



Defense Priorities and Allocations System (DPAS)

I. Purpose

Establish policy and assign responsibilities for use of the Defense Priorities and Allocations System (DPAS) in support of Federal Emergency Management Agency (FEMA) programs.

II. Scope

This Directive applies to all FEMA personnel in Headquarters, Regional offices, and field establishments responsible for actions involving use of DPAS priority ratings in support of FEMA programs.

III. Authorities

- A. Title 50, United States Code, Appendix, Section 2061 et seq., "Defense Production Act of 1950" (DPA), as amended.
- B. Executive Order (E.O.) 12919, "National Defense Industrial Resources Preparedness," June 3, 1994, as amended.
- C. Department of Commerce DPAS Delegation 4 (DPAS Delegation 4), "Delegation of Authority to the Secretary of Homeland Security," March 26, 2006.
- D. Department of Homeland Security Delegation Number 9001, "Delegation to the Under Secretary for Emergency Preparedness and Response," March 3, 2003.
- E. Delegation to the Director, Office of Policy and Program Analysis, March 6, 2008.
- F. FEMA Delegation of Authority, "Defense Priorities and Allocations System," January 7, 2010.

IV. References

- A. Title 42, United States Code, Section 5121 et seq., "Robert T. Stafford Disaster Relief and Emergency Assistance Act" (Stafford Act), as amended.
- B. Title 15, Code of Federal Regulations, Part 700, "Defense Priorities and Allocations System" (DPAS regulation).

V. Definitions

- A. **Civilian Needs** - Any domestic economic activity supporting the United States population except:
 - 1. Military production and construction, military assistance to foreign nations, stockpiling, outer space, and directly related activities.
 - 2. Energy production and construction, distribution and use, and directly related activities.

- B. **Critical Infrastructure** - Any systems and assets, whether physical or cyber-based, so vital to the United States that their degradation or destruction would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety.
- C. **DPAS Officer** - A FEMA employee who has completed required training in DPAS policy and procedures and has been appointed to address DPAS issues. The functions of a DPAS officer may be performed as collateral duties.
- D. **Emergency Preparedness** - All those activities and measures designed or undertaken to prepare for or minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions that would be created by the hazard, and to effect emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Emergency preparedness includes the following:
1. Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers; and, when appropriate, the non-military evacuation of civil population).
 2. Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).
 3. Measures to be undertaken following a hazard (including firefighting; rescue; emergency medical, health, and sanitation services; monitoring for specific dangers of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities).
- E. **Hazard** - An emergency or disaster resulting from a natural disaster or an accidental or man-caused event.
- F. **Homeland Security** - Efforts (1) to prevent terrorist attacks within the United States; (2) to reduce the vulnerability of the United States to terrorism; (3) to minimize damage from a terrorist attack in the United States; and (4) to recover from a terrorist attack in the United States.
- G. **National Defense** - Programs for military and energy production or construction, military or critical infrastructure assistance to any foreign nation, homeland security, stockpiling, space, and any directly related activity. National defense includes emergency preparedness activities as defined in and conducted pursuant to Title VI of the Stafford Act and critical infrastructure protection and restoration. National defense also includes civil defense, continuity of government, and directly related activities.

- H. **Natural Disaster** - Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.
- I. **Program Official** - A FEMA employee who is authorized to direct placement of contracts and orders in support of FEMA programs.

VI. Responsibilities

- A. The Administrator, FEMA, shall:
 - 1. Provide direction and oversight for FEMA implementation of the DPAS.
 - 2. Delegate DPAS authority, as necessary and appropriate, to subordinate FEMA officials.
- B. The Director, Office of Policy and Program Analysis, shall:
 - 1. Provide policy and procedures for implementation of priorities and allocations authorities and responsibilities assigned to the Administrator pursuant to Section 101 of the DPA, Parts 1 and 2 of E.O. 12919, and DPAS Delegation 4.
 - 2. Determine, in writing, which programs involving civilian needs are eligible to be supported using the priorities and allocations authority, in accordance with Section 202(c) of E.O. 12919.
 - 3. Authorize, as needed and appropriate, use of DPAS priority ratings in support of FEMA programs.
 - 4. Designate the Lead DPAS Officer.
- C. The Lead DPAS Officer shall:
 - 1. Provide direction and support for FEMA use of DPAS priority ratings.
 - 2. Develop and implement DPAS training for FEMA personnel involved in DPAS activities.
 - 3. Resolve DPAS issues and requests for special priorities assistance (SPA) that cannot be resolved at the program level or validate and forward unresolved requests for SPA to the Department of Commerce (DOC).
 - 4. Monitor FEMA use of DPAS priority ratings and notify DOC of any alleged violations of the priorities and allocations provisions of the DPA or the DPAS.
 - 5. Resolve any conflicts among FEMA programs involving use of DPAS priority ratings and support resolution of any conflict involving use of DPAS priority ratings by a FEMA program and other entities, in accordance with conflict resolution procedures.
- D. The Heads of FEMA Directorates and Offices shall:
 - 1. Delegate DPAS authority to or authorize use of DPAS authority by subordinates, as necessary and appropriate.

2. Ensure that subordinates responsible for DPAS actions are thoroughly familiar with the provisions of this Directive, the DPAS regulation, the FEMA DPAS Manual, and any other published guidance relating to use of DPAS priority ratings in support of FEMA programs.
3. Designate DPAS officers, as needed, to support use of DPAS priority ratings by their components.

E. Authorized Program Officials shall:

1. Direct use of DPAS priority ratings, as necessary and appropriate, to ensure timely delivery of materials and services for program requirements.
2. Monitor the use of DPAS priority ratings in support of their programs to ensure compliance with the provisions of this Directive, the DPAS regulation, and any other published guidance relating to use of DPAS priority ratings in support of FEMA programs.

F. DPAS Officers shall:

1. Assist program officials, representatives of State, local, and Tribal governments, and representatives of critical infrastructure operations in developing and submitting requests for DPAS priority-rating authority to support DHS Approved Programs.
2. Provide information on the use of DPAS priority ratings in support of FEMA programs.
3. Review and validate requests for SPA to determine whether they comply with DPAS criteria, whether appropriate actions have been attempted to resolve problems, and the need for further actions to resolve problems.
4. Determine if DPAS problems can be resolved at the program level and attempt to resolve such problems, when appropriate.
5. When unable to resolve DPAS problems, document actions to resolve these problems in requests for SPA and forward such requests to the Lead DPAS Officer for action.
6. Document the use of DPAS authority and forward this documentation to the Lead DPAS Officer.
7. Complete DPAS training, as specified in DPAS guidance issued by OPPA.

G. The Associate Administrator, Mission Support Bureau, shall ensure that Contracting Officers have the appropriate authority and training to include DPAS priority ratings in contracts and orders supporting FEMA programs.

VII. Policy and Procedures

A. Policy

It is FEMA policy to use DPAS priority-rating authority to ensure timely delivery of critical materials and services for emergency preparedness, response, and recovery;

protection and restoration of critical infrastructure; homeland security; and continuity of government.

B. Procedure

1. General

- a. The DPAS implements Section 101 of the DPA, which authorizes the President to require acceptance and priority performance of contracts and orders necessary or appropriate to promote the national defense.
- b. The DPAS purpose is to:
 - i. Assure timely delivery of materials and services from private industry to support emergency preparedness, response, and recovery needs; homeland security; and critical infrastructure protection and restoration.
 - ii. Provide an operating system to support rapid industrial response to Government procurement needs in times of emergency.

2. Use of DPAS Priority Ratings in support of FEMA Programs

- a. Priority ratings may be included in FEMA contracts or orders at the direction of program officials who have been authorized to use priority ratings in support of their programs.
- b. The DPAS regulation and the FEMA DPAS Manual provide procedures for implementation of the DPAS in support of FEMA programs.

3. DPAS Limitations

There are limitations on the use of DPAS priority ratings set forth in Section 700.18 of the DPAS regulation and DPAS Delegation 4.

- a. DPAS priority ratings may not be used to support the acquisition of any items that meet all of the following requirements:
 - iii. Are commonly available in commercial markets for general consumption.
 - iv. Do not require major modification when purchased for approved program use.
 - v. Are readily available in sufficient quantity so as to cause no delay in meeting program requirements.
- b. DPAS priority ratings may not be used for items intended primarily for administrative purposes, such as for personnel or financial management.
- c. DPAS priority ratings may not be used to support the acquisition of any of the following resources:
 - i. Food resources, food resource facilities, and the domestic distribution of farm equipment and commercial fertilizer.

- ii. All forms of energy.
- iii. Health resources.
- iv. All forms of civil transportation.
- v. Water resources.
- d. All questions regarding exceptions to the DPAS limitations should be directed to the Lead DPAS Officer, OPPA.

C. The Director, OPPA, shall issue a DPAS manual to provide additional guidance and procedures for use of DPAS priority ratings in support of FEMA programs.

VIII. Supersession

Document supersedes FD 211-1, Defense Priorities and Allocations System, (DPAS), dated December 30, 2008.

IX. Attachments

- A. Homeland Security Approved Programs under the Defense Priorities and Allocations System.

X. Questions

Questions or concerns regarding this Directive should be directed to the Lead DPAS Officer, Office of Policy and Program Analysis, at (202) 646-3350, FEMA-DPAS@dhs.gov.



David J. Kaufman
Director
Office of Policy and Program Analysis

Date: 10/8/16

Attachment A
Homeland Security Approved Programs
Under the Defense Priorities and Allocations System

PIS* **Approved Program**

- N1** ***Federal Emergency Preparedness, Mitigation, Response, and Recovery*** – Projects, programs, activities, and measures to prepare for, mitigate, respond to, and/or recover from the effects of an emergency or disaster resulting from a natural disaster, or accidental or man-caused event.
- N2** ***State, Local, and Tribal Government Emergency Preparedness, Mitigation, Response, and Recovery*** – Materials, equipment, facilities, and services required by a State, Local, or Tribal Government to be procured by DHS or other Federal Government entity and supplied to the State, Local, or Tribal Government for use in their approved emergency preparedness, mitigation, response, and recovery programs for natural disasters, or accidental or man-caused events.
- N3** ***Intelligence and Warning Systems*** – Systems designed to detect potential threats and to evaluate those threats in support of the homeland security mission.
- N4** ***Border and Transportation Security*** – Projects, programs, activities, measures, and systems to provide border crossing and transportation security for both goods and people in support of the homeland security mission.
- N5** ***Counter-terrorism, Including Law Enforcement*** – Projects, programs, activities, measures, and systems to reduce the ability of groups or individuals to commit terrorist acts, including anti-terrorist activities and measures, and the investigation and prosecution of terrorist acts when they occur.
- N6** ***Chemical, Biological, Radiological, and Nuclear Countermeasures*** – Projects, programs, activities, measures, and systems to prepare for and respond to the full range of terrorist threats involving weapons of mass destruction and the threat from pandemics of naturally caused infectious diseases.
- N7** ***Critical Infrastructure Protection and Restoration*** – Products, materials, systems, assets, construction, equipment, facilities, and services determined to be necessary for critical infrastructure protection or restoration.
- N8** ***Miscellaneous*** – All other approved projects, programs, activities, measures, and systems that support the homeland security mission and are not included under the other Approved Program (N-1 through N-7) descriptions.

* Program Identification Symbol.