**Implementing Guidance for DHS Use of Priority-Rating Authority Under**

 **Defense Priorities and Allocations System (DPAS) Delegation 4 and**

**Agriculture Priorities and Allocations System (APAS) Delegation 2**

**Effective November 1, 2022**

**1. Background:** Defense Priorities and Allocations System (DPAS) Delegation 4 (Appendix1) and Agriculture Priorities and Allocations System (APAS) Delegation 2 (Appendix 2) delegate to the Secretary of Homeland Security authority to place priority-rated contracts and orders (“rated orders”) for industrial resources[[1]](#footnote-1) and food resources[[2]](#footnote-2), respectively, in support of DHS Approved Programs.[[3]](#footnote-3) The Secretary has re-delegated this authority and related functions to the Administrator of the Federal Emergency Management Agency (“FEMA Administrator”), and the FEMA Administrator has re-delegated this authority to the Heads of several Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) Components.

Primary guidance and procedures for placing rated orders under DPAS and APAS are provided in the DPAS regulation [15 CFR Part 700] and the APAS regulation [7 CFR Part 789], respectively. Supplemental guidance and procedures for use of DPAS and APAS rated orders are provided below. DHS personnel involved in use of rated orders are responsible for understanding DPAS and APAS guidance and procedures.

**2. Authority:** The authority to place rated orders in support of DHS Approved Programs is provided in the following documents:

1. The Defense Production Act of 1950, as amended (DPA) [50 U.S.C. § 4501-4568]. The statutory authority to place rated orders is provided in DPA section 101 [50 U.S.C. § 4511], which authorizes the President to require acceptance and priority performance of contracts and orders deemed necessary or appropriate to promote the national defense.
2. Executive Order (E.O.) 13603, National Defense Resources Preparedness, March 16, 2012. In section 201 of E.O. 13603, the President’s DPA priorities authority is delegated to six federal departments (“Resource Departments”) with respect to resources within each department’s areas of expertise and responsibility. The Department of Commerce (DOC) and the Department of Agriculture (USDA) are delegated the priorities authority with respect to industrial resources and food resources, respectively.
3. Department of Commerce, Defense Priorities and Allocations System (DPAS) Delegation 4, Delegation of Authority to the Secretary of Homeland Security, March 8, 2016. In DPAS Delegation 4, DOC delegates to the Secretary of Homeland Security the authority to place DPAS rated orders for industrial resources in support of DHS Approved Programs.
4. Department of Agriculture, Agriculture Priorities and Allocations System (APAS) Delegation 2, Delegation of Authority to the Secretary of Homeland Security, February 22, 2016. In APAS Delegation 2, USDA delegates to the Secretary of Homeland Security the authority to place APAS rated orders for food resources in support of DHS Approved Programs.
5. DHS Delegation Number 09052-1, April 1, 2020. This document delegates the DPA authorities and functions of the DHS Secretary to the FEMA Administrator, including the authorities and functions provided in DPAS Delegation 4 and APAS Delegation 2.
6. Delegation to the Associate Administrator, Office of Policy and Program Analysis (OPPA), per FEMA Delegation FDA 112-002a-1, October 30, 2020. This document states that the Associate Administrator is responsible for: (1) carrying out the FEMA Administrator’s functions to provide oversight, guidance, and support for use of the DPA priorities authority; and (2) providing policy, procedures, and support for implementation of all authorities and responsibilities assigned to the FEMA Administrator pursuant to DHS Delegation Number 09052-1.
7. DHS Delegation Number 09053-1, August 11th, 2022. This document delegates the authority to place DPAS “DO” rated orders in support of DHS Approved Programs to:
	* Commissioner, U.S. Customs and Border Protection;
	* Director, U.S. Immigration and Customs Enforcement;
	* Administrator, Transportation Security Administration;
	* Director, U.S. Secret Service;
	* Director, Federal Law Enforcement Training Center;
	* Under Secretary for Management;
	* Commandant, United States Coast Guard;
	* Director U.S. Citizenship and Immigration Services; and
	* Director, Cybersecurity and Infrastructure Security Agency.
8. FEMA Delegation FDA 112-002a-1, October 30, 2020. This document delegates the authority to place “DO” rated orders in support of DHS Approved Programs to:
	* Deputy Administrator, Resilience for DPAS;
	* Associate Administrator, Mission Support Bureau for DPAS and APAS; and
	* Associate Administrator, Response and Recovery for DPAS and APAS.
9. FEMA Delegation of Authority FDA 0106-1, February 12, 2021. This document delegates the authority to the Regional Administrators to place DPAS and APAS “DO” rated orders for industrial and food resources in support of DHS Approved Programs.

**3. Use of Rated Orders:**

1. **In General –** A rated order is used to ensure on-time performance of a contract or order. It should be used whenever a delay in contract or order performance could undermine program objectives. A priority rating in a contract or order should be viewed as a form of insurance that comes into play when preferential treatment by a contractor is required to meet contracted delivery dates. A rated order may, also, be used to require acceptance of a contract or order by a reluctant potential supplier. A rated order may be used under both normal and emergency conditions.
2. **State, Local, Tribal, and Territorial (SLTT) Governments –** On a case-by-case basis, the OPPA Associate Administrator may authorize SLTT governments to place DPAS rated orders in support of emergency preparedness, response, and recovery activities. Requests for such authority should never come directly to OPPA but must, first, be endorsed by a Regional Administrator or Federal Coordinating Officer and submitted, with written justification, to the Lead FPAS Officer in OPPA. (See Appendix 4 for the endorsement template.)
3. **Limitations on Use of Rated Orders Under DPAS Delegation 4 Authority –** DPAS rated orders may only be used to procure industrial resources in support of DHS Approved Programs. DPAS rated orders may not be used to support acquisition of the following:
* Food resources, food resource facilities, livestock resources, veterinary resources, plant health resources, and the domestic distribution of farm equipment and commercial fertilizer;
* Energy;[[4]](#footnote-4)
* Health resources;[[5]](#footnote-5)
* All forms of civil transportation;[[6]](#footnote-6)
* Water resources;[[7]](#footnote-7) and
* Any items to be used primarily for administrative purposes, such as for personnel or financial management.
1. **Limitations on Use of Rated Orders Under APAS Delegation 2 Authority –** APAS rated orders may only be used to procure food resources in support of DHS Approved Programs. APAS rated orders may not be used to support acquisition of the following:
* Food resource facilities, livestock resources, veterinary resources, plant health resources, and the domestic distribution of farm equipment and commercial fertilizer
* Energy;
* Health resources;
* All forms of civil transportation; and
* Industrial resources.
1. **Common Use Items** – A DPAS rated order may only be used to support the procurement of an item that is commonly available in commercial markets for general consumption, if the item:
* Requires major modifications when purchased for use by a DHS Approved Program;
* Is not readily available in sufficient quantity to meet the needs of a DHS Approved Program in a timely manner; or
* Is being procured to support emergency preparedness, response, or recovery activities conducted pursuant to title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. § 5195 et seq.].

**3. Federal Priorities and Allocations System:** DPAS and APAS are components of the Federal Priorities and Allocations System (FPAS). FPAS is composed of the priorities and allocations regulations issued by Resource Departments.[[8]](#footnote-8) DPAS and APAS rated orders may not be used to support procurement of resources that fall outside their respective jurisdictions. However, authority can be requested from the other Resource Departments, as needed, to support DHS requirements. Such requests must be prepared and signed by a DHS Component FPAS Officer and forwarded to the Lead FPAS Officer in OPPA.

**5. Delegated Senior Officials:** DHS, FEMA, and associated agency[[9]](#footnote-9) officials, who have been delegated authority by the FEMA Administrator to place rated orders under DPAS Delegation 4 or APAS Delegation 2, are referred to as “Delegated Senior Officials” or “DSOs” in DHS FPAS guidance and procedures. DSOs shall:

* Provide direction and oversight for use of rated orders by their organizations;
* As appropriate, authorize use of rated orders in support of DHS Approved Programs or re-delegate priority-rating authority to subordinates (referred to as "Authorized Component Officials" or "ACOs" in DHS FPAS guidance and procedures (see Appendix 5 for ACO delegation template));
* Ensure that personnel within their organizations, who are responsible for actions involving rated orders, are thoroughly familiar with the provisions of FPAS regulations and other relevant FPAS guidance and procedures;
* Designate a Lead Component FPAS Officer to support use of rated orders by their organizations (see Appendix 6)for FPAS Officer appointment template); and
* Notify the DHS Lead FPAS Officer in OPPA regarding the name and contact information of the Lead Component FPAS Officer.

**6. Directing Use of Rated Orders:** DSOs and ACOs are responsible for directing contracting officers to place rated orders, as appropriate, for eligible materials and services in support of DHS Approved Programs.(see Appendix 7 for template) This responsibility includes:

* Determining if a program falls within a DHS Approved Program category and, thereby, qualifies to be supported using rated orders;
* Determining if a material or service to be procured in support of a DHS Approved Program is eligible to be procured using a rated order; and
* Providing oversight for use of rated orders to ensure compliance with FPAS regulations and DHS FPAS guidance and procedures.

**7. Component FPAS Officers:** In addition to the Lead Component FPAS Officer, each DSO or ACO may designate other Component FPAS Officers, as appropriate, to support priority-rating activities within the Component. The responsibilities of a Component FPAS Officer include:

* Completing on-line training courses offered by FEMA’s Emergency Management Institute (EMI) to become technically proficient regarding the use of the priorities authority;[[10]](#footnote-10)
* Providing assistance and training for DHS, other federal agency, and contractor personnel to help them understand and use the priorities authority;
* Assisting program officials, contracting officers, and recipients of rated orders in addressing issues and resolving problems associated with use the priorities authority;
* Assisting program officials, contracting officers, and recipients of rated orders in preparing requests for special priorities assistance (SPA), when issues involving use of the priorities authority cannot be resolved, and validating and forwarding such requests to the DHS Lead FPAS Officer;
* Assisting program officials, representatives of SLTT governments, and owners and operators of critical infrastructure in preparing requests for priority-rating authority not covered under existing delegations or authorizations and validating and forwarding such requests to the DHS Lead FPAS Officer;
* Documenting the organization’s use of the priorities authority and forwarding such documentation to the DHS Lead FPAS Officer; and
* Notifying the DHS Lead FPAS Officer of any alleged violations of the priorities provisions of FPAS regulations. (See Appendix 8 for violation reporting template.)

**8. DHS FPAS Coordinator:** The Director of the DPA Program Division within OPPA shall serve as the DHS FPAS Coordinator. The duties of the DHS FPAS Coordinator include:

* Recommending to the OPPA Associate Administrator policy and procedures for use of the priorities authority by DHS and other federal agencies;
* Providing recommendations to the OPPA Associate Administrator regarding requests for FPAS priority-rating authority in support of DHS Approved Programs;
* Coordinating unresolved SPA requests and other FPAS issues with the appropriate Resource Department(s);
* Convening and chairing interagency working groups and other interagency activities, such as exercises, on FPAS issues;
* Providing oversight for compliance, audit, and training responsibilities listed in DPAS Delegation 4 and APAS Delegation 2;
* Notifying the appropriate Resource Department(s) of any alleged violations of the priorities provisions of FPAS regulations in connection with use of rated orders by DHS; and
* Designating a member of the DPA Program Division staff to serve as DHS Lead FPAS Officer.

**9. DHS Lead FPAS Officer:** The duties of the DHS Lead FPAS Officer include:

* Providing support for DHS and associated agency[[11]](#footnote-11) use of rated orders in support of DHS Approved Programs;
* Developing FPAS training materials for DHS, associated agency, and contractor personnel involved in use of DHS priorities authority in support of DHS Approved Programs;
* Conducting briefings, training sessions, and other outreach activities for DHS, associated agency, and contractor personnel involved in use of DHS priorities authority in support of DHS Approved Programs;
* Attempting to resolve FPAS issues and requests for SPA that cannot be resolved at the program level and validating and forwarding unresolved requests for SPA to the FPAS Coordinator;
* Assisting DHS Component FPAS Officers in developing and submitting requests for priority rating authority to the DHS FPAS Coordinator;
* Monitoring use of rated orders by DHS components and associated agencies and notifying the FPAS Coordinator of any alleged violations of DHS FPAS authority or FPAS regulations; and
* Preparing FPAS reports to Resource Departments, as required by documents authorizing DHS use of the DPA priorities authority.

**10. Re-delegation of Priority-Rating Authority within DHS Components:** The delegation of priority-rating authority from the FEMA Administrator to the heads of DHS and FEMA Components authorizes re-delegation in writing to appropriate subordinates. Notification of re-delegation must be provided in writing to the DHS Lead FPAS Officer within OPPA.

**11. Reporting Requirement:** Each Lead Component FPAS Officer shall complete and submit to the DHS Lead FPAS Officer in OPPA a quarterly status report that identifies new contracts and orders issued by the Component that have been rated during the quarterly reporting period pursuant to the delegation of authority from the FEMA Administrator (a template for this report is provided as Appendix 9).

**12. Cancellation:** This guidance document supersedes and replaces previous implementing guidance, issued by the Associate Administrator for OPPA, regarding placement of rated orders under DPAS Delegation 4 or APAS Delegation 2.

**13. Questions:** The DHS Lead FPAS Officer is available to answer questions regarding this document or the use of rated orders. The DHS Lead FPAS Officer can be reached at: (202) 212-2900 and FEMA-DPA@fema.dhs.gov.

# Appendices: (1) Defense Priorities and Allocations System Delegation 4

(2) Agriculture Priorities and Allocations System Delegation 2

(3) DHS Approved Programs

(4) SLTT Use of Priority Rating Authority Endorsement - Template

(5) ACO Delegation – Template

(6) FPAS Officer Appointment –Template

(7) DHS DSO/ACO Priority Rating Authorization under the Federal Priorities and Allocations System - Template

(8) FPAS Violations Report - Template

(9) Quarterly Status Report on Use of Priority Rating Authority - Template

# Appendix 1 – DPAS Delegation 4

**U.S. Department of Commerce**

**DPAS DELEGATION 4**

**DELEGATION OF AUTHORITY TO THE SECRETARY OF HOMELAND SECURITY**
**Defense Priorities and Allocations System**

 (15 CFR Part 700)

A. Authority.

Titles I and VII of the Defense Production Act of 1950, as amended (50 U.S.C. 4501, et seq.), Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, et seq.), and Executive Order 13603 (77 FR 16651, 3 CFR, 2012 Comp., p. 225); Executive Order 12656 (53 FR 226, 3 CFR, 1988 Comp.585).

B. Purpose.

This document delegates certain authority under the Defense Production Act to the Secretary of Homeland Security ("the Secretary") necessary for the effective implementation of the Defense Priorities and Allocations System ("DPAS") regulation (15 CFR part 700). The DPAS establishes procedures for the placement, acceptance, and performance of priority rated contracts and orders for industrial resources, in support of programs that have been determined to be necessary and appropriate to promote the national defense. The Defense Production Act's definition of 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. National defense includes emergency preparedness activities conducted pursuant to Title VI of the Stafford Act and critical infrastructure protection and restoration. Industrial resources means all materials, services and facilities, including construction materials, the authority for which has not been delegated to other agencies under Executive Order 13603.

C. Rating Authority.

The Secretary is delegated authority under the DPAS to:

1. Place DO priority rated contracts and orders for industrial resources in support of (i) Department of Homeland Security ("DHS") programs and (ii) state, local, tribal, and territorial government programs determined by the Secretary as necessary or appropriate to promote the national defense, as defined in Section 702(14) of the Defense Production Act, in accordance with Section 202 of Executive Order 13603 (i.e., approved programs). In placing these rated orders for industrial resources, DHS must use the appropriate program identification symbol listed in Schedule I to the DPAS regulation. DHS may also authorize other federal agencies to place DO priority ratings on contracts or orders for industrial resources in support of approved programs when such agencies are doing the procurement on behalf of DHS.
2. Authorize state, local, tribal, and territorial governments to place DO priority rated contracts and orders for industrial resources to support state, local, tribal, and territorial government emergency preparedness, mitigation, response and recovery programs determined by the Secretary as necessary or appropriate to promote the national defense.
3. Endorse, and forward to the Department of Commerce ("DOC") for appropriate action, the requests of other U.S. agencies for authority to place DO priority rated contracts and orders for industrial resources in support of programs determined by the Secretary as necessary or appropriate to the promote the national defense.
4. Endorse, and forward to DOC for appropriate action, the requests of owners and operators of critical infrastructure to place DO priority rated contracts and orders for industrial resources in support of critical infrastructure protection or restoration related-programs determined by the Secretary as necessary or appropriate to promote the national defense.
5. Endorse, and forward to DOC for appropriate action, requests to place DO priority rated contracts and orders for industrial resources in support of critical infrastructure assistance to any foreign nation or international organization determined by the Secretary as necessary or appropriate to promote the national defense.
6. Place priority ratings on contracts and orders for industrial resources needed to implement any program related to food resources, energy resources, health resources, civil transportation, or water resources determined by the Secretary as necessary or appropriate to promote the national defense and authorized for priorities support by the appropriate resource agency (i.e., the Departments of Agriculture, Energy, Health and Human Services, Transportation, or Defense). DHS; associated agency (ies); state, local, tribal, and territorial governments; and recipients of rated orders must use the same rating and the same program identification symbol on such contracts and orders for industrial resources as authorized by the appropriate resource agency to support the approved program. However, any priority rated contract or order for industrial resources placed to implement an approved program related to food resources, energy resources, civil transportation, or water resources remain subject to the DPAS.

D. Acceptance and Rejection Requirements for Emergency Preparedness Activities.

The Secretary is delegated authority to:

1. Place DO priority rated contracts and orders for industrial resources that include the

statement set forth in 15 C.F.R. § 700.12(b) if the rated contract or order for industrial

resources is placed for the purpose of emergency preparedness requirements and

expedited action is necessary or appropriate to meet these requirements. The minimum

times for acceptance or rejection that such DHS orders may specify are six (6) hours after

receipt of the order if the order is issued in response to a hazard that has occurred, or

twelve (12) hours after receipt if the order is issued to prepare for an imminent hazard.

(2) Authorize associated agency (ies); state, local, tribal, and territorial governments; and

recipients of rated orders to place DO priority rated contracts and orders for industrial

resources that include the statement set forth in 15 C.F.R. § 700.12(b) if the rated contract

or order for industrial resources is placed for the purpose of emergency preparedness

requirements and expedited action is necessary or appropriate to meet these requirements.

The minimum times for acceptance or rejection that such DHS orders may specify are six

(6) hours after receipt of the order if the order is issued in response to a hazard that has

occurred, or twelve (12) hours after receipt if the order is issued to prepare for an

imminent hazard.

Notice of the use of this authority to respond to a hazard that has occurred or to prepare

for an imminent hazard must be provided to DOC at the earliest possible time.

E. Special Priorities Assistance.

 The Secretary may sponsor to DOC requests by persons for special priorities assistance in related to industrial resources upon determining the need for the requested assistance in support

of DHS approved programs. DHS will: (i) serve as the initial point of contact for persons needing assistance; (ii) verify the accuracy of the information provided and make reasonable

efforts to resolve the issues; and, when necessary, (iii) expeditiously forward the request to DOC

to facilitate timely resolution. Upon receipt of the request for special priorities assistance, DOC

will take immediate action to effect resolution and will keep DHS advised of progress.

F. Re-delegation of Authority.

 The authority granted by this delegation may be re-delegated within DHS. It may not be re-delegated to any other U.S. agency without the written concurrence of DOC except in time of,

or in anticipation of, a catastrophic hazard. Notice of such emergency re-delegation must be provided to DOC at the earliest possible time. Any other U.S. agency re-delegated this authority

by DHS shall be deemed an "associated agency" of DHS.

G. Compliance, Audits, and Training.

In exercising this delegation, the Secretary shall ensure that DHS; associated agency (ies); state, local, tribal, and territorial governments; and recipients of rated orders are in full compliance with the provisions of the DPAS. Accordingly:

1. The Secretary, in consultation with DOC, shall provide DOC with an annual report on the use of this delegated authority by DHS, any associated agency (ies), and state, local, and tribal governments.
2. The Secretary is delegated the authority to review the implementation of the DPAS by all persons who receive, or are authorized to place, rated orders for industrial resources supporting DHS approved programs, including critical infrastructure protection and restoration. However, this review shall not include inquiries into the unrated business of these persons.
3. The Secretary shall notify DOC of any alleged violations of the priorities and allocations provisions of the Defense Production Act and the DPAS related to contracts and orders for industrial resources.
4. In coordination with DOC, the Secretary shall conduct a continuing training program to ensure that DHS; associated agency (ies); state, local, tribal, and territorial governments; and recipients of rated orders are thoroughly familiar with the provisions of the DPAS and this delegation.

H. Limitations of Authority.

Any authority not specifically delegated to the Secretary in this delegation is reserved by DOC.

This delegation shall be implemented in accordance with the DPAS and any other related

regulations or official actions issued by DOC. It does not limit the authority of the Secretary of

Commerce under Executive Order 13603 or any other authority.

(l) Except when being used in support of approved programs involving emergency

preparedness activities conducted pursuant to Title VI of The Robert T. Stafford Disaster and

Emergency Assistance Act (42 V.S.C. § 5195, et seq.), this delegated authority may not be used

to support the procurement of any items subject to the jurisdiction of the DPAS that (a) are

commonly available in commercial markets for general consumption; (b) do not require major

modifications when purchased for approved program use; and (c) are readily available in

sufficient quantity so as to cause no delay in meeting approved program requirements.

(2) This delegated authority shall not be used to support the procurement of any items subject

to the jurisdiction of the DPAS to be used primarily for administrative purposes, such as for

personnel or financial management.

I. Effective Date and Revocation of Previous Delegations.

 This delegation of authority shall take effect immediately as of the date of its execution, revoking all previous delegations of authority issued by DOC to DHS relating to these

authorities.

Dated: 3/8/16

[signed]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kevin J. Wolf

Assistant Secretary for Export Administration

**Attachment 1**

**DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM
*SCHEDULE 1 TO PART 700*DEPARTMENT OF HOMELAND SECURITY APPROVED PROGRAMS**

Program Identification

Symbol

Nl Federal emergency preparedness, mitigation, response, and recovery

N2 State, local, tribal, and territorial government emergency preparedness, mitigation, response, and recovery

N3 Intelligence and warning systems

N4 Border and transportation security

N5 Domestic counter-terrorism, including law enforcement

N6 Chemical, biological, radiological, and nuclear countermeasures

N7 Critical infrastructure protection and restoration

N8 Miscellaneous

# Appendix 2 – APAS Delegation 2

**U.S. Department of Agriculture**

**APAS DELEGATION 2**

**DELEGATION OF AUTHORITY TO THE SECRETARY OF HOMELAND SECURITY**

**Agriculture Priorities and Allocations System**

(7 CFR Part 789)

A. Authority.

 Title I and VII of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 – 2170, 2171, and 2172), Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 – 5197h); and Executive Order 13603 (77 FR 16651, 3 CFR, 2012 Comp., p. 225); and Executive Order 12656 (53 FR 47491, 3 CFR, 1988 Comp., p. 585).

B. Purpose.

 This document (delegation) delegates certain authority from the U.S. Department of Agriculture (USDA) to the Secretary of Homeland Security necessary for the effective implementation of the Agriculture Priorities and Allocations (APAS) regulation (7 CFR part 789). The APAS establishes procedures for the placement, acceptance, and performance of priority rated contracts and orders with respect to food resources (including potable water packaged in commercially marketable containers), food resource facilities, livestock resources, veterinary resources, plant health resources and the domestic distribution of farm equipment and commercial fertilizer.

C. Delegation of Rating Authority.

 The secretary is delegated authority under the APAS to:

(1) Place DO priority rated contracts and orders for food resources (as defined in

section 80I(e) of Executive Order 13603) in support of Department of Homeland Security

(DHS) programs determined by the secretary to be necessary or appropriate to promote the

national defense, as defined in section 702(14) of the Defense Production Act of 1950, in

accordance with section 202 of Executive Order 13603 (i.e., approved programs). In placing

these rated orders for food resources, DHS must use the appropriate program identification

symbol listed in Schedule I to the APAS regulation (see Attachment). Upon written concurrence

from USDA, DHS may also authorize other federal agencies to make procurements on their

behalf and only on rated contracts that are based on the APAS authority. The DO or DX priority

ratings would be placed on these contracts or orders, which are for food resources in support of .

approved programs.

(2) Place DO or DX priority rated contracts and orders for food resources in support of DHS

programs and state, local, tribal, and territorial ("SLTT") government programs for emergency

preparedness, mitigation, response and recovery programs, as determined by the secretary, to be

necessary or appropriate to promote the national defense. In placing these rated orders for food

resources, DHS must use the appropriate program identification symbol listed in Schedule I to

the APAS regulation (see Attachment 1). Upon written concurrence from USDA, DHS may also

authorize other federal agencies to make procurements on their behalf and only on rated

contracts that are based on the APAS authority. The DO or DX priority ratings would be placed

on these contracts or orders, which are for food resources in support of approved programs.

 (3) Endorse, and forward to USDA's Farm Service Agency to the attention of Mark Rucker,

Deputy Administrator for Management, for appropriate action, the requests of other federal

agencies for authority to place DO or DX priority rated contracts and orders for food resources in

support of programs, as determined by the secretary to be necessary or appropriate to promote

the national defense.

(4) Endorse and forward to USDA's Farm Service Agency to the attention of Mark Rucker,

Deputy Administrator for Management, for appropriate action, the requests of owners and

operators of critical infrastructure to place DO or DX priority rated contracts and orders for food

resources in support of critical infrastructure protection or restoration related-programs, as

determined by the Secretary to be necessary or appropriate to promote the national defense.

(5) Endorse and forward to USDA's Farm Service Agency to the attention of Mark Rucker,

Deputy Administrator for Management, for appropriate action, requests to place DO or DX

priority rated contracts and orders for food resources in support of critical infrastructure

assistance to any foreign nation or international organization, as determined by the secretary to

be necessary or appropriate to promote the national defense.

D. Acceptance and Rejection Requirements for Emergency Preparedness Activities.

The authority delegated to the secretary under Section C of this delegation, is subject to the following requirements related to acceptance and rejection of orders placed in support of emergency preparedness activities conducted under Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act:

(1) DO or DX priority rated contracts and orders for food resources must include the statement set forth in 7 C.F.R. §789.12(a)(4)(ii) if the rated contract or order for food resources is placed for the purpose of emergency preparedness requirements and an expedited action is necessary and appropriate to meet these requirements. The minimum time for acceptance or rejection that DHS orders may specify is six hours after receipt of the order if the order is issued in response to a hazard that has occurred or twelve hours after receipt if the order is issued to prepare for an imminent hazard.

E. Special Priorities Assistance.

 The secretary may refer to USDA requests by person for special priorities assistance

related to food resources upon determining the need for the requested assistance in support of DHS approved programs. DHS will: (i) serve as the initial point of contact for persons needing

assistance; (ii) verify the accuracy of the information provided and make reasonable efforts to

resolve the issues; and, when necessary, (iii) expeditiously forward the request to USDA to

facilitate timely resolution. Upon receipt of the request for special priorities assistance, USDA will take immediate action to affect resolution and will keep DHS advised of progress.

F. Re-delegation of Authority.

 The authority granted by this delegation may be re-delegated within DHS. It may not be re-delegated to any other federal agency without the written concurrence of USDA's Farm

Service Agency, Deputy Administrator for Management, Mark Rucker. Any other U.S. agency

re-delegated this authority by DHS must be deemed an associated agency of DHS.

G. Compliance, Audits, and Training.

 In exercising this delegation, the secretary must ensure that DHS, a DHS contractor, an

associated agency, state, local, tribal, and territorial government, and critical infrastructure owner

and operator personnel are in full compliance with the provisions of the APAS. Accordingly:

(1) The secretary, in consultation with USDA's Farm Service Agency, emergency

preparedness division director, must provide USDA with a bi-annual report on the use of this

delegated authority by DHS and any associated agency. Each report must identify the recipient

of the rated order, applicant of priority rating/allocation placement, contract date of priority

rating/allocation, commodity description, commodity quantity, commodity price, delivery date,

supplier, justification, and any other information as determined by USDA to be necessary.

(2) The secretary is delegated the authority to review the implementation of the APAS by all

persons who receive or are authorized to place, rated orders for food resources supporting DHS

approved programs, including critical infrastructure protection and restoration. This review must

not include inquiries into the unrated business of these persons.

(3) The secretary must notify USDA of any alleged violations of the priorities and

allocations provisions of the Defense Production Act and the APAS related to contracts and

orders for food resources.

(4) In coordination. with USDA, the secretary must conduct a continuing training program to

ensure that DHS, a DHS contractor, an associated agency, state, local, tribal, and territorial

governments, and critical infrastructure owner and operator personnel are thoroughly familiar

with the provisions of the APAS and this delegation.

H. Limitations of Authority.

Any authority not specifically delegated to the secretary in this delegation is reserved by USDA.

This delegation must be implemented in accordance with the APAS and any other related

regulations or official actions issued by USDA. It does not limit the authority of the Secretary of

Agriculture under Executive Order 13603 or any other authority.

I. Effective Date and Revocation of Previous Delegations.

1. This delegation must take effect as of the date of its execution by the signature below.
2. This delegation revokes all previous delegations of authority issued by USDA to DHS under the authorities referred to in Section A of this delegation.
3. Attachment 5, The Exercise of Authority by the Department of Homeland Security,

Federal Emergency Management Agency under DPAS Delegation 4, dated October 21, 2014,

will terminate one year following the execution of this delegation.

Dated: \_\_\_\_2/22/16\_\_\_\_\_\_\_\_\_

[signed]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Val Dolcini

Administrator, Farm Service Agency

United States Department of Agriculture

Attachment 1

AGRICULTURE PRIORITIES AND ALLOCATIONS SYSTEM

*SCHEDULE 1 TO PART 700*

DEPARTMENT OF AGRICULTURE APPROVED PROGRAMS

Program

Identification

Symbol

P1 Food and Food Resources (civilian) .

P2 Agriculture and Food Critical Infrastructure Protection and Restoration

# Appendix 3 – DHS Approved Programs, Supporting DHS Procurements

**DHS Approved Programs, Supporting DHS Procurements**

**(for use of authorities provided in**

**section 101 of the Defense Production Act)**

In accordance with subsection 202(c) of Executive Order 13603, the DHS programs listed below have been determined by the Federal Emergency Management Agency Associate Administrator for the Office of Policy and Program Analysis to be necessary or appropriate to promote the national defense and are, thereby, eligible to be supported using the priorities and allocations authorities provided in section 101 of the Defense Production Act of 1950, as amended [50 U.S.C. § 4511]. For the purposes of the Federal Priorities and Allocations System (FPAS) regulations and other FPAS guidance and procedures, these programs are commonly referred to as “DHS Approved Programs.”

1. **Programs involving emergency preparedness**[[12]](#footnote-12) **activities conducted pursuant to title VI of the Stafford Act**. Such activities include activities and measures designed or undertaken to prepare for or minimize the effects of a hazard[[13]](#footnote-13) upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard.
2. **Intelligence and warning systems to counter terrorism within the United States.** This includes intelligence and warning systems that help to: (1) prevent terrorist attacks within the United States; (2) reduce the vulnerability of the United States to terrorism; (3) minimize damage from a terrorist attack in the United States; and (4) recover from a terrorist attack in the United States.
3. **Border and transportation security programs to counter terrorism within the United States.** This includes border and transportation security programs that help to: (1) prevent terrorist attacks within the United States; (2) reduce the vulnerability of the United States to terrorism; (3) minimize damage from a terrorist attack in the United States; and (4) recover from a terrorist attack in the United States.
4. **Programs to address chemical, biological, radiological, and nuclear threats within the United States.** This includes programs to prevent, prepare for, respond to, recover from, or mitigate these threats, whether resulting from natural or man-caused events.
5. **Other programs, including law enforcement, to counter terrorism within the United States.** This includes programs that help to: (1) prevent terrorist attacks within the United States; (2) reduce the vulnerability of the United States to terrorism; (3) minimize damage from a terrorist attack in the United States; and (4) recover from a terrorist attack in the United States.
6. **Programs to protect or restore critical infrastructure.** U.S. critical infrastructure includes any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety.
7. **Federal Government continuity programs and functions.** These include: (1) development, operation, training, exercise, and assessment of Continuity of Operations and Continuity of Government programs; (2) development, operation, training, exercise, and assessment of the Emergency Alert System and the Integrated Public Alert and Warning System; and (3) development, testing, implementation, and sustainment of national security and emergency preparedness communications capabilities that are survivable, resilient, and enduring.

# Appendix 4 – SLTT Use of Priority Rating Authority Endorsement Template

SLTT Priority Rating Certification

I certify the contracts issued by **name of SLTT entity** to purchase **items or item categories** in support of **name of incident** are essential to FEMA’s response/recovery operations. Their ability to place priority ratings on these contracts is critical to alleviating resulting suffering and damage and directly supports FEMA’s response and recovery operation.

Contact information for the **name of SLTT entity** is provided below:

Name:

Title:

Phone Number:

Email:

 Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Regional Administrator or Incident FCO

[To submit this request electronically, please email to the DHS Lead FPAS Officer, OPPA, at FEMA-DPA@fema.dhs.gov.]

# Appendix 5 – ACO Delegation Template

|  |  |  |
| --- | --- | --- |
|  | DELEGATION OF AUTHORITY: DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM |  |

1. Purpose

This document delegates certain authorities under the Defense Priorities and Allocations System (DPAS) Delegation 4 **[add: and the Agriculture Priorities and Allocations System (APAS) Delegation 2, if appropriate]** to designated officials within the **[Name of DSO’s office]**.

1. Delegation

Pursuant to the authority vested in the **[Name of DSO]** by **[DHS or FEMA]** Delegation of Authority: “**[Title]**,” of **[Date issued]**, I hereby delegate the authority to place “DO” priority-rated contracts and orders (“rated orders”), as provided in Section C(1) of DPAS Delegation 4 **[add: and Section C(1) of APAS Delegation 2, if appropriate]**, to the:

* 1. ;
	2. ;
	3. ; and
	4. .

Use of this authority is subject to standards and procedures provided in the DPAS regulations [15 CFR Part 700], DPAS Delegation 4, **[add: 7 CFR Part 789, APAS Delegation 2, if appropriate]** and such other implementing guidance that may be issued by the Associate Administrator for the Office of Policy and Program Analysis (OPPA).

1. Re-delegation

Unless re-delegation is otherwise prohibited by law or regulation, the authority to place “DO” rated orders delegated herein may be re-delegated in writing to appropriate subordinates. Notification of re-delegation must be provided in writing to the Associate Administrator for OPPA.

1. Compliance

In exercising this delegation, officials identified in Section II and the subordinates to whom they re-delegate their authorities will:

* 1. Ensure their organizations are in full compliance with DPAS **[and /or APAS]** regulations, DPAS Delegation 4 **[and/or APAS Delegation 2]**, and the OPPA FPAS Implementing Guidance.
	2. Appoint a member of their staff to serve in the capacity of FPAS Officer and notify the FEMA Associate Administrator for OPPA of that appointment.
	3. Require all FPAS Officers and delegated officials to complete the on-line training courses offered by FEMA’s Emergency Management Institute (EMI) within 30 days after appointment and provide completion certificates to the FEMA Associate Administrator for OPPA.
	4. Provide quarterly reports to the FEMA Associate Administrator for OPPA on the use of this delegated authority;
	5. Provide notification to the FEMA Associate Administrator for OPPA of any alleged violations of the priorities and allocations provisions of the Defense Production Act and the DPAS; and
	6. Provide sufficient training to ensure personnel are thoroughly familiar with the provisions of the DPAS **[and/or APAS]**.

Failure of designated officials to submit notifications and reports in a timely manner may result in cancellation of this delegation.

1. Authority
	1. Executive Order 13603, “National Defense Resources Preparedness,” Mar. 16, 2012;
	2. 15 C.F.R. Part 700, “Defense Priorities and Allocations System”;
	3. Defense Priorities and Allocations System, (DPAS) Delegation 4, “Delegation of Authority to the Secretary of Homeland Security”, March 8, 2016;
	4. 7 C.F.R. Part 789, “Agriculture Priorities and Allocations System”;
	5. Agriculture Priorities and Allocations System (APAS) Delegation 2, “Delegation of Authority to the Secretary of Homeland Security”, February 22, 2016;
	6. DHS Delegation Number 09052.1, “Delegation of Defense Production Act Authority to the Administrator of the Federal Emergency Management Agency” April 1, 2020;
	7. DHS Delegation 09053.1, “Delegation of Authority regarding the Defense Priorities and Allocations System”, August 11, 2022, or FEMA Delegation number FDA 112-002a-1, “Delegations to Senior Leadership Officials and Related Authority”, October 30, 2020 or FEMA Delegation number FDA 0601-1, Delegation of Authority to the Regional Administrators, February 12, 2022 **[select one delegation , as appropriate]**.
2. Cancellation

N/A

1. Offices of Primary Interest

The offices of the officials listed in Section II are the offices of primary interest in this delegation.

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  | Date |
| DSO Signature |  |  |

# Appendix 6 – DHS FPAS Officer Appointment Template

# Federal Priorities and Allocations Systems Officer (FPAS) Appointment

The following person is designated as a FPAS Officer.

|  |  |
| --- | --- |
| **Name** |  |
| **DHS Component** |  |
| **Title** |  |
| **Office** |  |
| **Telephone Number** |  |
| **E-mail Address** |  |

**Designating Official** (Delegated Senior Official or Authorized Component Official):

**Name**:

**Title**:

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_

**FPAS Officer Acknowledgment of Responsibilities**

I, **[insert** **FPAS Officer Name]**, have been formally designated as a **[insert Name of Organization]** FPAS Officer. As a FPAS Officer, I understand my duties encompass the facilitation of six key activities: 1) monitoring the use of rated orders, 2) providing special priorities assistance, 3) supporting resource adjudication, 4) conducting education and training, 5) ensuring compliance, and 6) maintaining required records and submitting reports. Summarized below is a description of each requirement, this list is not all inclusive.

**Reference**

U.S. Department of Homeland Security - Federal Emergency Management Agency, Office of Policy and Program Analysis (OPPA), DHS FPAS Officer’s Manual.

**Use of Rated Orders**

* Being familiar with the Defense Production Act (DPA) and Executive Order (E.O.) 13603
* Knowing the requirements and limitations of each of the FPAS regulations
* Being prepared to inform, advise, and assist contracting officers/contracting specialists (CO/CSs) in their use of the FPAS
* Assisting CO/CSs in determining which activities can be associated with a Department of Homeland Security (DHS) Approved Program
* Conducting random reviews of FPAS implementation by all CO/CSs who receive or are authorized to place rated orders
* Reporting any alleged violations of the priorities and allocations provisions of the DPA and the FPAS to the Authorized Component Official (ACO) and DHS Lead FPAS Officer
* Ensuring CO/CSs are thoroughly familiar with the provisions of the FPAS and any FPAS delegations to DHS by Resource Departments
* Communicating with ACOs and CO/CSs involved with FPAS implementation to determine if they are appropriately executing their responsibilities
* Conducting periodic “how is it going” meetings with CO/CSs

**Special Priorities Assistance (SPA)**

* Knowing when and how to prepare and submit SPA requests
* Understanding the purpose of FPAS and the limitations on its use
* Knowing the process for conflict resolution and my role in performing it

# Being able to explain FPAS benefits to others in the organizations

* Being able to advise the ACO and CO/CSs on the proper FPAS program identification symbol to assign to rated orders; and
* Being able to assist with the development of remedies to issues affecting the contractor’s ability to comply with rated order delivery schedules

**Supporting Resource Adjudication**

* Being prepared to participate as a member of the Homeland Security Priorities Adjudication Board (HSPAB), when requested by the Chair, and/or when their Component is impacted by the specific conflict being adjudicated
* Coordinating the development of requirements priorities by working with personnel in the Component who can make assessments of operational urgency
* Developing resource requirements priorities
* Assisting in the preparation of conflict resolution referral packages
* Forwarding any unresolvable priority rating conflict involving more than a single Delegated Senior Officials (DSO) to the DHS FPAS Coordinator

**Education and Training**

* FPAS Officers are responsible for supporting and training the contracting officers who support their ACO
* Completing FEMA’s EMI on-line courses: 1) [IS-245.B: Introduction to the Federal](https://training.fema.gov/is/courseoverview.aspx?code=IS-245.b)  [Priorities and Allocations System](https://training.fema.gov/is/courseoverview.aspx?code=IS-245.b); and 2) [IS-246.21: Implementing the Federal Priorities and](https://training.fema.gov/is/courseoverview.aspx?code=IS-246.21) [Allocations System (FPAS)](https://training.fema.gov/is/courseoverview.aspx?code=IS-246.21) within 30 days of appointment
* Completing the EMI on-line courses annually
* Providing a copy of your FPAS course completion certificate(s) to the DHS Lead FPAS Officer via the FEMA-DPA@fema.dhs.gov global mailbox

**Compliance**

* Ensuring PD is in full compliance with FPAS regulations, FPAS delegations to the DHS Secretary, and FEMA’s DPA Program Division, Office of Policy and Program Analysis (OPPA’s) FPAS implementing guidance
* Advising CO/CSs on the use of FPAS rated orders and ensuring that such use complies with the DPAS regulation and delegations
* In every instance of a violation, contacting the offender and reviewing the FPAS requirement to ensure they acknowledge their error, take corrective action to eliminate the error, and establish a procedure to avoid repeating it

**Records and Reports**

* Reminding CO/CSs that they must maintain an accurate and complete record of all transactions covered by FPAS and preserve those records for at least three years in the Electronic Contracts Filing System (ECFS)
* Completing and submitting a quarterly status report to the DHS Lead FPAS Officer in OPPA via the FEMA-DPA@fema.dhs.gov global mailbox

This appointment is effective until rescinded in writing.

**DHS Component/Office:**

**Telephone Number:**

# FPAS Officer Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_

# Appendix 7 – DHS DSO/ACO Priority Rating Authorization under the Federal Priorities and Allocations System

**[Note: This template may be used for contracts issued under either the Defense Priorities and Allocations System (DPAS) or the Agriculture Priorities and Allocations System (APAS), as appropriate]**

Date

To**: [Name/Office of Contracting Officer]**

From: **[Name/Office of DSO/ACO]**

Subject: Approval for the placement of a DPAS **[or APAS]** priority-rated order

I have reviewed the attached contract request and have determined that:

1. The program activity to **[describe the request]** falls within the **DHS [insert name of program from appendix 3]** Approved Program and, thereby, qualifies to be supported using rated orders; and
2. The materials **[or services]** to be procured in support of this qualifying activity are eligible to be procured using a DPAS **[or APAS]** rated order.

Therefore, I am directing placement of **a [select DO-N1 through DO-N8 or DO-P1, as appropriate to match the approved program]** priority rating for this contract.

Contracting officers will ensure that the provisions of the DPAS regulation, including 15 CFR 700.13 (Elements of a Rated Order) and 700.15 (Extension of Priority Ratings) **[or the APAS regulation (7 CFR 789.12 (Elements of a Rated Order) and 789.15 (Extension of Priority Ratnings)]**, are satisfied when issuing the contract.

# Appendix 8 – FPAS Violation Notification Template

MEMORANDUM TO: DHS Lead FPAS Officer

 Office of Policy and Program Analysis

 Federal Emergency Management Agency

FROM: NAME

 DHS FPAS OFFICER

 DHS, [INSERT COMPONENT/SUBCOMPONENT NAME]

SUBJECT: FPAS Violation Notification

Violation pertains to: \_\_\_ DPAS, \_\_\_APAS, \_\_\_ Other FPAS Regulation, \_\_\_DHS FPAS Guidance (check all that apply)

Violation committed by: \_\_\_ AOC, \_\_\_ Contracting Officer, \_\_\_ Contractor, \_\_\_ FPAS Officer

Name, Title, Organization, and Contact information of person(s) making the violation

Description of violation (include pertinent regulation/guidance citations)

Impact/consequence of violation, if any

Actions taken to correct violation

[To file this report electronically, please email to the DHS Lead FPAS Officer, OPPA, at FEMA-DPA@fema.dhs.gov.]

# Appendix 9 – Quarterly Status Report on Use of Priority Rating Authority

MEMORANDUM TO: DHS Lead FPAS Officer

 Office of Policy and Program Analysis

 Federal Emergency Management Agency

FROM: NAME

 DHS COMPONENT Lead FPAS OFFICER

 DHS, [INSERT COMPONENT NAME]

SUBJECT: Quarterly Status Report on Use of Priority Rating Authority

1. Reporting Period: For example, 2nd Qtr. FY 22 January 1 through March 31, 2022
2. Were new rated orders placed or previously issued orders modified during the reporting period?

\_\_\_\_\_\_ Yes \_\_\_\_\_\_No

If the answer to question 2 is “Yes,” please fill out the following tables:







[To file this report electronically, please email to the DHS Lead FPAS Officer, OPPA, at FEMA-DPA@fema.dhs.gov.]

1. Industrial resources means all materials, services and facilities, including construction materials, the authority for which has not been delegated to other agencies under Executive Order 13603. [↑](#footnote-ref-1)
2. Food resources means all commodities and products, (simple, mixed, or compound), or complements to such commodities or products, that are capable of being ingested by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. "Food resources" also means potable water packaged in commercially marketable containers, all starches, sugars, vegetable and animal or marine fats and oils, seed, cotton, hemp, and flax fiber, but does not mean any such material after it loses its identity as an agricultural commodity or agricultural product. [↑](#footnote-ref-2)
3. DHS Approved Programs are programs that are eligible to be supported using rated orders, because they have been determined by the Associate Administrator for the Office of Policy and Program Analysis to be “necessary or appropriate to promote the national defense,” in accordance with section 202(c) of Executive Order 13603. The list of DHS Approved Programs is provided in Appendix 3. [↑](#footnote-ref-3)
4. “Energy” means all forms of energy including petroleum, gas (both natural and manufactured), electricity, solid fuels (including all forms of coal, coke, coal chemicals, coal liquification, and coal gasification), solar, wind, other types of renewable energy, atomic energy, and the production, conservation, use, control, and distribution (including pipelines) of all of these forms of energy. [↑](#footnote-ref-4)
5. “Health resources” means drugs, biological products, medical devices, materials, facilities, health supplies, services and equipment required to diagnose, mitigate or prevent the impairment of, improve, treat, cure, or restore the physical or mental health conditions of the population. [↑](#footnote-ref-5)
6. “Civil transportation” includes movement of persons and property by all modes of transportation in interstate, intrastate, or foreign commerce within the United States, its territories and possessions, and the District of Columbia, and related public storage and warehousing, ports, services, equipment and facilities, such as transportation carrier shop and repair facilities. "Civil transportation" also shall include direction, control, and coordination of civil transportation capacity regardless of ownership. "Civil transportation" shall not include transportation owned or controlled by the Department of Defense, use of petroleum and gas pipelines, and coal slurry pipelines used only to supply energy production facilities directly. [↑](#footnote-ref-6)
7. "Potable water packaged in commercially marketable containers" is defined as a "food resource" rather than as a "water resource." [↑](#footnote-ref-7)
8. The priorities and allocations authority is delegated by the President to the Heads of the Resource Departments as follows: (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. [↑](#footnote-ref-8)
9. An "associated agency" is a federal agency that has been delegated authority by the FEMA Administrator to place rated orders in support of DHS Approved Programs. For example, the Administrator has delegated authority to the Commanding General of the U.S. Army Corps of Engineers (USACE) to place "DO-N1" and "DO-N7" priority-rated contracts and orders as provided in the DPAS regulations at 15 CFR part 700 and DPAS Delegation 4. USACE use of its authority as an associated agency under DPAS Delegation 4 is subject to standards and procedures provided in the DPAS regulations, DPAS Delegation 4, and such other DPAS guidance that may be issued by the OPPA Associate Administrator. [↑](#footnote-ref-9)
10. Currently, these EMI courses are: (1) IS-245.a – “DPAS Orientation Defense Priorities and Allocations System (DPAS)”; and (2) IS-246.16 – “Implementing the Defense Priorities and Allocations System (DPAS).” Note, however, that both courses are currently being revised and updated to reflect new provisions, guidance, and procedures associated with the new Agriculture Priorities and Allocations System (APAS) Delegation 2 and updated DPAS Delegation 4 issued in 2016. Both revised courses will have “Federal Priorities and Allocations System” rather than “Defense Priorities and Allocations System” in their titles. [↑](#footnote-ref-10)
11. An "associated agency" is a federal agency that has been delegated authority by the FEMA Administrator to place rated orders in support of DHS Approved Programs. For example, the Administrator has delegated authority to the Commanding General of the U.S. Army Corps of Engineers (USACE) to place "DO-N1" and "DO-N7" priority-rated contracts and orders as provided in the DPAS regulations at 15 CFR part 700 and DPAS Delegation 4. USACE use of its authority as an associated agency under DPAS Delegation 4 is subject to standards and procedures provided in the DPAS regulations, DPAS Delegation 4, and such other DPAS guidance that may be issued by the OPPA Associate Administrator. [↑](#footnote-ref-11)
12. The term “emergency preparedness” includes:

(A) 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 nonmilitary evacuation of the civilian population).

(B) 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).

(C) Measures to be undertaken following a hazard (including activities for fire fighting, 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). [↑](#footnote-ref-12)
13. The term “hazard” means an emergency or disaster resulting from: (A) a natural disaster; or (B) an accidental or man-caused event. [↑](#footnote-ref-13)