



Donation or Loan of Personal Protective Equipment and Other Medical Supplies and Equipment Purchased with Federal Funds

QUESTION: May Department grantees and subgrantees donate or loan personal protective equipment (PPE) and other medical supplies or equipment purchased with Federal funds to health providers?

ANSWER: Yes.

ADDITIONAL DETAILS:

The U.S. Department of Education (Department) has received questions on whether a grantee or subgrantee that used Federal funds from Department grant programs to purchase PPE (e.g., gloves, masks, face shields, gowns), other medical supplies or equipment (e.g., ventilators), or equipment that may be used to produce medical supplies (e.g., three-dimensional printers) may donate or loan such items to local, State, Federal, Tribal, and Territorial public health agencies, as well as licensed private nonprofit hospitals and other licensed health providers,¹ to respond to the Novel Coronavirus disease (COVID-19).

Given the Presidential declaration of a national emergency and the unprecedented demand for PPE and other medical supplies and equipment across the nation, the Department hereby provides grantees and subgrantees a class exception, as authorized by OMB Memo M-20-20² and under 2 C.F.R. § 200.102, to the equipment and supply disposition requirements of the *Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards* (Uniform Guidance), 2 C.F.R. §§ 200.313 and 200.314.

As a result, if the PPE, other medical supplies or equipment, or equipment that may be used to produce medical supplies purchased with Department funds are not needed for program activities at the time of donation or loan, grantees and subgrantees may donate or loan these much-needed items to local, State, Federal, Tribal, and Territorial public health agencies, as well as licensed private nonprofit hospitals and other licensed health providers, consistent with this guidance.

In donating or loaning PPE, other medical supplies or equipment, or equipment that may be used to produce medical supplies purchased with funds provided by the Department,

¹ This list will be periodically updated, as warranted.

² See Office of Management and Budget (OMB) Memorandum M-20-20, <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-20.pdf>.

grantees and subgrantees must maintain appropriate documentation of the disposition of all donated or loaned items, and make the records available to the Department during monitoring, audits, or other reviews. These records should include the following:

- (1) a description of the types and quantities of the equipment or supplies that were donated or loaned;
- (2) the source (the Federal program(s) funds involved) and the amount of Federal funding used to purchase the equipment or supplies;
- (3) the entity or entities to which the equipment or supplies were donated or loaned; and
- (4) the date of the donation or loan, and, if loaned, the date the loaned item(s) were returned to the grantee or subgrantee.

The grantee and subgrantee must maintain the records for a minimum of three years and until the resolution of any audit, monitoring, or oversight conducted relative to the donation or loan, as required by 2 C.F.R. § 200.302 (financial management) and 2 C.F.R. § 200.333 (retention requirements for records).

In donating or loaning PPE, other medical supplies or equipment, or equipment that may be used to produce medical supplies, grantees and subgrantees should not assume additional Federal funds will be available should the donations, loan, or repurposing of funds result in any type of shortage.

The Department intends to follow-up with grantees (and through them, subgrantees) regarding the donations and loans of PPE, other medical supplies or equipment, or equipment that may be used to produce medical supplies and other exceptions and flexibilities granted during the COVID-19 national emergency. We would complete an information collection pursuant to the Paperwork Reduction Act of 1980, as amended before requiring any covered disclosures to the Department.

If you have questions about this exception, please contact the Department program officer for your grant. If you have additional questions regarding how the Department can best support you as you respond to the challenges presented by COVID-19, please contact COVID-19@ed.gov. The Department also encourages you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus.

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.