Defense Priorities and Allocations System (DPAS)

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Defense Production Act of 1950

Under Title I of the Defense Production Act of 1950 (DPA), the President is authorized to require:

- Preferential acceptance and performance of contracts or orders (other than contracts of employment) supporting certain approved national defense and energy programs.
- The allocation of materials, services, and facilities in such a manner as to promote these approved programs.
- Congress extended the non-permanent provisions of the DPA (Title I) through September 30, 2025.
The DPA’s definition of “national defense” includes 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.
- The definition also 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 (CIPR).
- National defense is broadly defined and can include CIPR, emergency preparedness, and preparation for and recovery from natural disasters.
Agency Priorities and Allocations Rules

• **Agriculture** - (APAS): Food resources (includes meals-ready-to-eat, bottled water)

• **Energy** - (EPAS): Includes all forms of energy other than authority in DPA Section 101(c); maximization of domestic energy supplies

• **Health and Human Services** - (HRPAS): Health resources (includes vaccines and ancillary medical devices and equipment)

• **Transportation** - (TPAS): Includes priority use and allocation of shipping services, chassis, and port facilities, and services for national security and national defense related operations

• **Commerce** – (DPAS): All other materials not delegated above in E.O. 13603 (industrial resources)
What is the DPAS?

• The DPAS implements the Title I priorities and allocations authority contained in the DPA that has been delegated to the Secretary of Commerce.

• The DPAS establishes procedures for the placement, acceptance and priority performance of priority-rated contracts and purchase orders, called “rated orders.”

• The DOC has managed an operational priorities and allocations system since 1950.

• Historically, the DPAS has predominately been used to support military programs, but has been used more regularly in recent years for homeland security and emergency preparedness/response programs.
Key Features of the DPAS

• Mandatory Acceptance
• Mandatory and Optional Rejection
• Customer Notification Requirements
• Preferential Scheduling
• Extension of Priority Ratings
• Protection Against Claims
• Ongoing supply chain constraints have led to increased focus on DPA Title I priorities and allocations authorities.

• BIS is fielding an increased volume of inquiries about obtaining DPAS rating authority—from both government agencies and the private sector.

• So far in FY22, BIS has issued 27 DPAS rating authorizations, which is the most since FY12 with several months left in the fiscal year.

• BIS can only provide DPAS rating authorization if DOD, DOE or FEMA determine that the request is “necessary or appropriate” to promote the national defense.

• Anyone seeking DPAS rating authorization must be able to describe the contractual situation that triggered the request and also provide a narrative linking the request to the DPA’s definition of national defense.
Additional information on the DPAS can be found on our website: https://www.bis.doc.gov/index.php/other-areas/strategic-industries-and-economic-security-sies/defense-priorities-a-allocations-system-program-dpas

- This page includes a training course to assist industry to comply with the DPAS
- You can also email us at DPAS@bis.doc.gov