



Introduction to Special Priorities Assistance



What is Special Priorities Assistance?



- The U.S. Department of Commerce's Bureau of Industry and Security (DOC/BIS) may provide Special Priorities Assistance (SPA) for approved national defense programs for any reason in support of the DPAS regulation, such as:
 - Assisting in obtaining timely deliveries of items needed to satisfy DPAS rated orders.
 - Authorizing the use of priority ratings on orders to obtain items.
 - Authoring the use of priority ratings on orders to obtain items not normally ratable under this regulation.
 - Resolving production and delivery conflicts between DPAS rated orders.
- An approved program is a program that has been determined in writing as necessary or appropriate to promote the national defense by the appropriate Determination Department (referred to as "Program Determination"):
 - Department of Defense (DOD): with respect to military production and construction, military assistance to foreign nations, military use of civil transportation, stockpiles managed by DOD, space, and directly related activities.
 - Department of Energy (DOE): with respect to energy production and construction, distribution and use, and directly related activities.
 - Department of Homeland Security (DHS): with respect to all other national defense programs, including homeland security, emergency preparedness, and critical infrastructure protection and restoration related activities.



What is Special Priorities Assistance?



- SPA may be requested by U.S. or foreign corporations; U.S. Government agencies; state, local, tribal or territorial governments; foreign governments; or international organizations (e.g., North Atlantic Treaty Organization).
- A request for SPA is submitted by filling out a Form BIS-999 to the local contract administration representative, the Delegate Agency, or to DOC/BIS.
 - Form BIS-999 may be obtained from the Delegate Agency representative, from DOC/BIS, or from the following website: [FORM BIS-999 \(bis.doc.gov\)](https://bis.doc.gov/form-bis-999)
 - Information furnished related to requests for SPA is deemed confidential under section 705(d) of the DPA which prohibits publication or disclosure of information unless the President determines that withholding it is contrary to the interest of the national defense. DOC/BIS will assert the appropriate Freedom of Information Act (FOIA) exemptions if such information is the subject of FOIA requests.
 - Please refer to DOC/BIS for instructions on how to fill out Form BIS-999, or from the following website: [Defense Priorities & Allocations System Program \(DPAS\) \(doc.gov\)](https://doc.gov/defense-priorities-and-allocations-system-program-dpas).
- In the event of a problem for existing DPAS rated orders, a person should immediately contact the appropriate contract administration officer or DOC/BIS for guidance or assistance.
 - If additional formal aid is needed, SPA should be sought from the Delegate Agency through the contract administration officer or DOC/BIS.



SPA Examples

15 CFR § 700.52



- While SPA may be provided for any reason in support of the DPAS regulation, it is usually provided in situations where:
 - There is difficulty in obtaining delivery against a rated order by the required delivery date.
 - A person cannot locate a supplier for an item needed to fill a rated order.
 - A person wants to ensure that rated orders are receiving preferential treatment by suppliers.
 - Production or delivery conflicts need to be resolved.
 - A person needs assistance in placing DPAS rated orders with suppliers.
 - A person wants to verify the validity and/or urgency of rated orders.
 - A person wants to request rating authority.



Criteria for SPA

15 CFR § 700.53 – 700.54



- Requests for SPA should be timely, that is, the request has been submitted promptly and enough time exists for the Determination Department, Delegate Agency, or DOC/BIS to affect a meaningful resolution to the problem, and must establish that:
 - There is an urgent need for the item.
 - The applicant has made a reasonable effort to resolve the problem.
- Examples of when SPA may not be provided:
 - Secure a price advantage.
 - Obtain delivery prior to the time required to fill a DPAS rated order.
 - Gain competitive advantage.
 - Overcome a supplier's regularly established terms of sale or conditions of doing business.



DOC/BIS Official Actions in Response to SPAs



When necessary, DOC/BIS may take specific official action in response to SPAs, including the issuance of:

- [Rating Authorizations \(15 CFR § 700.61\)](#)
- [Directives \(15 CFR § 700.62\)](#)
- [Letters of Understanding \(15 CFR § 700.63\)](#)

Please see the following slides for additional information on each topic.



Official Actions:

Rating Authorizations

15 CFR § 700.61



- DOC/BIS issues Rating Authorizations in response to SPA requests for DPAS priority rating authority.
- A Rating Authorization grants specific priority rating authority that permits a person to place DPAS rated orders in support of an approved program. This includes:
 - Contracts or orders for an item not normally ratable under the DPAS Regulation.
 - Authorizing a person to place or modify a DPAS rated order for an item(s).
- A SPA request for DPAS priority rating authority must be in support of an approved program.
 - A Program Determination from the appropriate Determination Department is required for DOC/BIS to provide DPAS priority rating authority.
 - A Program Determination does not guarantee DOC/BIS will provide DPAS priority rating authority if the criteria for assistance is not met as outlined in 15 CFR § 700.53.



SPA Requests for DPAS Rating Authorization



- Persons may request DPAS priority rating authority if:
 - A person does not have DPAS rating authority from a Delegate Agency or DOC/BIS and is unable to ensure the timely delivery of industrial resources for an approved program.
 - A DPAS rated order is likely to be delayed because a person is unable to obtain items not normally rated under the DPAS regulation. Examples include:
 - Production or construction equipment.
 - Request for production and construction equipment must be submitted to the appropriate Delegate Agency or DOC/BIS.
 - Requests in support of DOD should be submitted on DOD Form 691 to DOD.
 - Computers when not used as production items.
 - Expansion, rebuilding, or replacing plant facilities.
 - A person needs to place a priority rating on an order to a supplier in advance of the issuance of a DPAS rated prime contract.
 - This is only done in certain cases and upon specific request, as outlined in [15 CFR § 700.51\(d\)](#).



Who can be authorized DPAS priority rating authority?



- DOC may authorize U.S. government agencies; foreign governments; U.S. and foreign contractors, subcontractors, and suppliers; or owners/operators of critical infrastructure) to place DPAS rated orders on a case-by-case basis.
- Such requests must first be determined as necessary or appropriate to promote the national defense by the appropriate Determination Department (i.e., DOD, DHS, DOE), as required under E.O. 13603. You can learn more about E.O. 13603 here: [E.O. 13603](#).
- See [15 CFR § 700.55](#) for more information on how to request a Program Determination.





Implementing DPAS Rating Authorization



- If DOC/BIS authorizes use of the DPAS regulation, a written Rating Authorization letter will be provided to the SPA requestor providing limited authority under the DPAS regulation to place DPAS priority ratings on contracts and purchase orders.
- The Rating Authorization is limited to:
 - Certain items and/or contracts or orders that support the approved program(s); and
 - A certain period (i.e., the Rating Authorization expires).
- **The written Rating Authorization letter does not in and of itself make the authorized person's contract(s) and/or order(s) DPAS priority rated.**
- To implement the DPAS priority rating authority granted by the letter, the authorized person must place or amend its existing contract(s) and/or order(s), as provided in sections [700.12](#) and [700.16](#) of the DPAS, to include the priority rating indicated in the letter and outlined in an attachment to the letter.



Official Actions: Directives

15 CFR § 700.62



- A Directive requires a company to deliver an item or take other action within a specified time frame.
- A person must comply with each Directive issued by DOC/BIS, however, a person may not use or extend a Directive to obtain any items from a supplier, unless expressly authorized to do so in the Directive.
- Directives take precedence over all DX DPAS rated orders, DO DPAS rated orders, and unrated orders previously or subsequently received, unless a contrary instruction appears in the Directive.



Official Actions: Letters of Understanding 15 CFR § 700.63



- A Letter of Understanding may be issued by DOC/BIS in resolving SPA requests to reflect an agreement reached by all parties (DOC, the Delegate Agency, the supplier, and the customer).
- A Letter of Understanding is used to confirm production or shipping schedules which do not require modifications to other rated orders.
- A Letter of Understanding is NOT used to alter scheduling between rated orders, to authorize the use of priority ratings, to impose restrictions under the DPAS Regulation, or to take other official actions.



Military Assistance Programs with Canada

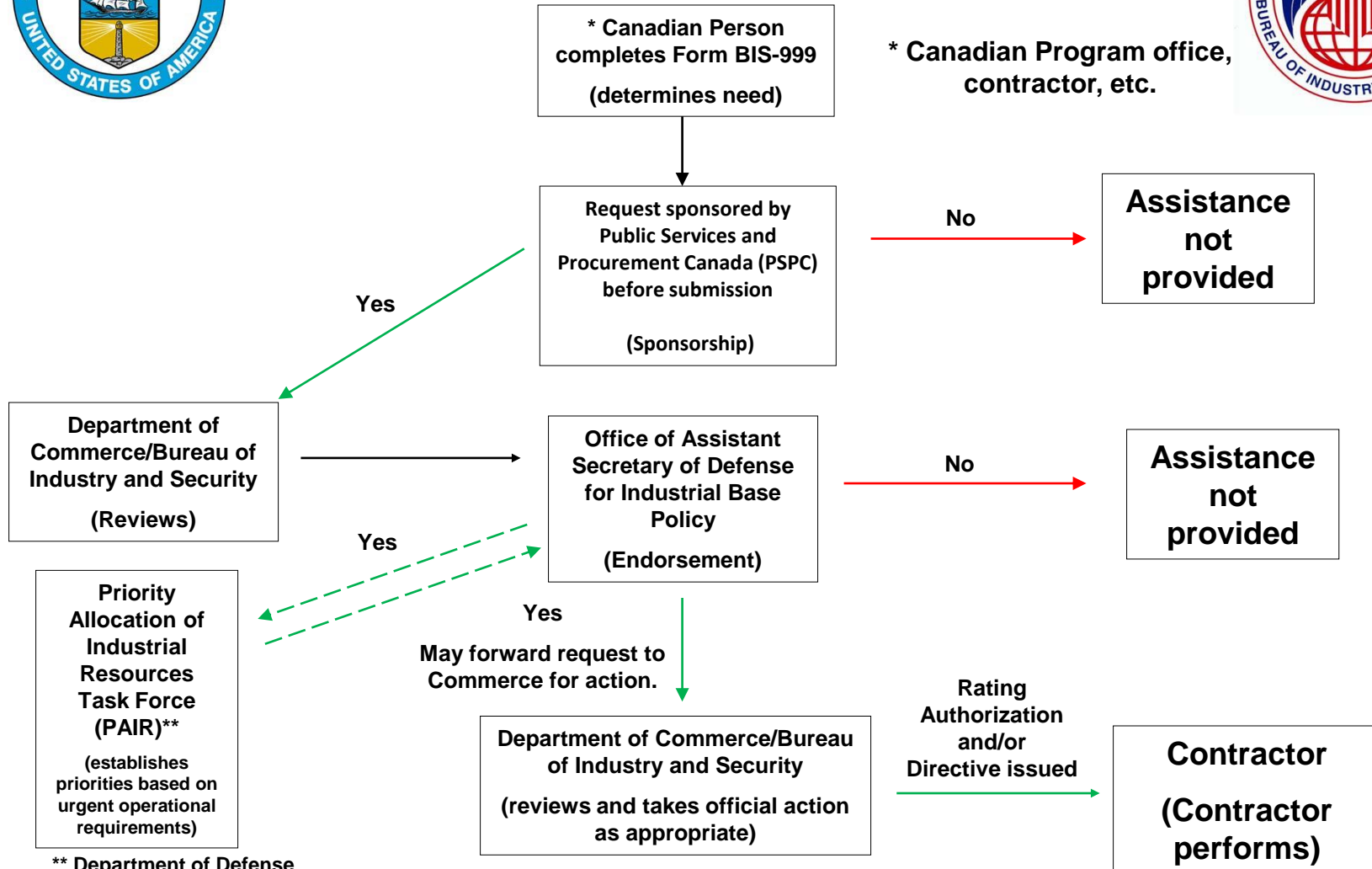
15 CFR § 700.56



- DOC/BIS maintains a Memorandum of Understanding (MOU) with Public Works and Government Services Canada (PWGSC), now referred to as Public Services and Procurement Canada (PSPC), on priorities and allocations support for programs important to the defense of both the United States and Canada. DOC/BIS and PWGSC coordinate on all matters of mutual concern relating to the MOU.
- In accordance with the MOU and the DPAS regulation:
 - Any person in the United States ordering defense items in Canada in support of an approved program should inform the Canadian supplier that the items being ordered are to be used to fill a DPAS rated order. The Canadian supplier should be informed that if production materials are needed from the United States by the Canadian supplier or the Canadian supplier's Canadian vendor, the Canadian supplier or Canadian vendor should contact PWGSC for authority to place DPAS rated orders in the United States.
 - Any person in Canada producing defense items for the Canadian government may also obtain DPAS priority rating authority for items to be purchased in the United States by applying to PWGSC.
 - Any person in Canada needing SPA in obtaining defense items in the United States may apply to PWGSC, who will forward appropriate requests to DOC/BIS.
- Although priority ratings have no legal authority outside of the United States, 15 CFR § 700.56 provides information on how persons in the United States may obtain informal assistance in Canada in support of approved programs.
 - Any person in the United States requiring assistance in obtaining items in Canada must submit a request to DOC/BIS on Form BIS-999. DOC/BIS will forward appropriate requests to PWGSC.



Request for SPA: Foreign Persons (Canadian)



** Department of Defense PAIR process only used when necessary



Military Assistance Programs with Nations (Other than Canada) and International Organizations

15 CFR § 700.57



- To promote military assistance to foreign nations and international organizations (for example, the North Atlantic Treaty Organization (NATO)), DOC/BIS may take official action, such as the issuance of a Rating Authorization, to support foreign partners and international organizations on a case-by-case basis.
- Before DOC may take official action, the request must first be determined as necessary or appropriate to promote the national defense by DOD.
- Such requests should be submitted to DOD's Office of the Assistant Secretary of Defense for Industrial Base Policy (OASD(IBP)).
 - If DOD makes the required determination that the request is necessary or appropriate to promote the national defense, DOD will endorse the request and forward it to DOC/BIS for action.
- Although priority ratings have no legal authority outside of the United States, 15 CFR § 700.57 provides information on how persons in the United States may obtain informal assistance from countries that DOD maintains a security of supply arrangement (SOSA) with in support of approved DOD programs.



Request for SPA: Foreign Military Assistance (non-Canadian)

* Foreign Person
completes Form BIS-999
(determines need)

* Foreign Program office,
contractor, etc.



Request sponsored by
Foreign Government
before submission
(Sponsorship)

No

Assistance
not
provided

Yes

Office of the Assistant
Secretary of Defense for
Industrial Base Policy
(Endorsement)

No

Assistance
not
provided

Yes

Priority
Allocation of
Industrial
Resources
Task Force**

(establishes
priorities based on
urgent operational
requirements)

** Department of Defense
PAIR process only used when
necessary

Yes
May forward
request to DOC for
action

Department of Commerce/Bureau
of Industry and Security
(reviews and takes official action
as appropriate)

Rating
Authorization
and/or
Directive issued

Contractor
(Contractor
performs)



Security of Supply Arrangements



- A SOSA is a non-binding arrangement concluded by DOD with a foreign partner to provide reciprocal priorities support.
- Arrangements establish a process to request priority acceptance and performance of contracts, subcontracts, and purchase orders to address national defense needs.
 - Provides U.S. assurance of meeting requests via the DPAS.
 - Provides foreign assurance via an Industry Code of Conduct.
- Assistance can be requested by Foreign Governments, contractors, subcontractors, or suppliers.
- DOD maintains SOSAs with the following countries:
 - Australia
 - Denmark
 - Estonia
 - Finland
 - Germany
 - India
 - Israel
 - Italy
 - Japan
 - Latvia
 - Lithuania
 - The Netherlands
 - Norway
 - Republic of Korea
 - Singapore
 - Spain
 - Sweden
 - United Kingdom
- The most up-to-date information on SOSAs may be found on the following website:
<https://www.businessdefense.gov/security-of-supply.html>



Critical Infrastructure Assistance Programs to Foreign Nations and International Organizations

15 CFR § 700.58



- To promote critical infrastructure assistance to foreign nations and international organizations (i.e., NATO), DOC/BIS may take official action such as the issuance of a Rating Authorization, to support foreign partners and international organizations on a case-by-case basis.
- Before DOC can take official action, the request must first be determined as necessary or appropriate to promote the national defense by DHS.
 - Requests for assistance in obtaining items to be purchased in the United States for support of critical infrastructure protection and restoration should be submitted to DHS's Federal Emergency Management Agency (FEMA) as outlined in 15 CFR § 700.58(b).
 - If DHS/FEMA makes the required determination that the request is necessary or appropriate to promote the national defense, DHS/FEMA will endorse the request and forward it to DOC/BIS for action.



Request for SPA: Foreign or International Organization Critical Infrastructure Assistance



Foreign nation or
international
organization completes
Form BIS-999
(determines need)

Request sponsored by
Foreign Government
before submission

(Sponsorship)

No

Assistance
not
provided

Yes

Department of
Homeland Security/
Federal Emergency
Management Agency
(Endorsement)

No

Assistance
not
provided

Yes



Deconfliction Process if
interagency
stakeholders or other
Determination
Departments
(Department of Defense
or Department of
Energy) are competing
for resource.

Yes. May forward
request to Department
of Commerce for action

Department of Commerce/Bureau
of Industry and Security
(reviews and takes official action
as appropriate)

Rating
Authorization
and/or
Directive issued

Contractor
(Contractor
performs)



Examples of DPAS Assistance



DOD-Endorsed Assistance



- DOC/BIS works closely with DOD to ensure materials to support critical programs receive appropriate priority.
- Assistance may also be provided in support of foreign requests. This includes:
 - Resolving delivery delays for critical items (e.g., night vision/thermal imaging equipment, ammunition, aircraft spare parts)
 - Supporting NATO operations and counter-terrorism activities
 - Requests supporting non-binding SOSAs with foreign partners that provide for reciprocal priorities support
 - Requests from non-Security of Supply foreign partners
- Examples of Assistance:
 - Embassy Security Protection Program
 - Orion Multi-Purpose Crew Vehicle Program
 - Defense-related machining





DHS/FEMA-Endorsed Assistance



- DOC/BIS works closely with DHS/FEMA to ensure materials to support critical programs receive appropriate priority.
- Assistance may be provided in support of the following:
 - Federal emergency preparedness, mitigation, response, and recovery
 - State, local, tribal government emergency preparedness, mitigation, response, and recovery
 - Intelligence and warning systems
 - Border and transportation security
 - Domestic counter-terrorism, including law enforcement
 - Chemical, biological, radiological, and nuclear countermeasures
 - Critical infrastructure protection and restoration
- Examples of Assistance:
 - FBI's Redstone Arsenal Construction Program
 - U.S. Forest Service's Wildland Fire Protection Program
 - Water/wastewater critical infrastructure





DOE-Endorsed Assistance



- DOC/BIS works closely with DOE to ensure materials to support critical programs receive appropriate priority.
- Assistance may be provided for the following:
 - Energy production and construction
 - Energy distribution and use, and directly related activities
- Examples of Assistance:
 - Electricity generation
 - Facility and network upgrades to DOE national laboratories





U.S. Department of Commerce Contact Information



Bureau of Industry and Security
Office of Strategic Industries &
Economic Security
Defense Programs Division
(202) 482-3634
DPAS@bis.doc.gov

www.bis.doc.gov/index.php/other-areas/strategic-industries-and-economic-security-sies/defense-priorities-a-allocations-system-program-dpas



DPAS Determination Departments Contact Information



U.S. Department of Defense

Office of the Deputy Assistance Secretary of
Defense for Industrial Policy

(703) 697-0051

[osd.pentagon.ousd-a-s.mbx.indpol-dpa-title-
i@mail.mil](mailto:osd.pentagon.ousd-a-s.mbx.indpol-dpa-title-i@mail.mil)

www.businessdefense.gov

U.S. Department of Homeland Security

Federal Emergency Management Agency

Office of Policy & Program Analysis

Defense Production Act Program Division

(202) 212-2900

FEMA-DPA@fema.dhs.gov

[www.fema.gov/disaster/defense-production-
act](http://www.fema.gov/disaster/defense-production-act)

U.S. Department of Energy

Office of Cybersecurity, Energy Security, and Emergency Response

(202) 586-8100

askcr@hq.doe.gov



End