mr. Speaker, the Federal Government spends an enormous amount of the taxpayers’ money on technology. Last year, the U.S. Department of Agriculture’s budget included about \$110 million in annual technology-related costs. Once equipment becomes slight-

ly outdated, it shouldn’t just sit idle while there are so many needy small communities and schools and libraries that can still put it to good use.

Throughout the United States, many of our small towns and rural areas lack the very basic technology that many of us take for granted. This important legislation grants underprivileged communities across America access to Federal excess and surplus computers, printers and audio/visual and other technological equipment.

The bill, Mr. Speaker, is particularly important to communities in my district, and will be an important tool in building the electronic infrastructure for local governments, schools, libraries and nonprofits. Many of the communities that I represent need every bit of help they can get from this government, and hopefully this will free up some resources that can be used to address other pressing needs.

I am proud to have offered this legislation that will directly impact the lives of the underserved in this country. I would particularly like to thank Mayor Sanders for her work and dedication, and Mr. John Rosenthal, who has worked so hard with my staff for nearly 2 years in seeing this bill to fruition.

Mr. Speaker, the current system is hurting the very people that it was set up to help. This is a good bill. It is a good piece of legislation that will help not only the people in Roper or in my district, but help people all across the country, and we will all benefit from it.

I urge my colleagues to vote “aye” on H.R. 752.

Mr. ISSA. Mr. Speaker, I rise in support of this legislation that codifies the 1996 executive order of President Clinton that was issued to promote the proper use of excess Federal computers and electronic equipment to schools of our Nation.

I might want to clarify, because I know a lot of people hear us on the House floor and they only know what they’ve heard. If you hear “excess” and “surplus,” you might think that, in fact, what we’re doing is simply overbuying and letting it sit in warehouses and then giving it away. Virtually all of this equipment in the executive branch, as in the legislative branch, are equipment that we have used for 2, 3, 4 years. It is, in fact, past its prime for us, but very usable by many other institutions.

So, Mr. Speaker, I would like to support this bill. I would like to also make sure people understand that we’re not just simply overbuying. And the term “excess” or “surplus” doesn’t by any means indicate that we’re not using America’s dollars wisely, but rather, we’re using America’s dollars again by making them available to people who can use a slightly used computer, who don’t need the latest version of Windows and might not need the latest version of Pentium software. But, in fact, this can help schools around America in poor neighborhoods and

even not so poor neighborhoods have a better opportunity and use their hard-earned and hard-given dollars in other areas.

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So I support this resolution. I hope that the American public understands that this is a great way of causing these products not to go into landfills 3, 4, 5 years earlier than they otherwise would by making them available to those who can use them.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I want to thank the gentlewoman for yielding.

Mr. Speaker, in my desire to get through my prepared remarks a moment ago, I failed to recognize and thank the minority side for its work on this bill.

I certainly appreciate you, Mr. ISSA, and all that you have done on the committee and particularly your staff. You've been very helpful.

Also, I want to go on record in support of your comments that is not new equipment that's just sitting in a warehouse unused. It's equipment that has outlived its lifetime here on Capitol Hill and in other places but certainly can be used by smaller communities. So I want to associate myself with your remarks.

Ms. WATSON. Mr. Speaker, I want to thank the sponsor, Mr. BUTTERFIELD, for his work on the bill, as well as the various Members that helped to move this bill forward. We also got helpful input from the Committee on Science and Technology.

Chairman WAXMAN and Chairman GORDON exchanged letters regarding committee jurisdiction, and I will include these letters in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

Washington, DC, May 9, 2008.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 752, the Federal Electronic Equipment Donation Act of 2007. The Committee on Science and Technology has jurisdictional interest in this bill based on the Committee's history of jurisdiction over the Stevenson-Wylder Technology Transfer Act of 1980 (P.L. 96-480). The Committee on Science and Technology was the sole House Committee of jurisdiction over the Stevenson-Wylder Technology Transfer Act of 1980 and has maintained jurisdiction over the law ever since. H.R. 752 makes specific mention of the Stevenson-Wylder Technology Transfer Act of 1980 and creates a program with overlapping objectives to those found in that act.

The Committee on Science and Technology acknowledges the importance of H.R. 752 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree

not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on this, or any similar legislation. Thank you for your attention to this matter.

Sincerely,

BART GORDON,  
Chairman.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM,

Washington, DC, May 9, 2008.

Hon. BART GORDON,  
Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 752, the Federal Electronic Equipment Donation Act of 2008, which the Committee on Oversight and Government Reform reported, as amended, on April 9, 2008.

I appreciate your willingness to work cooperatively on this legislation and I recognize that the bill, as reported, contains provisions that fall within the jurisdiction of the Committee on Science and Technology. I agree that your inaction with respect to this bill does not prejudice the Science and Technology Committee's interests and prerogatives regarding this bill or similar legislation.

I will ensure that our exchange of letters is included in the Congressional Record during consideration on the House floor of H.R. 752.

Sincerely,

HENRY A. WAXMAN,  
Chairman.

Mr. Speaker, the bottom line is that the Federal Government spends a lot of money on computers and we owe it to our taxpayers to get as much use out of them as we can. H.R. 752 will help us do just that. And as you just heard from the sponsor, these are pieces of equipment that no longer are being used but they certainly have great use.

So I support this measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 752, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT ACT OF 2008

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5787) to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5787

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Real Property Disposal Enhancement Act of 2008".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In January 2003, the Government Accountability Office identified Federal real property as a high-risk area, citing excess property as a long-standing problem.

(2) The magnitude of the problem with excess Federal real property continues to put the government at risk for lost dollars and missed opportunities.

(3) The Administration has stated its goal is to reduce the size of the Federal real property inventory by 5 percent, or \$15 billion, by disposing of unneeded assets by 2015.

(4) The Federal inventory includes many properties that are no longer relevant to agencies' missions and agencies are spending billions of dollars to maintain these unneeded properties.

(5) The costs of preparing a property for transfer or sale continue to hamper some agencies' efforts to address their unneeded properties and serve as a disincentive to disposal because, in the short-term, it can be more beneficial economically to maintain a property that is not being used than to dispose of it.

(6) Agencies should give greater attention to right-sizing their real property portfolios.

(b) PURPOSE.—The purpose of this Act is to reduce the Federal inventory of unneeded and costly property.

#### SEC. 3. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

#### "§ 524. Duties of the General Services Administration and executive agencies

"(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—

"(1) GUIDANCE.—The Administrator shall issue guidance for the development and implementation of agency real property plans. Such guidance shall include recommendations on—

"(A) how to identify excess properties;

"(B) how to evaluate the costs and benefits involved with disposing of real property;

"(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and