

## Documents for the Record

07.18.23 E&C Oversight Hearing

### 1. Harshbarger – Biden Memorandum

JUNE 06, 2022

# Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Transformers and Electric Power Grid Components



BRIEFING ROOM

STATEMENTS AND RELEASES

#### MEMORANDUM FOR THE SECRETARY OF ENERGY

**SUBJECT:** Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Transformers and Electric Power Grid Components

Ensuring a robust, resilient, and sustainable domestic industrial base to meet the requirements of the clean energy economy is essential to our national security, a resilient energy sector, and the preservation of domestic critical infrastructure. 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) transformers and electric power grid components 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 the capability for the needed industrial resource, material, or critical technology item in a timely manner; and

(3) purchases, purchase commitments, or other action pursuant to section 303 of the Act are the most cost effective, expedient, and practical alternative method for meeting the need.

Pursuant to section 303(a)(7)(B) of the Act, I find that action to expand the domestic production capability for transformers and electric power grid components is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

Therefore, I waive the requirements of section 303(a)(1)-(a)(6) of the Act for the purpose of expanding the domestic production capability for transformers and electric power grid components.

You are authorized and directed to publish this determination in the *Federal Register*.

JOSEPH R. BIDEN JR.