



The Secretary of Energy

Washington, DC 20585

April 3, 2020

MEMORANDUM FOR THE NATIONAL LABORATORY DIRECTORS,
PROGRAM OFFICES AND FIELD SITES

FROM: DAN BROUILLETTE

A handwritten signature in black ink, appearing to read "Dan Brouillette".

SUBJECT: Temporary Department-wide Policy Regarding the Use,
Transfer (Donations and Loans), Release, and Procurement of
Personal Protective Equipment

Guidance for Personal Protective Equipment for COVID-19 Purposes

The Department of Energy (DOE or Department) and our National Laboratories, plants, and sites have received numerous requests from State and local entities requesting donations or loans of personal protective equipment (PPE), such as Tyvek suits, masks, face shields, and gloves. Due to the ongoing COVID-19 pandemic, on March 13, 2020, the President made a nationwide emergency determination for all States, Tribes, territories, and the District of Columbia pursuant to the Stafford Act.¹ Under this determination, the Federal Emergency Management Agency (FEMA), coordinates and directs Federal agencies in providing needed assistance under the Act. Any provision of PPE for disaster relief must be coordinated with the Federal Coordinating Officer appointed by FEMA, in accordance with 44 CFR 206.64.

The Department requires PPE for the safety of its workforce in conducting critical national security operations, scientific research in direct support of the COVID-19 response, and the cleanup of radioactive materials at many of its sites. I have asked for a Department-wide accounting of PPE needs and reserves, with the intention of ensuring the Department can meet its needs in the short-term. Any mission critical DOE need will first be addressed by redistribution within the Department to avoid impact to the national PPE supply chain. PPE that is determined to be excess to Departmental needs will be provided to FEMA, in a coordinated fashion, for its use in designated areas with the highest need.

The Department has established a PPE Coordination Team comprised of representatives from all Department components managing National Laboratories, sites, and plants, and in close coordination with local National Laboratory, plant, and site leadership. The PPE Coordination Team lead for the Department is Jim McConnell, the National Nuclear Security Administration's Associate Administrator for Safety, Infrastructure, and Operations (NA-50).

¹ Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207.

GUIDANCE DIRECTIVES FOR LABS, PLANTS, and SITES:

1. DOE National Laboratories, plants, and sites are NOT authorized to directly negotiate the donation or transfer of PPE to requesting organizations; only the PPE Coordination Team can negotiate and coordinate any requests from local FEMA operational components.
2. Any requests for PPE from outside organizations should be directed to FEMA authorities and simultaneously reported to the Department through the PPE Coordination Team.
3. Requests for other property or assistance should also be reported to and authorized by the Department through the PPE Coordination Team prior to any loan or transfer.
4. DOE National Laboratories, plants, and sites shall report current PPE stocks and projected PPE needs as requested by the PPE Coordination Team.
5. The PPE Coordination Team will prioritize the Department's needs and direct the transfer of PPE Department-wide, including within all National Laboratories, plants, sites, and the Power Marketing Administrations in consultation with Department Leadership.
6. The Secretary, or the Secretary's designee, upon recommendation from the PPE Coordination Team, will determine what (if any) PPE will be released from the complex to FEMA stockpiles or to FEMA-directed sites or organizations.
7. The PPE Coordination Team will ensure centralized coordination with all DOE programs, National Laboratories, plants, and sites prior to procuring or accepting donations of replacement PPE.
8. Danny Field, NA-513, is the PPE Coordination Team POC for reporting and requests regarding PPE, property, and other assistance. If you have any questions for the PPE Coordination Team, you may contact Danny Field, at 301-221-8252, or by email at danny.field@nnsa.doe.gov.

POLICY BACKGROUND

The following provides background information regarding legal authorities from which the above specific guidance has been derived.

The Federal Emergency Management Agency is the Lead Agency for Disaster Relief:

Any provision of personal property for disaster relief must be coordinated with the Federal Coordinating Officer appointed by FEMA, in accordance with 44 CFR 206.64. Consistent with Guidance Directive 1 above, no direct transfers or donations to local entities are allowed. Local officials should reach out to their respective State government office as well as the FEMA Federal Coordinating Officer with all received requests for assistance at NBEOC@FEMA.DHS.GOV.

General Service Administration Disaster Relief Property Donation and Lending Options:

The General Services Administration (GSA) has informed Federal agencies that it has streamlined the process for eligible recipients to receive personal property during the current emergency. DOE National Laboratories, plants, or sites can **donate** “excess”² property the day following the date GSA has determined that the property is not needed for use by the Federal Government and is considered as “surplus.”³ (41 CFR 102-37.30). The State Agency for Surplus Property (SASP)⁴ handles the donation of most surplus property to eligible parties in States (41 CFR 102-37.35). The SASP can identify excess property for their use in GSA’s excess property disposal system (GSAXcess) and request property under “COVID-19” requirement. GSA is making expedited surplus determinations to allow eligible recipients to receive the property when this requirement is identified.

DOE National Laboratories, plants, or sites may also **loan** excess personal property to State and local governments, with or without compensation and prior to reporting it as excess to GSA, in order to alleviate suffering and damage resulting from any emergency or major disaster. (41 CFR 102-36.370) If the loan involves property that has already been reported excess to GSA, the property may also be withdrawn from the disposal process for use by DOE in providing assistance in disaster relief. However, DOE is still responsible for recovery of such property after the loan term ends. ***As a majority of PPE items are consumable items (Tyvek suits, masks, face shields, gloves) they are not eligible to be loaned.***

² Excess personal property means any personal property under the control of any Federal agency that is no longer required for that agency’s needs or responsibilities, as determined by the agency head or designee. (40 CFR 102(3)).

³ Surplus personal property includes excess personal property not required to meet the needs or responsibilities by all Federal agencies as determined by GSA. (40 CFR 102(10)).

⁴ The SASP is the agency designated under State law to receive Federal surplus personal property for distribution to eligible donees within the State as provided for in 40 U.S.C. 549. A list SASPs is available at the following GSA website. A list of State Health Officials can be found at the following website.

Options to Loan Property:

In addition to the disaster relief authorities, DOE National Laboratories, plants, or sites have the authority to loan personal property that is not excess and is out of service for a temporary period, to other DOE offices, contractors, Federal agencies, and to others for official purposes. (41 CFR 109-1.5103)

cc: Under Secretary of Energy
Under Secretary for Science
Under Secretary for Nuclear Security