**[OFFICIAL LETTERHEAD]**

**[DATE]**

Cynthia Spishak

Associate Administrator

Office of Policy and Program Analysis

Federal Emergency Management Agency

* 1. Department of Homeland Security 500 C Street, SW

Washington, DC 20472

Dear Ms. Spishak:

The **[INSERT NAME OF CRITICAL INFRASTRUCTURE SECTOR LEAD]** is sponsoring the request of **[INSERT NAME OF CRITICAL INFRASTRUCTURE OWNER/OPERATOR]** for a program determination, pursuant to section 202 of Executive Order 13603.

**[INSERT NAME OF CRITICAL INFRASTRUCTURE OWNER/OPERATOR]** is recognized as a critical infrastructure system or asset, is a participating member of the **[INSERT NAME OF CRITICAL INFRASTRUCTURE]** critical infrastructure sector protection plan, and has a protection or restoration issue that cannot be resolved without the use of special priorities assistance under the Federal Priorities and Allocations System..

[Provide a brief description of the involvement of the owner/operator in critical infrastructure protection plan activities and how their issue involves either critical infrastructure protection or restoration.]

*[Instructions can be found on the following page]*

[Provide contact information for requests for additional information.]

Signature

INSTRUCTIONS FOR COMPLETING THE PROGRAM DETERMINATION REQUEST

The National Infrastructure Protection Plan recognizes the importance of public and private sector critical infrastructure owners/operators in managing critical infrastructure risks. The DPA definition of national defense was specifically amended to allow the federal government to directly assist a private sector critical infrastructure owner or operator in furtherance of critical infrastructure protection or restoration. The DPA does not allow direct private sector use of the DPA for any other purpose.

**Critical infrastructure owners/operators** are theentities responsible for day-to-day operation and investment in a particular critical infrastructure asset or system. These are the only persons eligible to request a private sector program determination.

**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.

**The program determination request must clearly identify a system or asset that qualifies under the DPA definition of critical infrastructure.**  Based on the critical infrastructure definition, any request for a program determination has to state how a limitation on system or asset operations would have a negative impact at the national level, i.e. have a national emergency connection. Since the DHS Cyber Security and Infrastructure Security Agency (CISA) and the Sector Risk Management Agencies (SRMAs) are required to identify and assess vulnerability of critical infrastructure systems and assets, a CISA or SRMA certification of qualification is needed allow the request to quickly move forward to authorization

**The program determination request must indicate whether it is for protection or restoration of the critical infrastructure**. This means that the request must identify the threat or hazard that is justifying the action and describe how the DPA will be used to provide protection or restoration. Note that operational issues such as maintenance, repair, or supply chain delays or shortages by themselves do not qualify under the definitions of either protection or restoration.

**[Submission of the determination request and the federal endorsement shall be submitted to: FEMA-DPA@fema.dhs.gov]**