



# **The Defense Production Act Committee Report to Congress**

*Calendar Year 2019 Report to Congress  
September 17, 2020*



Homeland  
Security

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## Message from the Chairperson

I am pleased to present the following report, The Defense Production Act Committee Report to Congress, for Calendar Year (CY) 2019. This report is required by subsection 722(d) of the *Defense Production Act of 1950*, as amended [50 U.S.C. § 4567(d)].

The report is an interagency effort by the 17 departments and agencies that are members of the Defense Production Act Committee.

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

The Honorable Michael Crapo  
Chairman, Senate Committee on Banking, Housing, and Urban Affairs

The Honorable Sherrod Brown  
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs

The Honorable Maxine Waters  
Chairwoman, House Committee on Financial Services

The Honorable Patrick McHenry  
Ranking Member, House Committee on Financial Services

Inquiries regarding this report may be directed to the Department of Homeland Security, Federal Emergency Management Agency, Congressional and Intergovernmental Affairs Division at (202) 646-4500.

Sincerely,



Pete Gaynor  
Administrator  
Federal Emergency Management Agency



## Executive Summary

The Defense Production Act's (DPA) section 722 establishes the DPA Committee (DPAC) and directs the Committee to issue an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives. The report is focused on efforts to coordinate and plan for the effective use of the DPA priorities and allocations authorities. The Committee is chaired by the U.S. Department of Homeland Security's (DHS) Administrator of the Federal Emergency Management Agency (FEMA or DHS/FEMA). The FEMA Administrator is responsible for providing coordination and guidance for use of DPA authorities by federal departments and agencies. Such guidance is developed in consultation with relevant agencies. In accordance with section 722, the Committee membership includes the heads of 12 federal departments and four federal agencies. Under Executive Order (E.O.) 13603,<sup>1</sup> DPA authorities and functions are delegated to these departments and agencies, as well as to the Chairperson of the Council of Economic Advisors.

Under E.O. 13603, the President delegates priorities and allocations authority to the heads of six federal departments: the U.S. Department of Agriculture (USDA); the U.S. Department of Energy (DOE); the U.S. Department of Health and Human Services (HHS); the U.S. Department of Transportation (DOT); the U.S. Department of Defense (DoD); and the U.S. Department of Commerce (DOC). The agency heads have jurisdiction over the resources within their respective areas of responsibility and expertise. In 2018, Congress reauthorized the non-permanent provisions of the DPA, including the section 101 priorities and allocations authority, through September 30, 2025. E.O. 13603 provides that the priorities and allocations authority may only be used to support programs that are determined to be "necessary or appropriate to promote the national defense," and assigns responsibilities for making this determination. DoD is responsible for determinations with respect to military and space programs; DOE makes determinations with respect to energy programs; and DHS makes determinations with respect to all other national defense programs, such as emergency preparedness and response, domestic counter-terrorism, critical infrastructure protection and restoration, and continuity of government.

DoD is the primary user of priority rated contracts and orders ("rated orders") to support military programs, but DHS has increased its use of rated orders to ensure on-time delivery of materials and services needed for domestic emergency preparedness, response, and recovery activities. During 2019, FEMA placed hundreds of rated orders. Such orders were for resources needed to house and feed disaster survivors and first responders, for communications equipment, for information technology needs, and for other logistical needs supporting disaster response and recovery efforts.

This report focuses on: 1) the use of the priorities authority to support national defense programs; 2) an overview of contingency planning by federal departments and agencies for events that might require the use of the priorities and allocations authorities; and 3) a description of information sharing among the departments and agencies with DPA responsibilities.

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<sup>1</sup> "National Defense Resources Preparedness," 77 Fed. Reg. 16651 (Mar. 22, 2012).

# 1 Introduction

DPA is the primary source of Presidential authorities to expand and expedite the supply of materials and services needed to promote national defense under both emergency and nonemergency conditions. DHS/FEMA is responsible for providing coordination and guidance, developed in consultation with relevant agencies, for use of DPA authorities by federal departments and agencies. DoD is the primary user of these authorities to support military programs, but the contract priorities authority is also used by FEMA to ensure on-time delivery of materials and services needed to support domestic emergency preparedness, response, and recovery activities. This report focuses on the use of the priorities authority to support national defense<sup>2</sup> programs.

## 1.1 Defense Production Act Committee

DPA section 722 establishes the DPAC to coordinate and plan for the effective use of the DPA priorities and allocations authorities. The Committee's statutory purpose is to coordinate and plan for the effective use of the priorities and allocations authorities. The DPAC is directed to issue an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives. This is the report for calendar year (CY) 2019.

Section 722 states that the DPAC shall be chaired by "the head of the agency to which the President has delegated primary responsibility for government-wide coordination of the authorities in this Act." This responsibility is delegated to the Secretary of Homeland Security in E.O. 13603<sup>3</sup> and has been re-delegated by the Secretary to the FEMA Administrator.

Additionally, the DPA provides that DPAC membership shall include "the head of each Federal agency to which the President has delegated authority under this Act." Through E.O. 13603, the President delegated priorities and allocations authorities and functions to the heads of seven federal departments. However, DPAC membership includes the heads of nine additional federal agencies which have other DPA authorities and functions delegated in E.O. 13603; the membership includes the Chairperson of the Council of Economic Advisors. Committee membership also includes: the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Energy, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Chair of the Council of Economic Advisers, the Administrator of the National Aeronautics and Space

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<sup>2</sup> As defined in section 702 of the DPA (50 U.S.C. § 4552), the term "national defense" means 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. Such term includes emergency preparedness activities conducted pursuant to Title VI of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* [42 U.S.C. § 5195 et seq.] and critical infrastructure protection and restoration.

<sup>3</sup> Section 104(b)(2) of E.O. 13603 states that the Secretary of Homeland Security shall: "provide for the central coordination of the plans and programs incident to [DPA] authorities and functions delegated under this order, and provide guidance to agencies assigned functions under this order, developed in consultation with such agencies."

Administration, and the Administrator of General Services. Interagency activities to address and coordinate priorities and allocations issues are conducted by working groups of the DPAC.

The heads of the 17 DPAC member agencies, referred to collectively as the “DPAC Principals,” meet only when significant issues cannot be resolved through regular interagency discussion. No unresolved issues requiring decisions by the DPAC Principals were identified during 2019.

## **1.2 Priorities and Allocations Authorities**

DPA section 101 authorizes the President to:

- 1) Require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance; and
- 2) Allocate materials, services, and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense.

Section 101 also authorizes the President to “require the allocation of, or the priority performance under contracts or orders (other than contracts of employment) relating to, materials, equipment, and services in order to maximize domestic energy supplies.”

In section 201 of E.O. 13603, the President has delegated the priorities and allocations authorities to the heads of six federal departments:

- 1) The Secretary of Agriculture with respect to food resources, food resource facilities, livestock resources, veterinary resources, plant health resources, and the domestic distribution of farm equipment and commercial fertilizer;
- 2) The Secretary of Energy with respect to all forms of energy;
- 3) The Secretary of Health and Human Services with respect to health resources;
- 4) The Secretary of Transportation with respect to all forms of civil transportation;
- 5) The Secretary of Defense with respect to water resources; and
- 6) The Secretary of Commerce with respect to all other materials, services, and facilities, including construction materials.

The six departments headed by these individuals are referred to as “Resource Departments” throughout this report. The Resource Departments are directed by law and executive order to issue regulations that establish standards and procedures by which the priorities and allocations authorities shall be used to promote the national defense, under both emergency and non-emergency conditions. DOC, DOE, DOT, USDA, and HHS have issued regulations that, together, constitute the Federal Priorities and Allocations System (FPAS).

Section 202 of E.O. 13603 provides that the priorities and allocations authorities may be used only to support programs that have been determined in writing as necessary or appropriate to promote the national defense by the following;

- The Secretary of Defense with respect to military production and construction, military assistance to foreign nations, military use of civil transportation, stockpiles managed by the DoD, space, and directly related activities;
- The Secretary of Energy with respect to energy production and construction, distribution and use, and directly related activities; and
- The Secretary of Homeland Security with respect to all other national defense programs, including civil defense and continuity of Government.

These three departments are referred to as “Determination Departments” throughout this report. Programs for which the “necessary or appropriate” determination has been made are referred to as “Approved Programs.”

In section 201(b) of E.O. 13603, the Secretary of each Resource Department is directed to “authorize the heads of other agencies, as appropriate, to place priority ratings on contracts and orders for materials, services, and facilities needed in support of” Approved Programs.

DOC administers the Defense Priorities and Allocations System (DPAS) regulation [15 C.F.R. part 700] which establishes procedures for the placement, acceptance, and priority performance of rated orders for industrial resources.<sup>4</sup> DOC has delegated authority to DoD, DOE, the General Services Administration, and DHS to place priority ratings on contracts or orders under the DPAS regulation.

The DPAS delegations to DoD, DOE, and DHS also authorize re-delegation to other federal agencies engaged in procurement for Approved Programs. For example, DoD has re-delegated authority to several national security agencies and the National Aeronautics and Space Administration (NASA) to place priority ratings on contracts or orders in support of DoD Approved Programs. DHS has re-delegated authority to the U.S. Army Corps of Engineers (USACE) to place to place priority ratings on contracts or orders in support of DHS Approved Programs. DOC’s delegation to DHS provides for DHS to authorize use of DPAS rated orders by state, local, tribal, and territorial governments in support of emergency preparedness activities conducted pursuant to Title VI of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act) [42 U.S.C. §§ 5195 et seq.].

DOC delegated rating authority to the U.S. Census Bureau to support the United States Decennial Census in 2020’s (2020 Census) Technical Integrator Program and associated contracts in support of the 2020 Census through September 30, 2020. In Fiscal Year 2019, Census reported placing seven priority rated contracts which require preferential acceptance and scheduling to ensure timely availability of critical industrial items (network drives, servers) necessary for a successful Decennial Census. These seven priority rated contracts totaled approximately \$14 million in value.

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<sup>4</sup> DPAS defines the term “industrial resources” to include the materials, services, and facilities that fall under DOC’s priorities and allocations jurisdiction.

USDA has delegated authority to DoD and DHS under the Agriculture Priorities and Allocations System (APAS) to place priority ratings on contracts or orders for food resources, including bottled water, in support of DoD and DHS Approved Programs, respectively.

For procurement programs not covered by the DPAS and APAS delegations, the Determination Departments make “necessary or appropriate” determinations and the Resource Departments provide authorization to place rated orders for energy, health resources, and civil transportation on a case-by-case basis.

### **1.3 Reporting Requirements and Report Organization**

Section 722(d) of the DPA (codified at 50 U.S.C. §§ 4567(d)(1)-(6)) lists the following subjects to be addressed in this report:

- **“Recommendations for the effective use of the priorities and allocations authorities in this Act in a manner consistent with the statement of policy under section 2(b).”**
  - Chapter 2 describes ongoing activities by federal departments and agencies to make effective use of the priorities and allocations authorities.
- **“Recommendations for improving information sharing between departments, agencies, and independent establishments of the Federal Government relating to the use of the priorities and allocations authorities in this Act.”**
  - Chapter 3 describes information-sharing activities relating to the use of the priorities and allocations authorities.
- **“A description of the contingency planning by each department, agency, or independent establishment of the Federal Government to which the President has delegated authority under this Act for events that might require the use of the priorities and allocations authorities.”**
  - Chapter 4 provides an overview of such planning.
- **“Recommendations for legislation actions, as appropriate, to support the effective use of the priorities and allocations authorities in this Act.”**
  - At this time, the DPAC has no recommendations for additional legislation or other congressional actions regarding the use of the priorities and allocations authorities.
- **“Up-to-date copies of the rules described under section 101(d)(1).”**
  - Appendix A provides uniform resource locator (URL) addresses for the FPAS rules issued by the Resource Departments.
- **“Short attestations signed by each member of the Committee stating their concurrence in the report.”**
  - Appendix B provides these attestations.



## **2 Use of the Priorities and Allocations Authorities**

This chapter describes activities of federal departments and agencies to implement the DPA priorities and allocations authorities in support of military, space, energy, critical infrastructure, and homeland security programs.

### **2.1 Priorities Authority**

DPA priorities authority provides the means to require acceptance and priority performance of contracts and orders deemed necessary or appropriate to promote the national defense. In addition to military programs, Congress has broadened the original DPA definition of “national defense” to include: space and energy programs; emergency preparedness activities conducted pursuant to Title VI of the Stafford Act; critical infrastructure protection and restoration; and measures to counter terrorism within the United States. The DPA also provides legal protection against claims by customers, when on-time performance of rated orders requires contractors to delay deliveries for unrated orders.

Since 1950, DoD has used the priorities authority continuously and extensively to support military procurement needs. DoD estimates it places approximately 300,000 rated orders each year. By comparison, DHS (including FEMA) placed fewer than 400 rated orders in 2019. 60% of DHS’s rated orders were placed in support of hurricane and other disaster preparedness, response, and recovery activities. See section 2.1.3 for more information on DHS use of rated orders.

#### **2.1.1 Federal Priorities and Allocations System**

FPAS is a body of regulations that establishes standards and procedures for implementing the President's priorities and allocations authorities under DPA. These regulations incorporate similar standards and procedures but are issued and administered by each of the Resource Departments with respect to resources within each department’s resource jurisdiction as specified in section 201(a) of E.O. 13603. (See section 1.2 of this report for information regarding these resource jurisdictions.)

#### **2.1.2 Rated Orders for Space Programs**

Except for end items commonly available in commercial markets in sufficient supply and for items to be used primarily for administrative purposes, NASA considers using a DPAS priority rating in contracts that affect programs with multi-agency applicability, in consultation with the applicable interagency partner(s), to ensure the appropriate priority is assigned. DoD is the “Delegate Agency” for NASA, pursuant to initial delegations authority of October 21, 1958. Consistent with provisions enumerated in the NASA Federal Acquisition Regulations Supplement, NASA coordinates the use of rated orders with DoD, as necessary, to ensure that any DoD requirements are addressed. Under NASA’s procedures, rated orders may be used by NASA only as provided in the DPAS regulations and subject to their limitations. Priority ratings are assigned on individual contracts and purchase orders by the contracting officer. In addition,

NASA rated orders may generally only be assigned a first-level (“DO”) priority rating, unless NASA has obtained a higher-level (“DX”) priority rating authorization from DoD.

### **2.1.3 Rated Orders for Homeland Security Programs**

During CY 2019, DHS rated 125 contracts and 267 orders.

Approximately 60% of these rated orders involved resources needed to house and feed disaster survivors and first responders, communications equipment and information technology needs, and other logistical needs supporting disaster response and recovery efforts.

During 2019, DHS developed new guidance and procedures for use of rated orders. DHS issued Department-wide guidance in June 2019 and hosted a training through the DHS Homeland Security Acquisition Institute in August 2019 for more than 100 attendees. DHS also conducted outreach and training and then tested the guidance and procedures in exercises involving disaster scenarios such as Shaken Fury and Crimson Contagion.

### **2.1.4 Rated Orders for Health Resources**

The Department of Health and Human Services (HHS) is delegated authority by the President to require acceptance and priority performance of contracts and orders with respect to health resources through subsection 201(a) of Executive Order 13603. These health resources are identified in the Order as “materials, facilities, health supplies, and equipment (including pharmaceutical, blood collecting and dispensing supplies, biological, surgical textiles, and emergency surgical instruments and supplies) required to prevent the impairment of, improve, or restore the physical and mental health conditions of the population.”

HHS is the Emergency Support Function (ESF) Coordinator for ESF #8 (Public Health and Medical Services) of the National Response Framework. ESF #8 provides the mechanism for coordinated Federal assistance to supplement state, tribal, and local resources in response to a public health and medical disaster, potential or actual incidents requiring a coordinated Federal response, or during a developing potential health and medical emergency. HHS provides leadership in directing, coordinating, and integrating all Federal efforts to provide medical and public health assistance to an affected area.

Additionally, HHS has been designated the Sector Specific Agency for the Healthcare and Public Health Sector for the National Infrastructure Protection Plan (NIPP) and is responsible for identifying, prioritizing and protecting healthcare and public health critical infrastructures and key resources, many of which are in the private sector. While focusing on protection issues, HHS must also vigilantly maintain the resiliency of the sector and the critical networks, systems, function and assets within the sector.

Section 201(a)(3) of Executive Order No. 13603 (77 FR 16651) delegates the President’s authority under section 101 of DPA to require acceptance and priority performance of contracts and orders (other than contracts of employment) to promote the national defense over performance of any other contracts or orders, and to allocate materials, services, and facilities as

deemed necessary or appropriate to promote the national defense to the Secretary of HHS with respect to health resources.

Once HHS determines that issuance of a priority rating for a health resource is necessary to provide the health resource needed to meet the national defense requirement established by the Department of Homeland Security, administered by the FEMA Administrator, it shall issue such a rating to the requesting federal agency for delivery of specified qualities and quantities of the health resource(s) on or during specified delivery dates or periods. In accordance with the terms of the order, the requesting federal agency may then place such priority rating on a supply order.

HHS's current focus is the use of priority ratings to allow the Department and other federal agencies to obtain expedited delivery of needed goods through the use of "rated" orders. Rated orders will ensure that Government orders will be filled first when there may be commercial demands and government demands for the same product, or component of a product. Pursuant to Executive Order No. 13603, HHS is currently drafting its own regulation in order to delegate HHS's authority to authorize priority ratings pursuant to the DPA on orders and contracts for health resources.

While the regulation is currently in draft, HHS plans for the regulation to address an HHS system for priority ratings, formally establish procedures for both HHS agencies and other federal agencies to request priority rating authorization, and establish a framework for HHS to consider and act on such requests. The regulation will also cover acceptance and rejection of rated orders, usage of rated orders, how conflicts between rated orders will be resolved, cancellation of rated orders, and limitations on the use or issuance of such orders.

HHS' Office of the Assistant Secretary for Preparedness and Response (ASPR) conducted the Crimson Contagion 2019 Exercise Series. The Crimson Contagion 2019 Exercise Series was a multi-state, whole-of-government effort focused on the response and policy issues of workforce viability, critical infrastructure protection, economic impact, social distancing, scarce resource allocation, prioritization of vaccines and other countermeasures, and medical surge operations. The Crimson Contagion 2019 Functional Exercise, conducted from August 13 to August 16, 2019, exercised the Nation's ability to respond to a large-scale outbreak of a novel avian influenza virus (H7N9) strain, which quickly spreads via human-to-human transmission around the world and across the continental United States with high rates of morbidity and mortality. A key area of the exercise was resource planning and participants exercised the use of DPA to mitigate medical countermeasure and ancillary supply shortages during an influenza pandemic response.

### **2.1.5 Rated Orders for Energy Resources**

DOE is delegated authority through E.O. 13603 and E.O. 11790 to implement DPA authority for the production, conservation, use, control, distribution, and allocation of energy. Pursuant to section 201(b) of E.O. 13603, DOE began drafting updates to the guidance and procedures in its regulations for the use of the priorities and allocations authority in section 101(a) of the DPA

with respect to all forms of energy necessary or appropriate to promote the national defense. In addition, DOE has also begun discussing with DOC an update to DOC's DPAS delegation to DOE to clarify DOE's authority to place rated orders under the DPAS regulation.

## **2.2 Allocation of Resources**

DPA allocations authority may be used to control use of materials, services, and facilities under certain conditions that are determined necessary or appropriate to promote the national defense. The allocations authority could be used to control the general distribution of a material in the civilian market. The allocations authority also could be used when there is insufficient supply of a material, service, or facility to satisfy national defense requirements through use of the rated orders authority alone. Additionally, the allocations authority could be used to mitigate severe or prolonged disruptions caused by the use of the priorities authority. While procedures for use of this authority have been established in FPAS regulations, no allocation action has been taken since the end of the Cold War.

### 3 Information Sharing and Coordination

A wide variety of guidance, procedures, and activities promote DPA information sharing among federal departments and agencies. Guidance and procedures are provided in executive orders, directives, regulations, interagency agreements, policies, and other documents with respect to the privacy and civil rights and civil liberties of individuals. Information is also shared on a continuing basis via government websites and meetings between representatives of the federal departments and agencies engaged in DPA plans and programs.

#### 3.1 DPA-Related Guidance and Procedures Involving Information Sharing

Executive orders, beginning with E.O. 10161,<sup>5</sup> and continuing through E.O. 13603, have provided for DPA information sharing among federal departments and agencies for 70 years. E.O. 13603 contains more than 20 separate provisions for coordination, consultation, assistance, and information sharing among federal departments and agencies on the use of DPA authorities.

##### 3.1.1 DPA Websites

Federal departments and agencies maintain websites and webpages focused on DPA issues:

- DoD Website
  - Contract Management Agency (DCMA): “Defense Priorities and Allocations System (DPAS)” – <http://www.dcms.mil/DPAS/>
- DHS Websites
  - FEMA, Office of Policy and Program Analysis, DPA Overview – <https://www.fema.gov/defense-production-act-program>
  - Emergency Management Institute Courses:
    - IS-245.A - Introduction to the Defense Priorities and Allocations System (DPAS) – <https://training.fema.gov/is/courseoverview.aspx?code=IS-245.a>
    - IS-246.20 - Implementing the Defense Priorities and Allocations System (DPAS) – <https://training.fema.gov/is/courseoverview.aspx?code=IS-246.20>
    -
- DOC Websites
  - DOC/Bureau of Industry and Security: “Defense Priorities and Allocations System (DPAS) Program” – <https://www.bis.doc.gov/index.php/other-areas/strategic-industries-and-economic-security-sies/defense-priorities-a-allocations-system-program-dpas>
  - DPAS Training Course (2017) – <https://bis.doc.gov/index.php/documents/other-areas/strategic-industries-and-economic-security/1615-dpas-training-slides/file>

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<sup>5</sup> “Delegating Certain Functions of the President Under the Defense Production Act of 1950,” 15 Fed. Reg. 6105 (Sept. 12, 1950).

### **3.2 Interagency Coordination**

E.O. 13603 directs the DHS Secretary to provide central coordination and guidance, developed in consultation with relevant agencies, for use of DPA authorities by federal departments and agencies. The Secretary's DPA authorities and functions, including the coordination and guidance functions and the responsibilities of the DPAC Chairperson, have been re-delegated by the Secretary to the FEMA Administrator. FEMA conducts the Administrator's DPAC functions through an interagency working group focused on development and implementation of a consistent and unified FPAS, as appropriate and to the extent practicable, and through day-to-day meetings and other communications with personnel throughout the Government involved in developing FPAS policy and procedures and implementing the priorities and allocations authorities while respecting the privacy, civil rights and civil liberties of individuals information.

## 4 Contingency Planning

This chapter focuses on contingency planning involving homeland security and space programs, based on Presidential Policy Directive-8 (PPD-8): National Preparedness, and PPD-21: Critical Infrastructure Security and Resilience.

### 4.1 Planning for Homeland Security

DHS is continually engaged in contingency planning to strengthen the United States of America's security and resilience against acts of terrorism, cyberattacks, pandemics, and catastrophic disasters. The priorities and allocations authorities provided in DPA can be used to prevent, protect against, mitigate, respond to, or recover from any of these events. DHS promotes awareness and understanding of these authorities throughout DHS and other federal agencies with training courses, exercises, Interagency Working Groups, and other outreach efforts. Ongoing outreach efforts are intended to promote effective use of DPA authorities, including the priorities and allocations authorities, in national plans and operations.

FEMA is responsible for contingency planning for three of the National Preparedness System mission areas: Response, Recovery, and Mitigation. The Planning and Exercise Division in FEMA's Office of Response and Recovery initiated several national and regional plans in CY 2019 and conducted exercises to test selected plans.

At the national level the following plans were initiated in CY 2019:

- National Food and Agriculture Incident Annex to the Response and Recovery Federal Interagency Operational Plans (FIOP)
- Federal Operating Concept for Impending Space Weather Events
- Incident Annex for Adversarial Threats
- National Federal Evacuation Support Annex

At the regional level, the following FEMA plans were initiated or in-progress during CY 2019:

- Region I
  - Region I All Hazard Plan
  - Power Outage Incident Annex/National Level Exercise
- Region II
  - Region II CONUS All Hazards Plan
  - Commonwealth of Puerto Rico Hurricane Plan (formerly known as Caribbean All Hazards Plan)
- Region III
  - Region III All Hazards Plan
  - Hurricane Annex to Region III All Hazards Plan
  - State of the Union National Special Security Event (NSSE) Plan
- Region IV
  - Region IV All Hazards Plan
  - Republican National Convention NSSE Plan

- Super Bowl LIV Miami NSSE Plan
- Region V
  - Region V All Hazards Plan
  - Republican National Convention NSSE Plan
  - Wabash Valley Earthquake Annex to Region V All Hazards Plan
- Region VI
  - Region VI All Hazards Plan
  - Power Outage Incident Annex to Region VI All Hazards Plan
- Region VII
  - Region VII All Hazards Plan
- Region VIII
  - Region VIII All Hazards Plan
  - Wasatch Earthquake Annex to RVIII All Hazards Plan
- Region IX
  - Southern California Earthquake Annex to Region IX All Hazards Plan
- Region X
  - Region X All Hazards Plan
  - Alaska Annex Update to Region RX All Hazards Plan

The following FEMA Regional Plans were completed in CY 2019

- Region III
  - Region III All Hazards Plan
  - Hurricane Annex to Region III All Hazards Plan
- Region V
  - Region V All Hazards Plan
  - Wabash Valley Earthquake Annex to RV All Hazards Plan
- Region VI
  - Region VI All Hazards Plan
- Region IX
  - Southern California Earthquake Annex to Region IX All Hazards Plan

## **4.2 Planning for Space Programs**

Although NASA does not serve as a Lead Agency within the National Preparedness System, NASA has established a NASA Procedural Requirement (NPR) 8715.2B that specifies actions to support the NASA mission under emergency conditions and the response protocol in accordance with the National Response Framework (NRF). NASA is identified as a Support Agency under five of the ESFs' Annexes within the NRF. This planning document outlines procedural requirements for implementing the NASA Emergency Management Program per NASA Policy Directive 8710.1D, "Emergency Management Program." The directive implements the NRF and complies with the requirements in the National Incident Management System. In accordance with the "Nuclear/Radiological Incident Annex to the Response and Recovery Federal



Interagency Operational Plans,” October 2016, NASA is also responsible for coordinating the federal response to incidents involving the release of nuclear/radiological materials from NASA space vehicles or space vehicles with significant NASA interest. Additionally, in accordance with the provisions of E.O. 12148 and E.O. 12656, NASA establishes emergency preparedness, response, recovery, and continuity processes and procedures to be prepared to:

- Protect lives;
- Protect the environment;
- Minimize loss and damage to NASA resources;
- Provide for continuous operation or timely resumption of mission critical functions, services, and infrastructure;
- Aid in the recovery and timely resumption of normal operations;
- Assist in mitigating hazards and minimizing the effects of natural disasters, technological emergencies, and criminal acts, including terrorism; and
- Support local, state, tribal, territorial and federal agencies and appropriate emergency response authorities.

### **4.3 Critical Infrastructure Security and Resilience**

PPD-21 directs the Secretary of Homeland Security to provide strategic guidance, promote a national unity of effort, and coordinate the overall federal effort to promote the security and resilience of the Nation’s critical infrastructure. PPD-21 also designates Sector-Specific Agencies, which are responsible for coordinating day-to-day sector-specific activities; carrying out incident management responsibilities (consistent with applicable authorities, policies, regulations, or directives); providing, supporting, or facilitating technical assistance and consultations for sectors to identify vulnerabilities and help mitigate incidents, and supporting the Secretary of Homeland Security by providing annual sector-specific critical infrastructure information.

The overarching framework for the critical infrastructure mission is outlined in the NIPP and supporting Sector-Specific Plans (SSPs). The NIPP serves as the foundation for the integrated risk-informed approach used by government and private sector partners to identify, assess, and prioritize risks to critical infrastructure and implement programs to enhance critical infrastructure protection and resilience.

The NIPP, the SSPs, and the Federal Interagency Operational Plans provide a context for implementation of the DPA priorities and allocations authorities, when appropriate to address procurement of supplies needed to prevent, protect against, mitigate, respond to, or recover from events that threaten the national defense.

#### **4.3.1 Space Program Critical Infrastructure Planning**

NASA has implemented actions to meet the requirements of PPD-21 to enhance and maintain the security and resilience of the United States of America’s critical space architecture. NASA developed and implemented NPR 1600.1A, Chapter 3 and Appendix F, Identifying and Nominating NASA Assets for NASA Critical Infrastructure Identification, Prioritization and Protection, in 2013. This NASA policy will be updated in 2020 to reflect protection

requirements of emerging threats, such as those posed by operational technology otherwise known as industrial control systems. NASA is continuously refining functional relationships across the Federal Government to advance the technologies and tactics to enhance the security and resiliency of U.S. space architecture survivability where it may be subject to malicious, accidental, or natural threats. NASA's NPR 1620.3, "Physical Security Requirements for NASA Facilities and Property" uses the methodology and meets the DHS Interagency Security Committee (ISC) Standard "The Risk Management Process for Federal Facilities" for all NASA assets including NASA's critical space infrastructure. This NASA policy was updated in 2019 to continue to comply with updates to DHS ISC Standards. Additionally, NASA has included the ISC's Design Basis Threat in determining sound risk-informed decision making for implementation of physical security countermeasures against a variety of undesirable events.

## **Appendix A – Federal Priorities and Allocations System Rules**

In accordance with section 722(d)(5) of the DPA, as amended, listed below are links to final rules that establish standards and procedures by which the priorities and allocations authorities are used to promote the national defense under both emergency and non-emergency conditions:

**Department of Commerce, Defense Priorities and Allocations System:**

<https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=15:2.1.3.2.1>

**Department of Transportation, Transportation Priorities and Allocations System:**

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5;node=49:1.0.1.1.26>

**Department of Energy, Energy Priorities and Allocations System:** <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=82e1e190aff5d648852309765685d8c8&ty=HTML&h=L&n=10y3.0.1.1.10&r=PART>


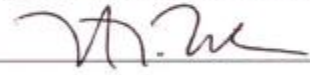
**Department of Health and Human Services, Health Resources Priorities and Allocations System:** <https://ecfr.io/Title-45/pt45.1.101#sp45.1.101.a>


**Department of Agriculture, Agriculture Priorities and Allocations System:**

<https://ecfr.io/Title-07/pt7.7.789>

## Appendix B – DPAC Member Concurrences with the Report

In accordance with section 722(d)(6) of the DPA, as amended, listed below are “short attestations signed by each member of the Committee stating their concurrence in the report.”

	<b>United States Department of State</b> <i>Bureau of Political-Military Affairs</i> <i>Directorate of Defense Trade Controls</i> <i>Washington, D.C. 20520-0112</i>
<b>Attestation of a Member of the Defense Production Act Committee</b>	
As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.	
 4/21/20	
Michael F. Miller Date	
Deputy Assistant Secretary for Defense Trade	
Bureau of Political-Military Affairs	
U.S. Department of State	

	<b>DEPARTMENT OF THE TREASURY</b> WASHINGTON, D.C.
<b>Attestation of a Member of the Defense Production Act Committee</b>	
As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.	
Digitally signed by Gary E. Grippo Grippo Date: 2020.04.17 11:15:36 -04'00'	04/17/2020
Gary Grippo Deputy Assistant Secretary, for Public Finance	[Date]



ACQUISITION  
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

FOR: Daniel McMasters, Federal Emergency Management Agency's Defense Production Act Program Division

FROM: Jennifer Santos, DASD (INDPOL)

**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur, with comment, with the DPAC Report to Congress for Calendar Year 2019.

Jennifer Santos

Deputy Assistant Secretary of Defense  
for Industrial Policy

4/22/20

[Date]



U.S. Department of Justice

National Security Division

Assistant Attorney General

Washington, D.C. 20530

**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

Brad Wiegmann  
Deputy Assistant Attorney General

4/16/20

Date



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

### Attestation of a Member of the Defense Production Act Committee

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

Dr. Timothy R. Petty  
Assistant Secretary for Water and Science  
Department of the Interior

4-16-2020

Date



### Attestation of a Member of the Defense Production Act Committee

United States  
Department of  
Agriculture

Office of Homeland  
Security

1400 Independence  
Avenue SW

Washington, DC  
20250

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

MICHAEL O  
CONNOR

Digitally signed by  
MICHAEL O CONNOR  
Date: 2020.04.20  
07:15:03 -0400

April 20, 2020

Mike O'Connor

Associate Director, OHS



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Under Secretary for Industry and Security**  
Washington, DC 20230

**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

*Cordell A. Hull*  
Cordell A. Hull  
Acting Under Secretary  
for Industry and Security

4/17/2020

**U.S. Department of Labor**

Office of the Assistant  
Secretary for Policy  
Washington, D.C. 20210



**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

*Jonathan A. Wolfson*  
Jonathan A. Wolfson  
Deputy Assistant Secretary

April 20, 2020

[Date]





DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for  
Preparedness & Response  
Washington, D.C. 20201

**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

 4/10/2020  
Date

Robert P. Kadlec, MD, MTM&H, MS  
Assistant Secretary for Preparedness and Response

U.S. Department of Transportation

**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.



Richard M. Chavez  
Director, Office of Intelligence, Security, and Emergency Response

April 17, 2020





## Department of Energy

Washington, DC 20585

### Attestation of a Member of the Defense Production Act Committee

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

Patricia A.  
Hoffman

Digitally signed by Patricia  
A. Hoffman  
Date: 2020.04.07 15:38:15  
+04'00'

Patricia A. Hoffman  
Principal Deputy Assistant Secretary  
Office of Electricity

4/7/2020

Date



## OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE WASHINGTON, DC 20511

### Attestation of a Member of the Defense Production Act Committee

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

Roy C. Pettis, Jr., Ph.D.  
Assistant Director of National Intelligence  
for Acquisition, Procurement, & Facilities

8 JULY 2020

Date

National Aeronautics and  
Space Administration

Office of the Administrator  
Washington, DC 20546-0001



**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d) (6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

A handwritten signature in black ink, reading "Stephen G. Jurczyk".

Stephen G. Jurczyk  
Associate Administrator

04/30/2020

Date



U.S. General Services Administration

**Attestation of a Member of the Defense Production Act Committee**

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d) (6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

[Signature]

A handwritten signature in blue ink, reading "Emily W. Murphy".

Emily W. Murphy  
Administrator

May 4, 2020

[Date]

Central Intelligence Agency



Washington, D.C. 20505

Attestation of a Member of the Defense Production Act Committee

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

*Margaret V. Augustine*

Margaret V. Augustine  
Procurement Executive  
Central Intelligence Agency

15 September 2020



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL OF ECONOMIC ADVISERS  
WASHINGTON, D.C. 20502

THE CHAIRMAN

Attestation of a Member of the Defense Production Act Committee

As a member of the Defense Production Act Committee (DPAC) and in accordance with paragraph 722(d)(6) of the Defense Production Act of 1950, as amended [50 U.S.C. § 4567(d)(6)], I concur with the DPAC Report to Congress for Calendar Year 2019.

*Tyler Goodspeed*

Tyler Goodspeed  
Acting Chairman, Council of Economic Advisers

*September 14, 2020*

September 14, 2020

## **Appendix C – Acronym List**

APAS	Agriculture Priorities and Allocations System
CY	Calendar Year
DHS	Department of Homeland Security
DOC	Department of Commerce
DoD	Department of Defense
DOE	Department of Energy
DOT	Department of Transportation
DPA	Defense Production Act of 1950
DPAC	Defense Production Act Committee
DPAS	Defense Priorities and Allocations System
E.O.	Executive Order
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FPAS	Federal Priorities and Allocations System
HHS	Department of Health and Human Services
HRPAS	Health Resources Priorities and Allocations System
ISC	DHS Interagency Security Committee
NASA	National Aeronautics and Space Administration
NIPP	National Infrastructure Protection Plan
NRF	National Response Framework
PPD	Presidential Policy Directive
SSP	Sector-Specific Plan
URL	Uniform Resource Locator
USACE	U.S. Army Corps of Engineers