Determination Pursuant to Section 451 of the Foreign Assistance Act of 1961

Pursuant to section 451 of the Foreign Assistance Act of 1961 (the "Act") (22 U.S.C. 2261) and section 1-100(a)(1) of E.O. 12163, I hereby authorize, notwithstanding any other provision of law, the use of up to $125,000,000 made available to carry out provisions of the Act (other than the provisions of chapter 1 of part I of the Act) to provide assistance authorized by part I of the Act to support exigent energy security needs for partners facing coercive supply cutoffs, market disruptions, and inflated costs.

This Determination and the accompanying Memorandum of Justification shall be promptly reported to the Congress. This Determination shall be published in the Federal Register.

September 25, 2026
Date

Marco Rubio
Secretary of State

Memorandum of Justification for Reliance on Section 451 of the Foreign Assistance Act Of 1961 (Faa)

The Secretary has authorized the use of up to $125,000,000 under the authority of section 451 of the FAA to provide assistance authorized under part I of the FAA to support exigent energy security needs for partners facing coercive supply cutoffs, market disruptions, and inflated costs – particularly due to the deliberate, extortionary actions of Russia, China, and Iran. Section 451 permits the use of funds made available to carry out provisions of the FAA to provide, for any unanticipated contingencies, assistance authorized under part I of the FAA, notwithstanding any other provision of law. Section 7034(f) of the National Security, Department of State, and Related Programs Appropriations Act, 2026 (Div. F, P.L. 119-75) (FY 2026 NSSAA), authorizes the use of up to $125,000,000 under the section 451 authority during FY 2026.

Global energy markets are experiencing historic volatility as Russia, China, and Iran weaponize energy supply chains. Under the President's leadership, the United States and our allies are countering these effects, including by unleashing America's energy abundance. Resources are required to facilitate the development of secure and diversified energy resources and infrastructure to ensure partners have credible, reliable, U.S.-backed energy sources. Given these developments, the Department of State intends to exercise the authority under section 451 of the FAA to use $125,000,000 in FY 2026 NSIP funds to help address these urgent needs, notwithstanding the funding requirement for forensic assistance in section 7034(b) of the FY 2026 NSSAA and the 50 percent and/or 5 percent limitation on deviations under section 7019 of the FY 2026 NSSAA, with respect to the following amounts specified in the NSIP table and Sector Allocations table in the JES:

- $48.498 million for Family Planning/Reproductive Health
- $8.0 million for Young African Leaders Initiative (YALI) assistance
- $18.75 million for Middle East Partnership for Peace Act (MEPPA) assistance
- $2.85 million for Maya Biosphere
- $2.85 million for Atrocities Prevention assistance
- $8.402 million for Leahy War Victims Fund assistance
- $2.85 million for Mobility Programs assistance
- $9.12 million for Victims of Torture assistance
- $8.68 million for CARPE

The Department of State may also use these funds to provide assistance under chapter 11 of part I of the FAA, which may include support for enterprise funds in the former Soviet Union.