

Administration of Donald J. Trump, 2026

Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Development, Manufacturing, and Deployment of Large-Scale Energy and Energy Related Infrastructure

April 20, 2026

Presidential Determination No. 2026–09

Memorandum for the Secretary of Energy

Subject: Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Development, Manufacturing, and Deployment of Large-Scale Energy and Energy Related Infrastructure

On January 20, 2025, I issued Executive Order 14156 (Declaring a National Energy Emergency), under the National Emergencies Act. That order found that America's inadequate energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to the Nation's economy, national security, and foreign policy. It emphasized that our Nation's current inadequate and intermittent energy supply leaves us vulnerable to hostile foreign actors and poses an imminent and growing threat to the United States' prosperity and national security.

Consistent with that declaration, I find that ensuring the domestic capability for development, manufacturing, and deployment of large-scale energy and energy-related infrastructure is essential to United States national defense, yet due to financing risks, regulatory delays, and market barriers, these cannot be met in full under existing market conditions.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 303 of the Defense Production Act of 1950, as amended (the "Act") (50 U.S.C. 4533), I hereby determine, pursuant to section 303(a)(5) of the Act, that:

- (1) development, manufacturing, and deployment of large-scale energy and energy-related infrastructure, including engineering, site acquisition and preparation, permitting, early-stage risk mitigation financing instruments, domestic manufacturing capacity, and enabling infrastructure, are industrial resources, materials, and critical technology items essential to the national defense;
- (2) without Presidential action under section 303 of the Act, United States industry cannot reasonably be expected to provide these capabilities for the needed industrial resource, material, or critical technology items in a timely manner due to financing risks, regulatory delays, and market barriers; and
- (3) purchases, purchase commitments, financial support for the development of production capabilities, or other action pursuant to section 303 of the Act are the most cost-effective, expedient, and practical alternative methods for meeting this need.

I have declared a national emergency under Executive Order 14156, and I further determine that action to expand the domestic capability to undertake development, manufacturing, and deployment of large-scale energy and energy-related infrastructure is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability. Therefore, pursuant to section 303(a)(7) of the Act, I waive the requirements of section 303(a)(1)–(a)(6) of the Act for the purpose of expanding such capability.

You are authorized and directed to implement this determination, including making necessary purchases, commitments, and financial instruments to enable these projects, and to publish this determination in the *Federal Register*.

DONALD J. TRUMP

[Filed with the Office of the Federal Register, 11:15 a.m., April 22, 2026]

NOTE: This memorandum was published in the *Federal Register* on April 23.

Categories: Communications to Federal Agencies : Defense Production Act of 1950, development, manufacturing, and deployment of large-scale energy and energy related infrastructure, memorandum.

Subjects: Defense Production Act of 1950, executive authorities; Energy infrastructure, expansion efforts.

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