



An APEX Accelerator

Emerging Issues: Defense Production Act Title III – Unique Opportunities for Unique Companies

March 28 | 11:00 am – Noon

Presented by:

Marc Violante, WPI



Webinar Etiquette

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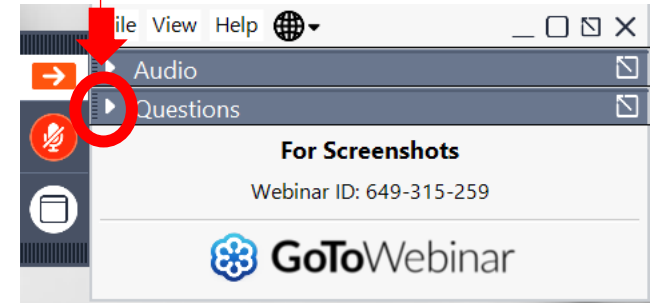
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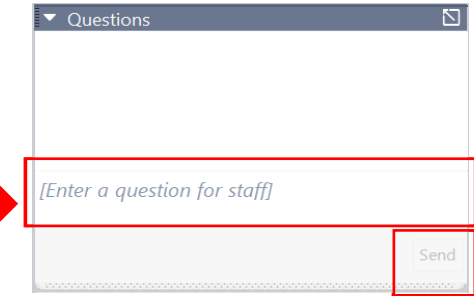
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WPI is Wisconsin's APEX ACCELERATOR

The APEX Accelerators program, under management of the Department of Defense (DOD) Office of Small Business Programs (OSBP), plays a critical role in the Department's efforts to identify and engage with a wide range of businesses entering and participating in the defense supply-chain. The program provides the education and training that all businesses need to participate to become capable of participating in DOD and other government contracts.

WPI provides services to all of Wisconsin's 72 counties

- Individual counseling at our offices, client's facility or virtually
- Small group training – webinars and workshops
- Conferences including one on one buyer meetings – Marketplace, The Contracting Academy, Small Business Academy, Wisconsin Federal Contractor Forum, Acquisition Hour, Cyber Fridays, DOD Roadmap series, Government Opportunities Business Conference, End of Year Federal Contractor Update, Annual DOD Contract Management Update, Evening FAR sessions and more.....

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- *Madison Area Technical College (MATC)*

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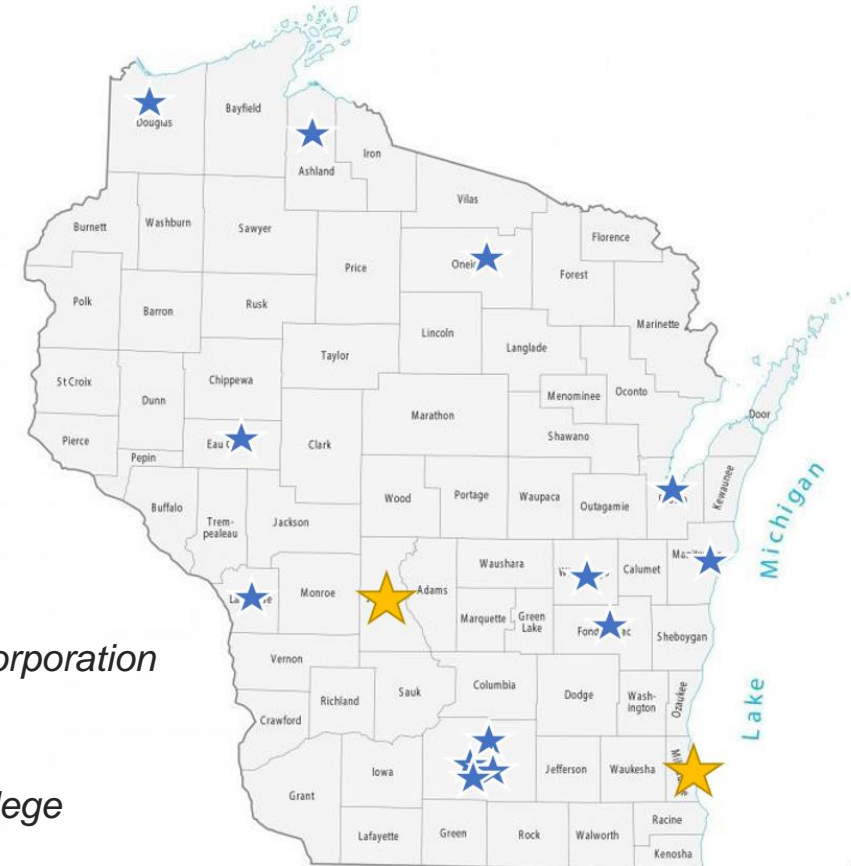
- *Greater Oshkosh Economic Development Corporation*

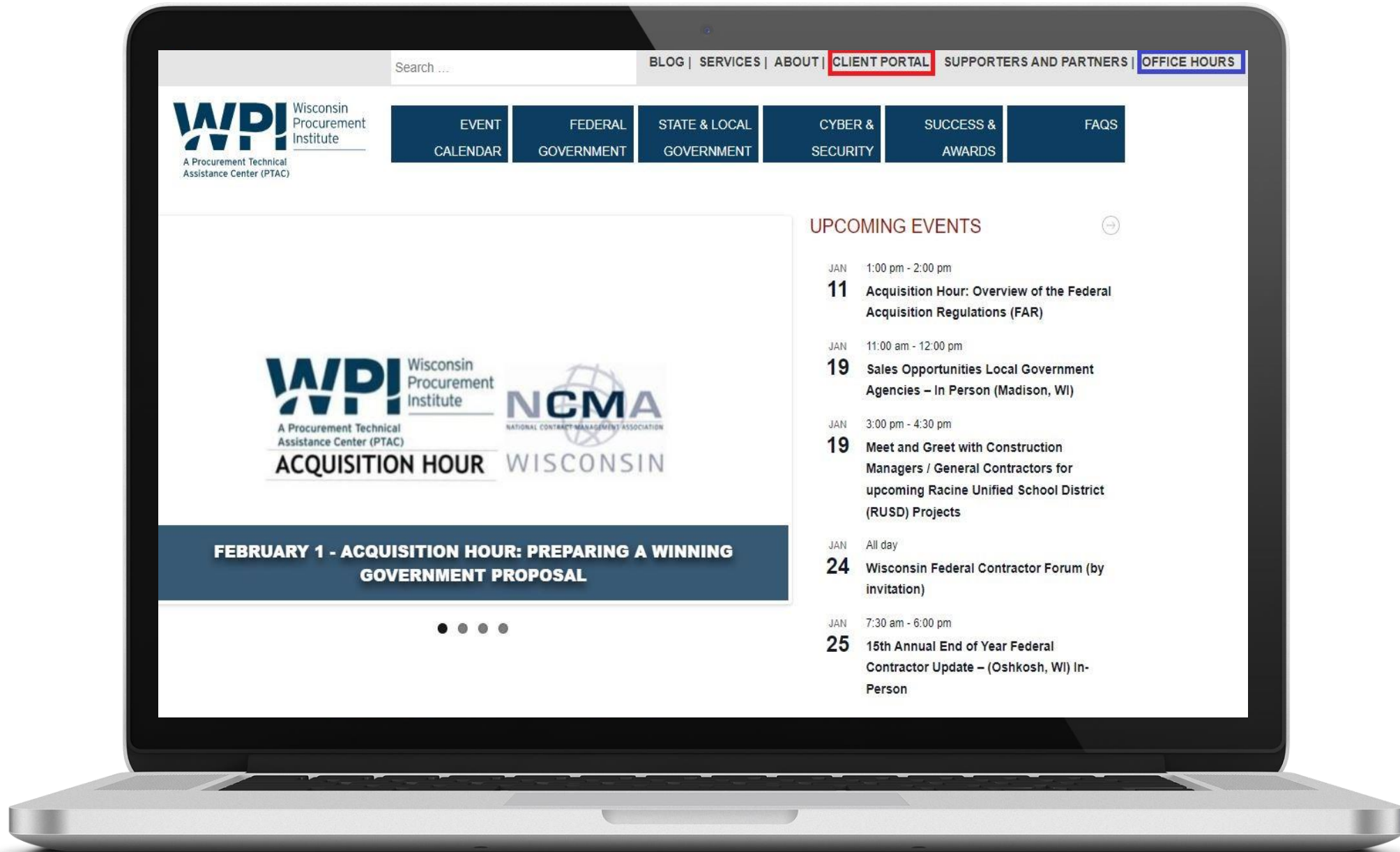
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FEBRUARY 1 - ACQUISITION HOUR: PREPARING A WINNING GOVERNMENT PROPOSAL



UPCOMING EVENTS

- JAN 1:00 pm - 2:00 pm
11 Acquisition Hour: Overview of the Federal Acquisition Regulations (FAR)
- JAN 11:00 am - 12:00 pm
19 Sales Opportunities Local Government Agencies – In Person (Madison, WI)
- JAN 3:00 pm - 4:30 pm
19 Meet and Greet with Construction Managers / General Contractors for upcoming Racine Unified School District (RUSD) Projects
- JAN All day
24 Wisconsin Federal Contractor Forum (by invitation)
- JAN 7:30 am - 6:00 pm
25 15th Annual End of Year Federal Contractor Update – (Oshkosh, WI) In-Person

Defense Production Act: Unique Opportunities for Unique Companies

Marc N. Violante

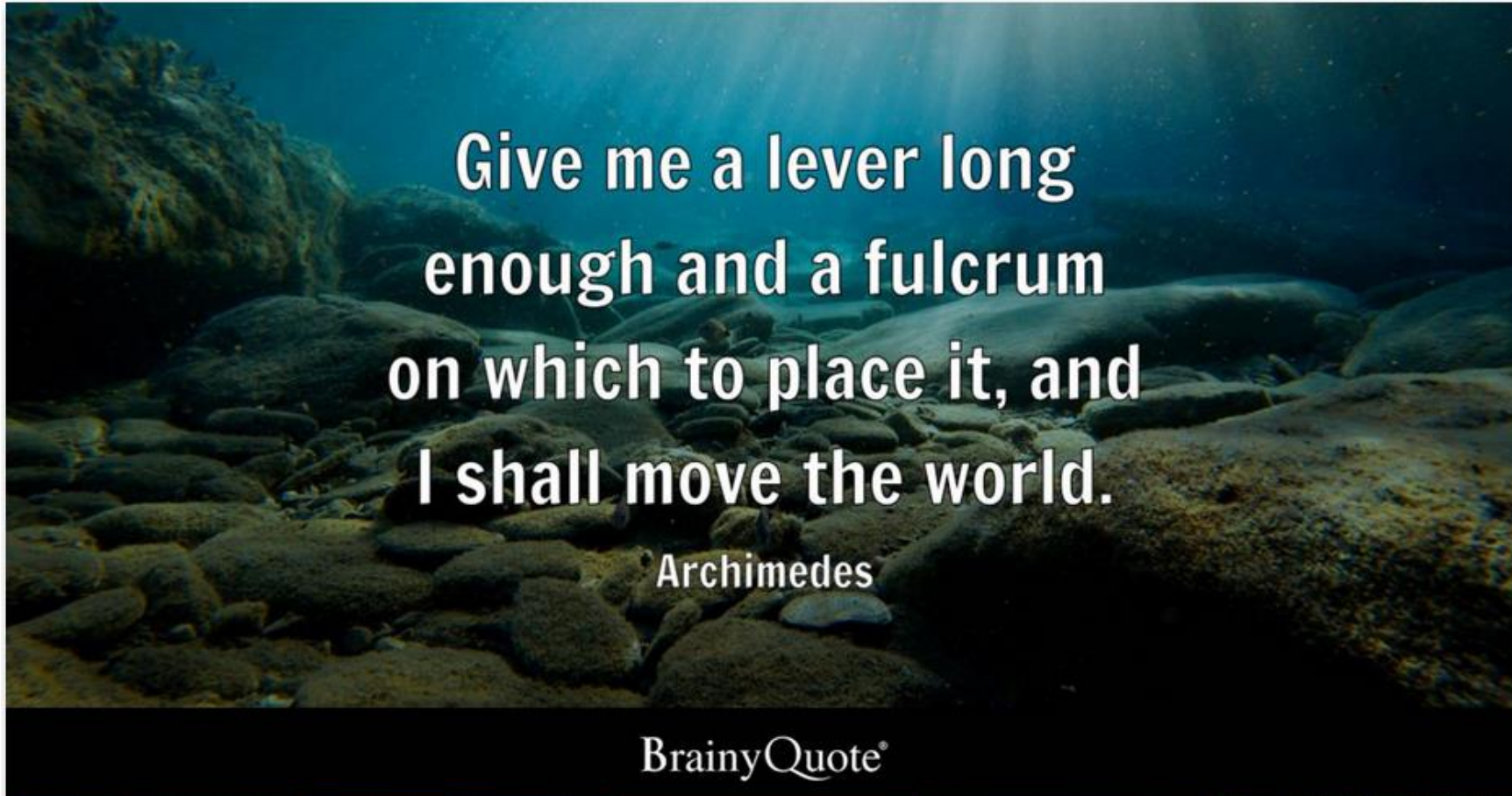
Wisconsin Procurement Institute

March 28, 2024

In a word, the DPA is

Nimble

DPA – a fulcrum and a lever



https://www.brainyquote.com/quotes/archimedes_101761

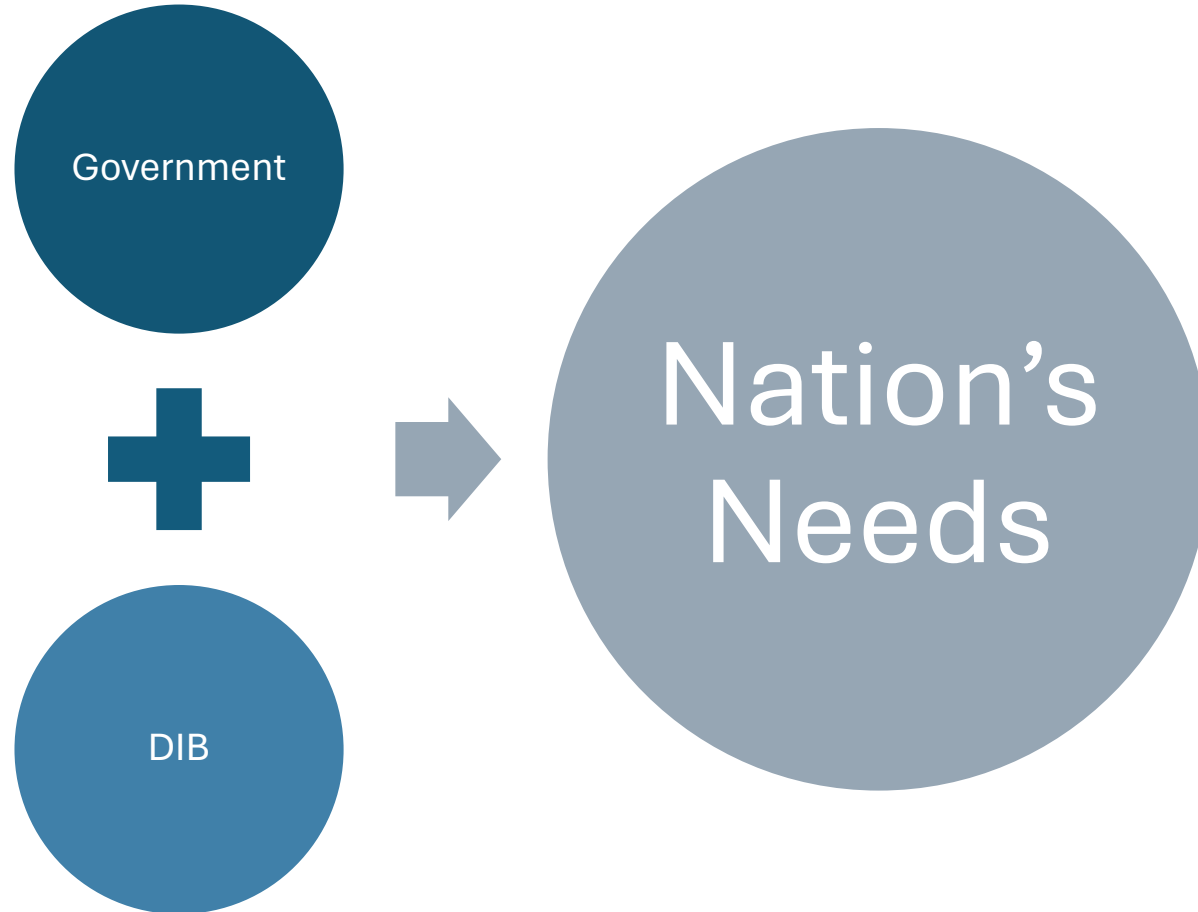
What is the Defense Production Act?

- The DPA gives the president the authority to compel the private sector to work with the government to provide essential material goods needed for the national defense. The Act currently includes the following powers:

Overview

- The Defense Production Act of 1950, as amended (DPA), provides the President a broad set of authorities to ensure that domestic industry can meet national defense requirements.¹ In the DPA, Congress has found that “the security of the United States is **dependent on the ability of the domestic industrial base to** supply materials and services for the national defense and to prepare for and respond to military conflicts, natural or man-caused disasters, or acts of terrorism within the United States.”²

Defense Production Act



Impact beyond U.S. Military

- DPA authorities extends beyond shaping U.S. military preparedness and capabilities, including purposes such as domestic preparedness, response, and recovery from hazards, terrorist attacks, and other national emergencies.¹⁹

Why was the DPA created?

- In 1950, during the Korean War, Congress enacted the Defense Production Act to ensure the availability of industrial resources to meet wartime needs. Over time, the act has been amended to include the energy supply, emergency preparedness, and critical infrastructure protection and restoration activities. These additions were made with the goal of allowing civilian agencies to rapidly respond to crises such as natural disasters and terrorist attacks.

<https://www.gao.gov/blog/what-defense-production-act%2C-and-how-it-being-used-response-covid-19>

What is the goal of the DPA?

- The goal is to solve (resolve) a problem – an issue.
- The DPA is NIMBLE; it is flexible. It can address a myriad of issues
 - Immediate
 - Near term
 - Future
 - Stabilizing

Defense Production Act Programs

It is DoD policy that the DoD Components shall:

3.1. Ensure the availability of materials and facilities necessary to keep priority defense programs on schedule.

3.2. Assist suppliers in accelerating production of materials and facilities for appropriate defense programs in the event of a national emergency.

3.3. Ensure the adequacy of production capacity and supply by anticipating and addressing, as appropriate, the Department of Defense's needs to create, expand, or maintain domestic industry productivity capacity.

DODD 4400.01E, October 12, 2001

Situational necessity

- War
- Disaster
- Pandemic
- Time-bound
- Structural change (reversing the ratio)
 - $X + Y$ where $Y = 1,000 * X = total$
 - How large does X need to be so that X is 1,000 times larger than Y
 - $X = 1,000 * Y = 1,000 * 1,000 * X$ so $X = 1,000,000 * current Y$
 - How do you quickly achieve this scale?

Contributors to the Defense Production Act

- Reduction in the Defense Budget
 - Lack of need, greater reliance upon atomic weapons
- Changes in the economy
 - WW II price controls end
 - Greatly increased demand for housing and consumer products
 - Labor Strikes
 - Korean War

Defense Production Act Title III

DPA - Is

- Efficient and effective way to improve the industrial base
 - o Modernize, expand, transform
- One method for creating and sustaining market demand
- Final stop (sometimes) on the way to production
- Cross-cutting investment vehicle to solve root causes, not symptoms
- Able to engage tactically with industry and strategically with policy and legislation
- Planned over a five year period to address challenges and shortfalls in priority order

DPA – Is not

- Title I
- A magic bullet
- The solution to all industrial base problems
- Appropriate for service specific challenges
 - o Single platform/service
 - o A solution for service specific challenges

1794 U.S. CONTRACT MUSKETS

- Single-shot muzzle-loading flintlock muskets were the primary weapon of war. The manufacture of muskets in the mid-1790s in the U.S. was limited to individual gun makers, many concentrated in eastern Pennsylvania. **Each part was handmade then assembled.** This was a slow, labor-intensive process. The U.S. Government apparently contacted known gunsmiths and negotiated the purchase of muskets for \$12.30 each. This included bayonet and scabbard. **No written contracts have been found,** only random records of payments to various gunsmiths (contractors).

<https://americansocietyoffarmscollectors.org/wp-content/uploads/2022/06/2016-114-US-contract-muskets-1794-1798-Reid.pdf>

1798 U.S. CONTRACT MUSKETS

- In 1798, the U.S. Government advertised for additional contractors. The process was much more formal this time. There was a standard contract and inspectors were hired to inspect and proof muskets at the contractor's facilities. The 1794 contractors were allowed to continue to deliver muskets through the 1798 contract period.
- The 1798 contractors who contracted for less than 1,000 muskets apparently were not issued a contract. A total of approximately 40,000 arms were contracted. The 1798 contractors were issued a Charleville type pattern musket (see Figure 2) and required to have more assets than the 1794 contractors.
- **This is what we would now call Joint Ventures.**

<https://americansocietyoffarmscollectors.org/wp-content/uploads/2022/06/2016-114-US-contract-muskets-1794-1798-Reid.pdf>

1808 issues

- Sounds easy, contract for 85,000 plus flintlock muskets, give each contractor a pattern, inspect on site as they manufacture and pay \$10.75 each when delivered. What really happened?
- First, this was a huge contract for 1808. Two million dollars per year for 5 years was authorized by Congress.
- Second, the private arms industry was not prepared: all arms were to be delivered within 5 years.
 - Each musket had to be handmade, each part of the lock was hand filed and fitted, then hardened by heating and quenching (there were no interchangeable parts in 1808, talk about labor intensive!).
- Third, the United States Government was not ready. They could hire men to be inspectors but basically sent them to the field without training.

<https://americansocietyoffarmscollectors.org/wp-content/uploads/2022/04/2003-B87-1808-United-States-Contract-Muskets.pdf>

Summary

- The 1794-1798 U.S. Musket Contracts were amazingly successful considering the fragmented state of the U.S. arms manufacturing industry in the 1790s. These two contracts allowed some relatively small arms suppliers to develop into major arms manufacturers (e.g., Whitney, Henry).
- These contracts were the first large-scale U.S. Arms Contracts issued and were the start of the U.S. Military and Civilian Defense Industry

<https://americansocietyoffarmscollectors.org/wp-content/uploads/2022/06/2016-114-US-contract-muskets-1794-1798-Reid.pdf>

Eli Whitney - manufacturing

Today – Unsolicited
Proposal: FAR 15.6

- The prospects of war with France were growing, and the United States was readying its forces.
- **Whitney submitted a proposal** to build ten thousand muskets in just two years.
- This was a phenomenal rate of production for the late 1790s, especially for a person with no firearm-making experience and no factory, tools, or workers.
- The two existing U.S. armories had only produced one thousand muskets in the previous three years.

<https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/whitney-eli-0>

“The birth of interchangeable parts”

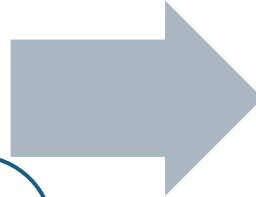
- Whitney proposed to use a new method to produce firearms.
- He would create individual precision parts for the musket by machine, making each piece identical to others of its kind.
- This method allowed Whitney to use unskilled laborers rather than craftsmen, so he could make muskets much faster than other manufacturers and with less expense.
- **Whitney became the first manufacturer in America to make a product with interchangeable parts.**
- Until this time, muskets and other firearms were made one at a time by skilled craftsmen, with each part made specifically for that firearm.
- If a part broke, a new part would have to be made **to fit that specific firearm.**

<https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/whitney-eli-0>

DPA's Predecessors

First War Powers Act

- World War I
- Provided the President broad powers to fight the war: reorganize the functions of any Agency



Second War Powers Act

- World War II
- “allocate resources, acquire land and property, and compel businesses to take on government contracts for national defense.”
- permitted the Federal Reserve to purchase up to \$5 billion in Treasury bonds directly from the U.S. government.

What has changed in the DPA?

- Over time, the act has been amended to include the energy supply, emergency preparedness, and **critical infrastructure** protection and restoration activities. These additions were made with the goal of allowing civilian agencies to rapidly respond to crises such as natural disasters and terrorist attacks.
- *****Critical Infrastructure includes the following 16 Sectors**
 - Chemical Sector
 - Commercial Facilities Sector
 - Communications Sector
 - Critical Manufacturing Sector
 - Dams Sector
 - Defense Industrial Base Sector
 - Emergency Services Sector
 - Energy Sector
 - Financial Services Sector
 - Food and Agriculture Sector
 - Government Facilities Sector
 - Healthcare and Public Health Sector
 - Information Technology Sector
 - Nuclear Reactors, Materials, and Waste Sector
 - Transportation Systems Sector
 - Water and Wastewater Sector

<https://www.cisa.gov/topics/critical-infrastructure-security-and-resilience/critical-infrastructure-sectors>

Presidential Determinations

Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President, on a non-delegable basis, determines, with appropriate explanatory material and in writing, that—

(A) the industrial resource, material, or critical technology item is essential to the national defense;

(B) without Presidential action under this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource, material, or critical technology item in a timely manner; and

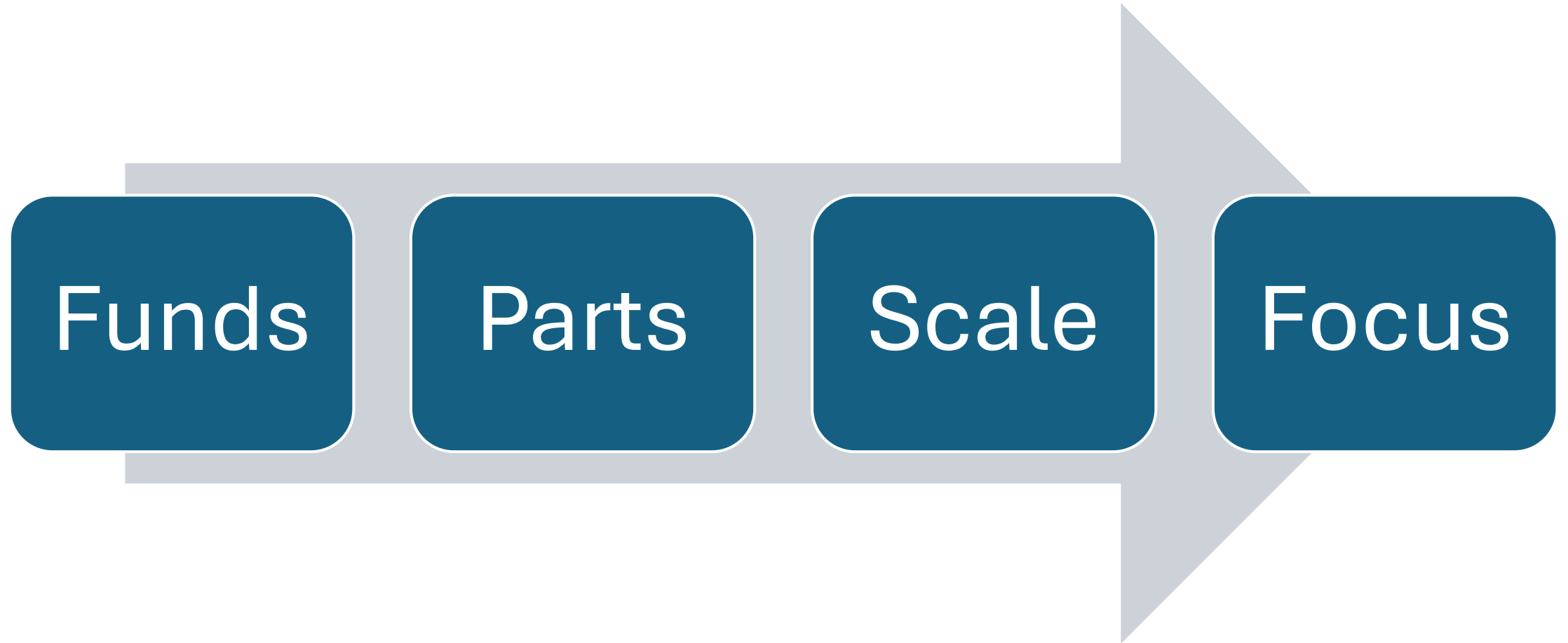
(C) purchases, purchase commitments, or other action pursuant to this section are the most cost effective, expedient, and practical alternative method for meeting the need.

<https://www.govinfo.gov/content/pkg/USCODE-2022-title50/pdf/USCODE-2022-title50-chap55-subchapII-sec4533.pdf>

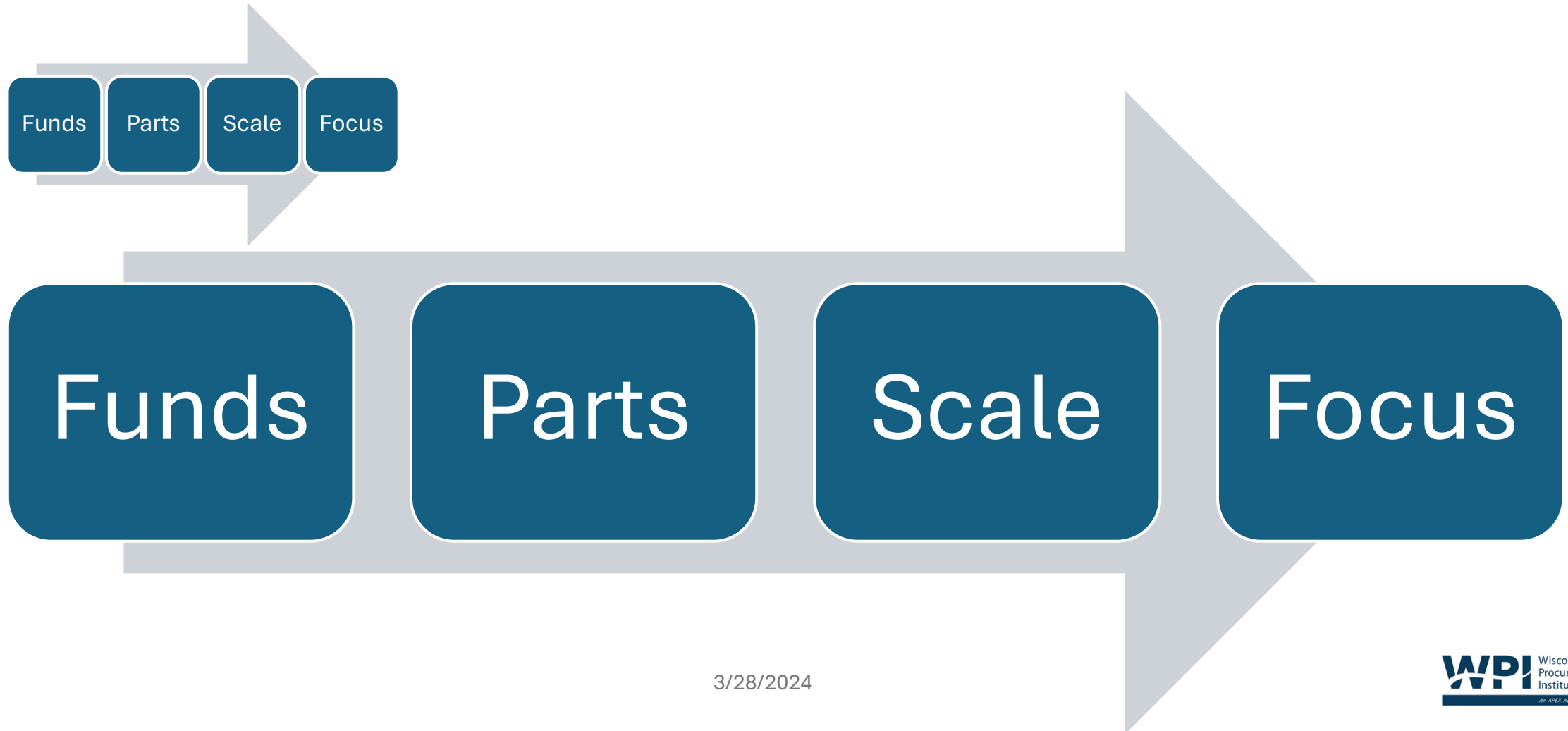
Current DPA authorities include

- Title I: Priorities and Allocations, which allows the President to require persons (including businesses and corporations) to prioritize and accept contracts for materials and services as necessary to promote the national defense.
- Title III: Expansion of Productive Capacity and Supply, which allows the President to incentivize the domestic industrial base to expand the production and supply of critical materials and goods. Authorized incentives include loans, loan guarantees, direct purchases and purchase commitments, and the authority to procure and install equipment in private industrial facilities.
- Title VII: General Provisions, which includes key definitions for the DPA and several distinct authorities, including the authority to establish voluntary agreements with private industry; the authority to block proposed or pending foreign corporate mergers, acquisitions, or takeovers that threaten national security; and the authority to employ persons of outstanding experience and ability and to establish a volunteer pool of industry executives who could be called to government service in the interest of the national defense.

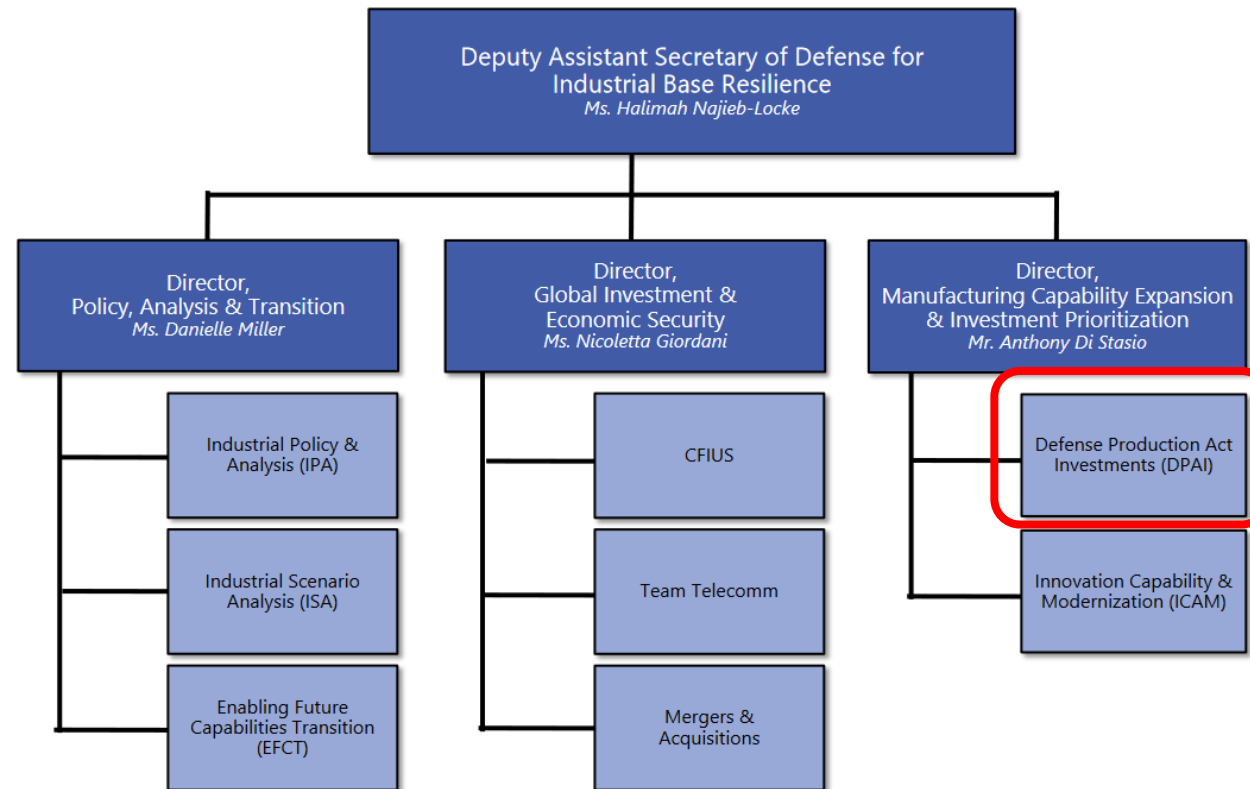
Needed elements



Needed elements – small v. large



Industrial Base Resilience



What parts remain in effect?

Today, only 3 parts of the act remain in effect. They allow the President to:

- require preferential performance on government contracts with private companies,
- provide financial incentives to increase production capabilities for critical security needs, and
- collect information related to domestic industrial base issues.

Nucleus Executive Reserve

- Title VII of the DPA authorizes the President to establish a volunteer body of industry executives, the “Nucleus Executive Reserve,” or more frequently called the National Defense Executive Reserve (NDER).¹⁰⁸
- The NDER would be a pool of individuals with recognized expertise from various segments of the private sector and from government (except full-time federal employees).
- These individuals would be brought together for training in executive positions within the federal government in the event of an emergency that requires their employment.

Committee on Foreign Investment in the United States

- reviews foreign investment transactions to determine if
 - (1) they threaten to impair U.S. national security;
 - (2) the foreign investor is controlled by a foreign government; or
 - (3) The transaction could affect homeland security or would result in control of any critical infrastructure that could impair the national security.

The President has the authority to block proposed or ending foreign investment transactions that threaten to impair the national security.

DPA Examples

- A \$37.5 million agreement with Graphite One (Alaska) “to secure a reliable, sustainable supply of graphite materials within the U.S. to be used in the production of large-capacity batteries” (July 2023);⁸³
- A \$45.5 million agreement with Arconic Corporation “to increase production of High Purity Aluminum (HPA) for use in missile and munition production” (June 2023);⁸⁴ and
- A \$ 15 million agreement with Jervois Mining USA “to conduct feasibility studies to expand cobalt extraction in Idaho.”⁸⁵

Recent uses of the DPA



History of DPA Title III Presidential Determinations and Waivers



Presidential Determination/Waiver	Signature Date	Authorization Value
Energetic Materials Production for DoD Munitions	16 January 2019	\$50M
Precursors Production for DoD Munitions	16 January 2019	\$50M
Inert Materials Production for DoD Munitions	16 January 2019	\$50M
Advanced Manufacturing Techniques for DoD Munitions	16 January 2019	\$50M
Sonobuoys Production	12 March 2019	\$50M
Small Unmanned Aerial Systems	12 June 2019	\$50M
Rare Earth Permanent Magnets Production (2x PDs – SmCo & NdFeB)	22 July 2019	\$100M
Rare Earth Separation and Processing Capability (2x PDs – HREE & LREE)	22 July 2019	\$100M
Rare Earth Metal and Alloy Processing Capability	22 July 2019	\$50M
Domestic Capacity Expansion for F135 Integrally Bladed Rotors	22 July 2019	\$50M
COVID-19 Response (Waiver)	27 March 2020	No Limit
High/Ultra High Temperature Composite for Hypersonics	24 June 2020	\$50M
Submarine Industrial Base Production Capacity Essential to the VCS Program (3x PDs)	21 December 2021	No Limit
Radiation-Hardened and Strategic Radiation-Hardened Microelectronics	21 December 2021	No Limit
Critical Materials in Large-Capacity Batteries	31 March 2022	No Limit
Material Critical to Support the Defense Against Adversarial Aggression (Waiver)	3 October 2022	No Limit
Supply Chain Resilience (Waiver)	27 February 2023	No Limit
Airbreathing Engines, Advanced Avionics Position Navigation and Guidance Systems, and Constituent Materials for Hypersonic Systems	1 March 2023	No Limit
Printed Circuit Boards and Advanced Packaging	27 March 2023	No Limit

Distribution Statement A: Approved for public release. Distribution is unlimited.

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DPA: Recent Uses

- In March 2020, Congress appropriated \$1B to the DPA Purchases account via the CARES Act “to prevent, prepare for, and respond to coronavirus”.
- In FY2022, the DPA was appropriated \$600 million by the Additional Ukraine Supplemental Appropriations Act to mitigate industrial base constraints for faster missile production and expanded domestic capacity for strategic and critical minerals.
- Also in FY2022, the Inflation Reduction Act appropriated \$500 million for enhanced use of the DPA.

Appropriations to the DPA Fund, FY2013- FY2023

Amounts in millions

Fiscal Year	Law	Amount
2013	P.L. 113-6	\$223.5
2014	P.L. 113-76	\$60.1 ^a
2015	P.L. 113-235	\$51.6
2016	P.L. 114-113	\$76.7
2017	P.L. 115-31	\$64.1
2018	P.L. 115-141	\$67.4

Title I: Prioritization and Allocation.


- This allows the president to designate specific goods as “critical and strategic” and require the private businesses to accept and prioritize government contracts for these goods. Thus far, the government has used this to enhance production of key medical supplies and personal protective equipment (PPE), including \$2.9 billion to purchase over 187,000 ventilators by the end of the year.

DPA Authorities – Title I

- Priorities and Allocations
 - Prioritize Federal contracts over all other orders
 - Control distribution of scarce materials within the civilian economy
 - Allocate scarce materials against Federal or private contracts
 - Prevent hoarding of scarce materials

<https://www.businessdefense.gov/ibr/mceip/dpai/dpat3/docs/DPA-TitleIII-Overview.pdf>; Distribution Statement A

Preferential Performance

SOLICITATION, OFFER AND AWARD		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		 RATING DO-C9		PAGE 1 OF 53	
2. CONTRACT No.		3. SOLICITATION No. SPE4A7-24-R-0395		4. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)		5. DATE ISSUED 2024 MAR 26	
				6. REQUISITION/PURCHASE No. 7005751800			
7. ISSUED BY DLA AVIATION ASC SUPPLIER OPER AE AND AF DIV 6090 STRATHMORE ROAD RICHMOND VA 23237 USA		CODE SPE4A7		8. ADDRESS OFFER TO See Continuation Sheet			

NOTE : In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

SOLICITATION

9. Sealed offers in original and 1 copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if handcarried, in the depository located in Mail Room, Bldg. 210 until 2:00PM local time 2024-Apr-26
 (Hour) (Date)

CAUTION - LATE Submissions, Modifications, and Withdrawals: See Section L, Provision No. 52.214-7 or 52.215-1. All offers are subject to all terms and conditions contained in this solicitation.

Rated Orders

- Defense Priorities and Allocations System (DPAS)
- 15 CFR 700
- Two levels
 - DO
 - DX
 - DX takes priority over DO
- Flow down to subcontractors & Suppliers
- Mandatory acceptance
- The authority of the Department of Commerce, pursuant to Section 101 of the Defense Production Act, to require priority performance of contracts and orders for industrial resource items for use in approved programs.

Rated Orders – required elements

- The appropriate priority rating and program identification symbol (e.g., DO-A1, DX-A4, DO-N1).
- A required delivery date or dates.
- The written signature on a manually placed order, or the digital signature or name on an electronically placed order, of an individual authorized to sign rated orders for the person placing the order.
- A statement that reads in substance: “This is a rated order certified for national defense use and you are required to follow all the provisions of the Defense Priorities and Allocations System regulations (15 CFR part 700).”
- Other – as required for emergency preparedness

15 CFR 700.12 (a)

Title III: Expansion of Productive Capacity and Supply:

- This allows the president to make loans and provide guarantees to businesses, directly purchase critical and strategic goods, and repurpose production facilities in order to increase production capacity. So far, the administration has spent \$208 million under the direct purchase authority in Title III to increase capacity for nasal swabs and respirators in limited amounts. The other powers have not been used.

DPA Authorities – Title III

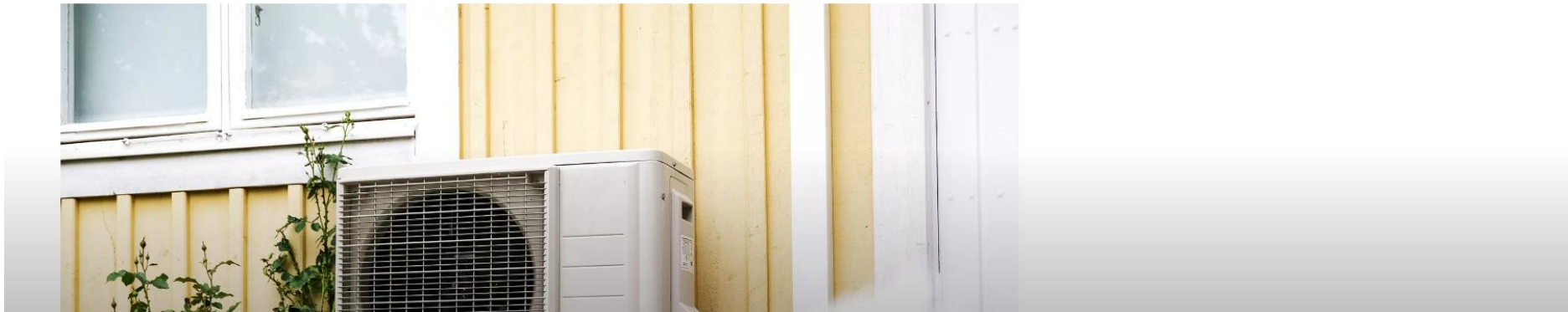
- Expansion of Productive Capacity and Supply
 - Incentives to develop, maintain, modernize, and expand production capacity or critical technologies:
 - Loans/ loan guarantees
 - Purchases/ purchase commitments
 - Grants and subsidies

<https://www.businessdefense.gov/ibr/mceip/dpai/dpat3/docs/DPA-TitleIII-Overview.pdf>; Distribution Statement A



You Need a Heat Pump. Soon You'll Have More American-Made Options

The Biden administration is announcing \$169 million to supercharge domestic production of a device beloved by climate and energy nerds.



<https://www.wired.com/story/you-need-a-heat-pump-soon-youll-have-more-american-made-options/>

Sales of heat pumps are booming all over the world; some 4 million were installed in the US in 2021, up from 1.7 million in 2012. The US Department of Energy is hoping to juice those numbers even more, with an announcement today of \$169 million in federal funding for domestic heat pump manufacturing. Funded by the Inflation Reduction Act—the huge climate bill passed last year that also provides tax credits for heat pumps—the awards will go toward nine projects across 13 states, creating 1,700 jobs.

“Getting more American-made electric heat pumps on the market will help families and businesses save money with efficient heating and cooling technology,” US secretary of energy Jennifer Granholm wrote in a Department of Energy statement provided to WIRED. “These investments will create thousands of high-quality, good-paying manufacturing jobs and strengthen America’s energy supply chain.”

“The president is using his wartime emergency powers under the Defense Production Act to turbocharge US manufacturing of heat pumps for a multitude of reasons,” says Ali Zaidi, assistant to the president and national climate adviser. The first is to improve energy security by reducing reliance on international supply chains, like for components, he says. And because heat pumps are electric, they aren’t subject to swings in fossil fuel prices. “This is our opportunity to make our families more resilient in the face of global energy volatility,” Zaidi adds. “The way we unlock that is by bringing home the supply chains for technologies like heat pumps.”

DoD's Sorcerer's Apprentice

Can troops with 3D printers save the Pentagon's mass-drone vision?

“The fact of the matter is: we don't have an industrial base to do this,” Michael MacKay, national security advisor to Sen. Jodi Ernst, R-Iowa, said last week at a [Pallas Advisors](#) event. “If China shut off the hose tomorrow, we don't have the carbon fibers; we don't have the micro-electronics; we don't have the chips; we don't have the motors to be able at this point to provide thousands [of small drones] at scale.”



Screen shot – Disney's Sorcerer's Apprentice

<https://www.defenseone.com/technology/2023/11/can-troops-3d-printers-save-pentagons-mass-drone-vision/392254/>

DoD Press Release - PCBs

RELEASE

IMMEDIATE RELEASE

Defense Production Act Title III Presidential Determination for Printed Circuit Boards and Advanced Packaging Production Capability

March 27, 2023 |   

Create, maintain, protect, expand, or restore

The DPA Title III program targets investments that create, maintain, protect, expand, or restore domestic industrial base capabilities that are critical to the Department and the American Warfighter. The DPA Title III has three broad focus areas (listed below).

DoD Focus Areas



Sustain Critical Production



Commercialize Research & Development Investments



Scale Emerging Technologies

Focus Areas (1 & 2)

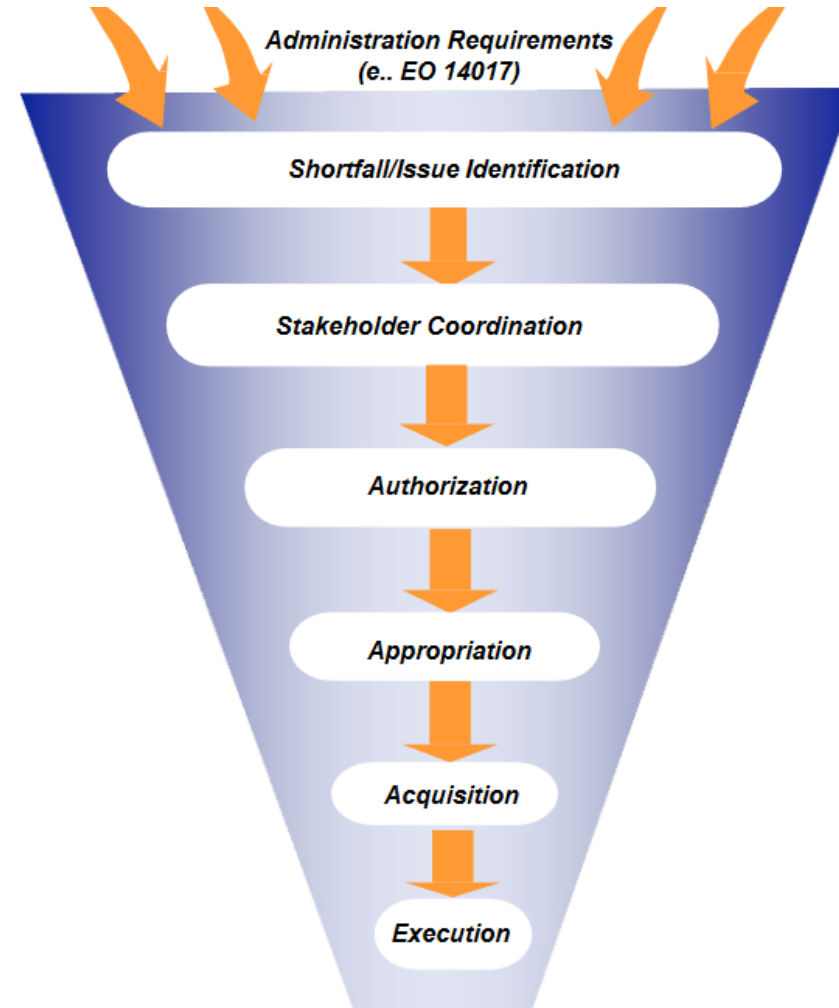
- Sustain Critical Production –
 - Programs addressing Industrial Base capability and capacity, whose primary focus is generating and sustaining Material Availability, Reliability, Maintainability, Mobility, Commonality, or Affordability.
- Commercialize Research & Development Investments –
 - Advanced Component or System Development and Demonstration capabilities may require investments to retain a qualitative edge in capabilities and establish commercial viability or scale up. Typical programs may begin with a technology proven capable of producing prototype components or systems in a production relevant environment.

Focus area (3)

- **Scale Emerging Technologies**

- Emerging Technology Investments enable the rapid and affordable introduction of new capabilities into the organic or commercial marketplace. The technologies may be developed to respond to an emerging threat, a capability gap, or may enhance interoperability or service of existing systems or platforms. The interest in these projects may be the result of revolutionary RD&D capabilities.

Requirements Evaluation Process



<https://www.businessdefense.gov/ibr/mceip/dpai/dpat3/docs/DPA-TitleIII-Overview.pdf>

Title VII: General Provisions

- This allows the president to enter into voluntary agreements with private businesses to coordinate the production of critical and strategic goods. These are subject to some antitrust protection and have yet to be used.

DOD's Broad Agency Announcements Under the DPA

DOD's DPA Title III office (located in the office of the Assistant Secretary of Defense for Industrial Base Policy) sometimes issues Broad Agency Announcements requesting interested parties to submit white papers or proposals for "projects that create, maintain, protect, expand, or restore domestic industrial base capabilities essential for the national defense." As an example, a 2018 announcement identified three broad focus areas for potential projects:

- Sustainment of Critical Production,
- Commercialization of R&D Investments, and
- Scaling of Emerging Technologies.

A Broad Agency Announcement is a method by which an agency solicits interest in solving a development problem. No budget is allocated and no particular procurement approach is determined in advance. Such announcements, however, often lead to a contract, grant, or some other financial agreement. (For more information on this particular BPA, see [https://www.businessdefense.gov/DPA-Title-III/Opportunities/.](https://www.businessdefense.gov/DPA-Title-III/Opportunities/))

DPA Authorities – Title VII

- General Provision
 - Mandatory survey authority of any U.S.-registered business entity
 - Anti-trust immunity for industry, to develop and implement national emergency preparedness plans
 - Committee on Foreign Investment in the U.S. (CFIUS)
 - Civilian Executive Reserve, called into Federal service during a national emergency

<https://www.businessdefense.gov/ibr/mceip/dpai/dpat3/docs/DPA-TitleIII-Overview.pdf>; Distribution Statement A

Special Preference for Small Businesses

- Two provisions in the DPA direct the President to accord special preference to small businesses when issuing contracts under DPA authorities. Section 701 reiterates⁸⁶ and expands upon a requirement in Section 108 of Title I directing the President to “accord a strong preference for small business concerns which are subcontractors or suppliers, and, to the maximum extent practicable, to such small business concerns located in areas of high unemployment or areas that have demonstrated a continuing pattern of economic decline, as identified by the Secretary of Labor.”⁸⁷

Sections with no Sunset provisions

- 50 U.S.C. §4514, Section 104 of the DPA that prohibits both the imposition of wage or price controls without prior congressional authorization and the mandatory compliance of any private person to assist in the production of chemical or biological warfare capabilities;
- 50 U.S.C. §4557, Section 707 of the DPA that grants persons limited immunity from liability for complying with DPA-authorized regulations;
- 50 U.S.C. §4558, Section 708 of the DPA that provides for the establishment of voluntary agreements; and
- 50 U.S.C. §4565, Section 721 of the DPA, the so-called Exon-Florio Amendment, that gives the President and CFIUS review authority over certain corporate acquisition activities.

How do businesses benefit?

- Availability of US manufactured goods
- Robust Supply Chain
- Ability to perform federal (DoD) contracts
- For some – direct investment
- Benefits of innovation (R&D)

How can a business express interest?

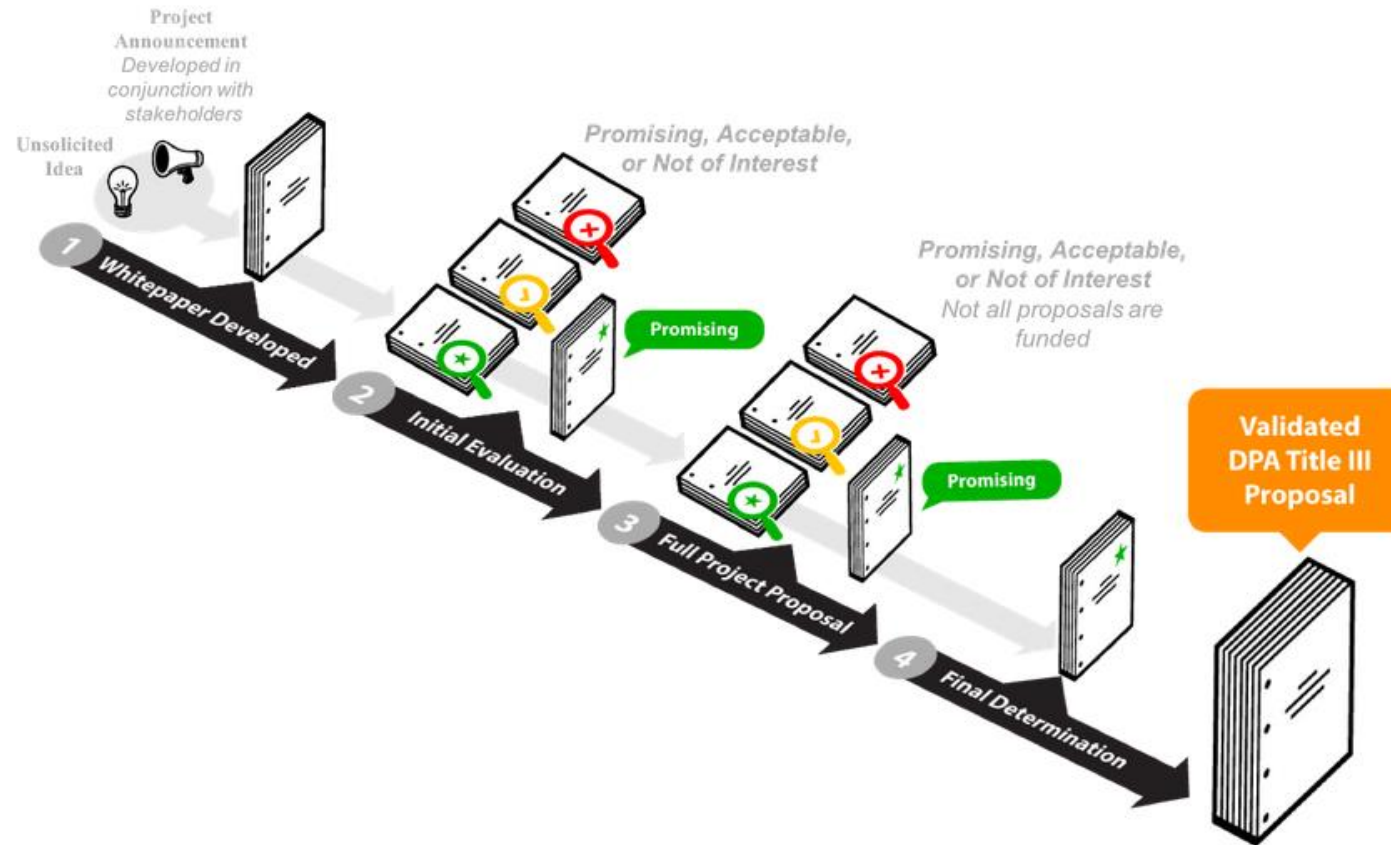
09 DEC 2022

Call for Proposals on Critical Chemicals Production

On December 9, 2022, the Defense Production Act Title III Executive Agent Program Office issued a Call for Proposals (Call) on critical chemicals production. The Call requests industry submissions on establishing domestic suppliers of critical chemicals that are essential for national defense. DPA Title III funds will be leveraged to mitigate defense industrial base (DIB) reliance on foreign sources. Companies are requested to provide an intent to propose by 12:00 pm on January 23, 2023, and proposals are due no later than 12:00 pm on March 9, 2023. Additional information on the Call, including submission requirements, may be found [here](https://www.businessdefense.gov/ibr/mceip/dpai/dpat3/announcements.html).

<https://www.businessdefense.gov/ibr/mceip/dpai/dpat3/announcements.html>

DPA's Four Step Process



The Whitepaper Process

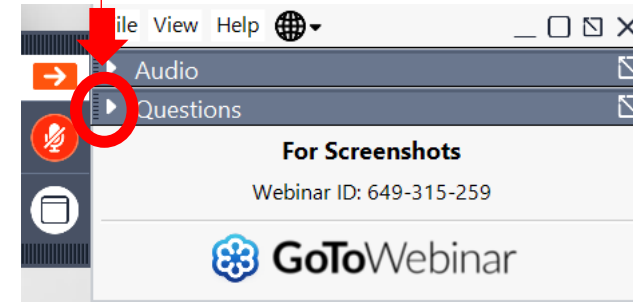
- Successful White Papers must meet all of the following criteria:
- The industrial resource or technology item must be essential for national defense.
- Industry cannot or will not provide needed capacity in a reasonable time without Defense Production Act Title III assistance.
- Defense Production Act Title III incentives must be the most cost-effective, expedient, and practical alternative for the need.
 - To preclude unwarranted effort on the part of companies responding to the Funding Opportunity Announcement, white papers, not full proposals, will be accepted for evaluation.

QUESTIONS?



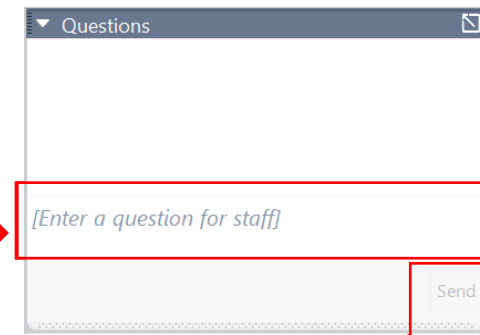
OPENING THE QUESTIONS BOX

Click here to access
within the Control Panel



USING THE QUESTIONS BOX

Type questions
here at any time
during a
presentation



Click Send when ready to submit a question



UPCOMING TRAINING - EVENTS

ACQUISITION HOUR LIVE WEBINAR SERIES

- ~~February 28~~
~~Protecting Federal Contract Information (FCI): An Introduction to FAR 52.204-21~~
- ~~March 12~~
~~U.S. SBA Surety Bond Guarantees: What to Know~~
- March 27
Preparing a Winning Government Proposal
- April 24
Overview of the Contractor Performance Assessment Reporting System (CPARS)

...More information and registrations at wispro.org/events

EMERGING ISSUES LIVE WEBINAR SERIES

• ~~March 14~~

~~Suggested Process for Creating a Federal Business Development Strategy~~

• March 28

Defense Production Act Title III – Unique Opportunities for Unique Companies

...More information and registrations at wispro.org/events



April 3, 2024

Oshkosh Waterfront Convention Center
1 N Main St, Oshkosh, Wisconsin 54901

GUEST SPEAKERS

- Susan Depies-Styer, COL U.S. Army, Director, Land Supplier Operations, DLA Land and Maritime, Columbus, Ohio
- DLA Small Business Representative

...More information and registrations at wispro.org/events



WFCF

**Wisconsin Federal
Contractor Forum**

April 10, 2024

*MSOE Dwight and Dian Diercks Computational Science Hall
1025 N Milwaukee St, Milwaukee, WI 53202*

The Wisconsin Federal Contractor Forum (WFCF) was developed to facilitate communication, collaboration, information sharing and opportunity for the federal contractors in our State. Gain insights and understanding of future spending plans, current priorities, current funding processes and obstacles, network and learn from Federal government officials and experienced federal contractors and resources. Presented in partnership with the National Defense Industrial Association – Great Lakes Chapter

...More information and registrations at wispro.org/events



10th Annual DOD Contract Management Update

May 16, 2024

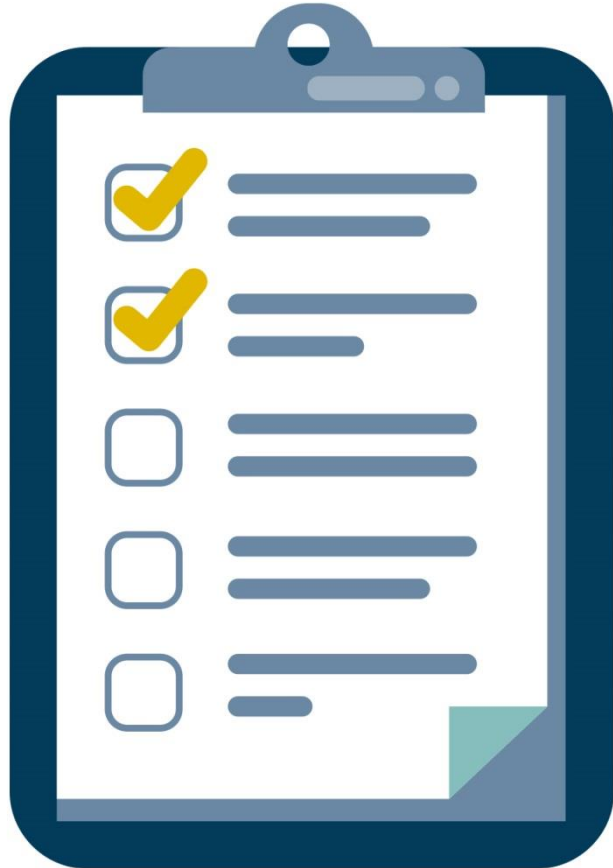
*Fox Valley Technical College, DJ Bordini Center
5 N Systems Dr, Appleton WI 54914*

Doing business with the Department of Defense presents great opportunities but also complex challenges. In order to be successful, the Defense Industrial Base must keep current with ever changing regulatory requirements, industry trends, and DoD priorities. Whether you're a current or prospective DoD prime or subcontractor, you won't want to miss the updates and discussions presented by a mix of Government and Industry experts. Join Wisconsin's DOD contractors and subcontractors for this annual event. This in-person event will be held in Appleton, WI at the FVTC D.J. Bordini Center.

...More information and registrations at wispro.org/events



SURVEY



March 28, 2024

CONTINUING PROFESSIONAL EDUCATION



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