



April 20, 2026

Presidential Determination  
No. 2026-08

MEMORANDUM FOR THE SECRETARY OF ENERGY

SUBJECT: Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended, on Coal Supply Chains and Baseload Power Generation Capacity

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 capacity 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 reliable coal supply chains and baseload power generation capacity is essential to United States national defense. Coal mining and logistics, terminals, stockpile, and power generation facilities provide indispensable resilience to our power grids that cannot be replaced. Without sufficient coal-fired baseload power, the United States will lack the stable electricity required to support defense installations, industrial expansion, and the high-energy demands of emerging technologies, such as artificial intelligence.

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) coal supply chains and baseload power generation capacity, including coal mining, rail and barge logistics, export and domestic terminals, generating unit availability and life-extension work, on-site stockpiles, and associated reliability updates, are industrial resources, materials, or 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 item in a timely manner due to financing constraints, regulatory delays, long-lead maintenance, expensive and bespoke repair cycles, 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 coal supply chain capacity and baseload generation availability 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*.

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