**[OFFICIAL LETTERHEAD]**

[DATE]

Cynthia Spishak

Associate Administrator

Office of Policy and Program Analysis

Federal Emergency Management Agency

U.S. Department of Homeland Security 500 C Street, SW

Washington, DC 20472

Dear Ms. Spishak:

This is a request for a determination, pursuant to section 202 of Executive Order 13603, that the [INSERT NAME OF ELIGIBLE ORGANIZATION]’s [INSERT NAME OF PROGRAM] is necessary or appropriate to promote the national defense.

Provide brief descriptions of the program purpose and activities. Explain how the program involves one or more of the following categories of national defense (as defined by the Defense Production Act):

1. Homeland security;
2. 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.];
3. Critical infrastructure protection or restoration; or
4. Continuity Programs.

*[instructions can be found on the following pages]*

The program purpose and activities should be described in sufficient detail to enable a decision by the OPPA Associate Administrator that the program is necessary or appropriate to promote the national defense.]

[Provide contact information for requests for additional information.]

Signed by (at minimum) Deputy Assistant Secretary level

INSTRUCTIONS FOR COMPLETING THE PROGRAM DETERMINATION REQUEST

**Paragraph 1:**

The first paragraph of the request must include the name of a federal organization that is eligible to use priority-rated orders and the name of that organization’s program that is supporting a national defense mission.

Eligible organizations are defined by Executive Order (E.O.) 13603 as: Any agency engaged in procurement for the national defense. These are the Departments of State, Justice, the Interior, and Homeland Security, the Office of the Director of National Intelligence, the Central Intelligence Agency, the National Aeronautics and Space Administration, the General Services Administration, and all Resource Departments (Agriculture, Commerce, Defense, Energy, Health and Human Services, and Transportation).

Programs are defined as: An organized set of activities directed toward a goal or particular set of goals or objectives for which the program is accountable; a distinct set of activities and strategies organized toward achieving a specific purpose. Programs usually operate for indefinite or continuous periods, but may consist of several projects or initiatives that may terminate independently. *Do not insert an activity, project or contract in the program block.*

**Paragraph 2:**

The second paragraph describes the reason that requesting organization believes that the program is qualified to receive a program determination. This means that the description should list those activities and projects that support a national defense mission. If this request is based on a need for special priorities assistance (SPA), there is no need to describe the problem or issue that was reported on the SPA form. While this information is important to the Resource Department, it is not relevant for making a program determination.

What is relevant is a clear and unambiguous link to the DPA definition of national defense which is defined as: 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.

For FEMA OPPA to be able to issue a program determination, the program must involve one or more of the following program categories that define national defense:

* + 1. Homeland security;
    2. 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.];
    3. Critical infrastructure protection or restoration; or
    4. Continuity Programs.

The term **Homeland security** means efforts—

1. to prevent terrorist attacks within the United States;
2. to reduce the vulnerability of the United States to terrorism;
3. to minimize damage from a terrorist attack in the United States; and
4. to recover from a terrorist attack in the United States.

The term “**emergency preparedness**” means all those activities and measures designed or undertaken to prepare for or minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions 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. Such term includes the following:

* 1. Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the nonmilitary evacuation of the civilian population).
  2. Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).
  3. Measures to be undertaken following a hazard (including activities for firefighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).

**Critical infrastructure** is defined as: 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. However, designation as critical infrastructure is not sufficient to qualify as a national defense program. In addition to being critical infrastructure, the program must involve protection or restoration activities.

In this context, protection means: actions to deter the threat, mitigate vulnerabilities, or minimize consequences associated with a terrorist attack or other incident.

Restoration means: returning critical infrastructure services and site performance capabilities as an element of recovery resulting from a degradation or destruction event.

**Continuity programs** include such activities as:

* Development, operation, training, exercise and assessment of Continuity of Operations (COOP) and Continuity of Government (COG) programs that ensure the preservation of our form of government under the Constitution and the continuing performance of National Essential Functions under all conditions;
* Development, operation, training, exercise, and assessment of the Emergency Alert System (EAS) and the Integrated Public Alert and Warning Systems (IPAWS); and
* Development, testing, implementation, and sustainment of national security and emergency preparedness (NS/EP) communications capabilities that are survivable, resilient, and enduring.