

119TH CONGRESS  
2D SESSION

# S. 4392

To promote United States and allied energy and mineral security, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27, 2026

Mr. COONS (for himself and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To promote United States and allied energy and mineral security, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Energy Security Pacts  
5       Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9       TEES.—The term “appropriate congressional com-  
10      mittees” means—

1 (A) the Committee on Foreign Relations,  
2 the Committee on Finance, and the Committee  
3 on Appropriations of the Senate; and

4 (B) the Committee on Foreign Affairs, the  
5 Committee on Ways and Means, and the Com-  
6 mittee on Appropriations of the House of Rep-  
7 resentatives.

8 (2) COUNCIL AGENCY.—The term “council  
9 agency” means a department, agency, or organiza-  
10 tion described in section 6(c).

11 (3) CRITICAL MINERAL.—The term “critical  
12 mineral” means any mineral on the list of critical  
13 minerals required by section 7002(c)(3) of the En-  
14 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) on or after  
15 January 1, 2026.

16 (4) DIRECTOR FOR ENERGY SECURITY  
17 PACTS.—The term “Director for Energy Security  
18 Pacts” means the Director for Energy Security  
19 Pacts described in section 4.

20 (5) ENERGY SECURITY PACT.—The term “En-  
21 ergy Security Pact” means an Energy Security Pact  
22 described in section 3.

23 (6) ENERGY SECURITY PACTS COUNCIL.—The  
24 term “Energy Security Pacts Council” means the

1 Energy Security Pacts Council established under  
2 section 6.

3 (7) PARTNER COUNTRY.—The term “partner  
4 country” means a country eligible for participation  
5 in an Energy Security Pact.

6 (8) SECRETARY.—The term “Secretary” means  
7 the Secretary of State.

8 (9) UNDER SECRETARY.—The term “Under  
9 Secretary” means the Under Secretary of State for  
10 Economic Growth, Energy, and the Environment.

11 **SEC. 3. AUTHORITY AND FUNDING FOR ENERGY SECURITY**  
12 **PACTS.**

13 (a) IN GENERAL.—The Secretary may establish  
14 multiyear agreements (to be known as “Energy Security  
15 Pacts”) with partner countries under which the Secretary  
16 may coordinate and provide assistance to enhance the en-  
17 ergy and economic security and stability of the United  
18 States and such partner countries, including through ef-  
19 forts to counter economic coercion through the diversifica-  
20 tion of critical mineral and energy supply chains.

21 (b) FUNDING.—

22 (1) AVAILABILITY OF AMOUNTS.—The Sec-  
23 retary may make available, from amounts authorized  
24 to be appropriated for fiscal year 2026 or any subse-  
25 quent fiscal year under the heading “National Secu-

1      rity Investment Programs” in Acts making appro-  
 2      priations for the Department of State, foreign oper-  
 3      ations, and related programs (including amounts au-  
 4      thorized to be appropriated to the Economic Resil-  
 5      ience Initiative), amounts for the purpose of estab-  
 6      lishing and implementing Energy Security Pacts.

7            (2) TRANSFERS.—Funds authorized to be made  
 8      available pursuant to paragraph (1) may be trans-  
 9      ferred to, and merged with, funds appropriated for  
 10     fiscal year 2026 or any subsequent fiscal year under  
 11     the headings “United States Trade and Develop-  
 12     ment Agency”, “Millennium Challenge Corporation”,  
 13     “United States International Development Finance—  
 14     Corporate Capital Account”, “United States Inter-  
 15     national Development Finance—Program Account”,  
 16     “Development Finance Corporate Equity Investment  
 17     Account”, and “Export-Import Bank of the United  
 18     States—Program Account” to carry out the purpose  
 19     described in paragraph (1).

20           (3) CONSULTATION AND NOTIFICATION.—The  
 21     transfer authority provided by this subsection is—

22                    (A) in addition to any other transfer au-  
 23                    thority provided by law; and

24                    (B) subject to—

25                            (i) prior consultation with—

1 (I) the Committee on Appropria-  
2 tions and the Committee on Foreign  
3 Relations of the Senate; and

4 (II) the Committee on Appropria-  
5 tions and the Committee on Foreign  
6 Affairs of the House of Representa-  
7 tives; and

8 (ii) the regular notification procedures  
9 of such committees.

10 (c) ASSISTANCE FOR THE DEVELOPMENT AND IM-  
11 PLEMENTATION OF PACTS.—The Director for Energy Se-  
12 curity Pacts may—

13 (1) enter into contracts for required technical  
14 support related to Energy Security Pacts;

15 (2) make grants to partner countries that meet  
16 eligibility requirements for United States foreign as-  
17 sistance for the purpose of building the administra-  
18 tive or technical capacity necessary to facilitate the  
19 development and implementation of an Energy Secu-  
20 rity Pact between the United States and such coun-  
21 try; and

22 (3) lead Country Pact Teams, in accordance  
23 with section 4(c), to carry out the implementation of  
24 Energy Security Pacts.

25 (d) LIMITATIONS.—

1           (1) PROHIBITION ON MILITARY ASSISTANCE  
2           AND TRAINING.—Assistance under this section may  
3           not include military assistance or military training  
4           for a country.

5           (2) PROHIBITION ON ASSISTANCE RELATING TO  
6           UNITED STATES JOB LOSS OR PRODUCTION DIS-  
7           PLACEMENT.—Assistance under this section may not  
8           be provided for any project that is likely to cause a  
9           substantial loss of United States jobs or a substan-  
10          tial displacement of United States production.

11          (3) PROHIBITION ON ASSISTANCE RELATING TO  
12          ENVIRONMENTAL, HEALTH, OR SAFETY HAZARDS.—  
13          Assistance under this section may not be provided  
14          for any project that is likely to cause a significant  
15          environmental, health, or safety hazard.

16          (4) FOREIGN AID TRANSPARENCY AND AC-  
17          COUNTABILITY ACT COMPLIANCE.—None of the  
18          funds authorized to be appropriated or otherwise  
19          made available to carry out this Act may be obli-  
20          gated or expended for an Energy Security Pact un-  
21          less the Secretary complies with the requirements of  
22          section 4 of the Foreign Aid Transparency and Ac-  
23          countability Act of 2016 (22 U.S.C. 2394c) with re-  
24          spect to the Pact and all activities associated with  
25          the Pact.

1           (5) PROHIBITION ON ASSISTANCE FOR CERTAIN  
2 ENTITIES.—None of the funds authorized to be ap-  
3 propriated or otherwise made available to carry out  
4 this Act may be obligated or expended to provide  
5 any grant, contract, loan, or other financial assist-  
6 ance to an entity in which a senior United States  
7 Government official or an immediate family member  
8 (as defined in section 1128(j) of the Social Security  
9 Act (42 U.S.C. 1320a–7(j))) of such official holds  
10 any ownership interest or serves in any managerial,  
11 officer, director, or board capacity.

12           (6) OTHER PROHIBITION.—Assistance under  
13 this section may not be used in any manner other-  
14 wise prohibited by any provision of law.

15 **SEC. 4. OFFICE OF ENERGY SECURITY PACTS.**

16           (a) ESTABLISHMENT.—Not later than 180 days after  
17 the date of the enactment of this Act, the Secretary shall  
18 establish an Office of Energy Security Pacts, which shall  
19 perform such functions related to the administration, co-  
20 ordination, and implementation of Energy Security Pacts  
21 as the Under Secretary may prescribe.

22           (b) DIRECTOR FOR ENERGY SECURITY PACTS.—

23           (1) IN GENERAL.—The Office of Energy Secu-  
24 rity shall be led by a Director for Energy Security  
25 Pacts, who shall be—

1 (A) appointed by the Secretary; and

2 (B) responsible—

3 (i) to the Under Secretary for all mat-  
4 ters pertaining to the administration and  
5 implementation of Energy Security Pacts;  
6 and

7 (ii) for such other related duties as  
8 the Secretary may from time to time des-  
9 ignate.

10 (2) RESPONSIBILITIES.—In addition to the re-  
11 sponsibilities described in paragraph (1), the Direc-  
12 tor for Energy Security Pacts shall be responsible  
13 for supporting the coordination and implementation  
14 by the Department of State of the Economic Resil-  
15 ience Initiative and the Energy Security Pacts Coun-  
16 cil, including for all matters pertaining to the fol-  
17 lowing:

18 (A) Drafting the contribution of the Sec-  
19 retary to the strategy required by section  
20 7030(d) of the Further Consolidated Appropria-  
21 tions Act, 2024 (Public Law 118–47; 138 Stat.  
22 782).

23 (B) Leading the development, negotiation,  
24 and management of all Energy Security Pacts.



1 (C) Consulting and coordinating with  
2 council agencies to develop prospective Energy  
3 Security Pacts and implement ongoing Energy  
4 Security Pacts, as appropriate.

5 (D) Serving as the recipient for—

6 (i) solicited proposals under Energy  
7 Security Pacts; and

8 (ii) unsolicited proposals for projects  
9 to be considered for inclusion in any En-  
10 ergy Security Pact by national, regional,  
11 and local governments and private corpora-  
12 tions.

13 (E) Signing joint agency agreements on  
14 behalf of the Department of State, transferring  
15 or receiving appropriated funds from any de-  
16 partment, agency, or independent establishment  
17 of the United States Government on behalf of  
18 the Department of State (with the consent of  
19 the head of such department, agency, or estab-  
20 lishment) for the purpose of developing, imple-  
21 menting, or otherwise participating in an En-  
22 ergy Security Pact, including for use as a credit  
23 subsidy to provide loans.

24 (F) Coordinating with other donor entities,  
25 including countries that are allies and partners

1 of the United States, the Forum on Resource  
2 Geostrategic Engagement of the Department of  
3 State, and other multilateral fora, for purposes  
4 of deconflicting, augmenting, and leveraging, as  
5 appropriate, Energy Security Pact workplans  
6 with the development and financing activities  
7 performed by others.

8 (3) ANNUAL REPORT REQUIRED.—Not less fre-  
9 quently than annually until the date that is 5 years  
10 after the date of the enactment of this Act, the Di-  
11 rector for Energy Security Pacts shall submit to the  
12 appropriate congressional committees, the Executive  
13 Office of the President, the National Security Coun-  
14 cil, and the Secretary a report describing—

15 (A) the current status of activities author-  
16 ized under this Act;

17 (B) any obstacles to the implementation of  
18 such activities; and

19 (C) any updates to the multiyear financial  
20 plan developed pursuant to section 5(d)(G).

21 (c) COUNTRY PACT TEAMS.—

22 (1) IN GENERAL.—The Secretary, in consulta-  
23 tion with the Under Secretary and relevant Federal  
24 departments and agencies, shall designate a Country  
25 Pact Team for each Energy Security Pact.

1           (2) LEADERSHIP; DUTIES.—Each Country Pact  
2       Team shall—

3           (A) be led by the Director for Energy Se-  
4       curity Pacts, who shall regularly engage with  
5       the Energy Security Pacts Council on matters  
6       related to the Energy Security Pact; and

7           (B) manage the day-to-day activities re-  
8       lated to the development, negotiation, imple-  
9       mentation, and monitoring of the Pact.

10       (d) PERSONNEL.—

11           (1) IN GENERAL.—The Under Secretary or the  
12       Under Secretary's designee may—

13           (A) detail staff to heads of council agencies  
14       with relevant sectoral, financial, or regional ex-  
15       pertise for the express purpose of supporting  
16       the negotiation or implementation of an Energy  
17       Security Pact;

18           (B) request from the heads of council  
19       agencies the detail of personnel to the Office of  
20       Energy Security Pacts with relevant sectoral, fi-  
21       nancial, or regional expertise, on a reimbursable  
22       basis, for the express purpose of supporting the  
23       negotiation or implementation of an Energy Se-  
24       curity Pact; and

1 (C) appoint, without regard to the provi-  
2 sions of sections 3309 through 3318 of title 5,  
3 United States Code, candidates directly to posi-  
4 tions in the competitive service, as defined in  
5 section 2102 of that title.

6 (2) DETAILED EMPLOYEES.—Any employee de-  
7 tailed pursuant to a request made under paragraph  
8 (1)(B) shall remain, for the purpose of preserving  
9 such employee’s allowances, privileges, rights, senior-  
10 ity, and other benefits, an employee of the agency  
11 from which detailed.

12 (e) TERMINATION.—

13 (1) NEW ENERGY SECURITY PACTS.—The au-  
14 thority to enter into new Energy Security Pacts  
15 shall terminate on the date that is 15 years after the  
16 date of the enactment of this Act.

17 (2) OFFICE; DIRECTOR; COUNCIL.—The Office  
18 of Energy Security Pacts, the position of Director  
19 for Energy Security Pacts, and the Energy Security  
20 Pacts Council shall terminate after the final Energy  
21 Security Pact expires.

22 (f) REPORTS.—Not later than 180 days after the  
23 date of the enactment of this Act, the Under Secretary  
24 shall submit to the appropriate congressional committees  
25 a report that contains plans to attract and retain diplo-

1 matic, policy, legal, and technical expertise for civil service  
 2 officers in the Office of Energy Security Pacts, including  
 3 career promotion tracks to supervisory and non-supervisory  
 4 GS–15 positions.

5 **SEC. 5. APPROVAL, ELIGIBILITY, AND ELEMENTS OF EN-**  
 6 **ERGY SECURITY PACTS.**

7 (a) GOAL.—It shall be the goal of each Energy Security  
 8 Pact to increase reliable access to energy or electricity,  
 9 including that needed for production of critical minerals,  
 10 for the United States and the partner country to the Energy  
 11 Security Pact, for the purpose of stimulating economic  
 12 growth, enabling follow-on private sector investment,  
 13 supporting the commercial competitiveness of  
 14 United States companies, or diversifying relevant supply  
 15 chains.

16 (b) INITIAL REQUIREMENTS.—

17 (1) RECOMMENDATION; ANALYSIS.—Before entering into an Energy  
 18 Security Pact—

19 (A) the Pact shall be recommended by the  
 20 Director for Energy Security Pacts and the  
 21 Under Secretary and approved by the Secretary;  
 22 and

23 (B) the Director for Energy Security  
 24 Pacts, in collaboration with the Energy Security  
 25 Pacts Council and partner country, shall con-

1           duct a constraints analysis that identifies  
2           insufficiencies in the energy sector and supply-  
3           chain segments needed to strengthen the part-  
4           ner country's energy security, consistent with  
5           United States energy security risks and com-  
6           mercial opportunities.

7           (2) CONGRESSIONAL NOTIFICATION.—Not later  
8           than 30 days before entering into an Energy Secu-  
9           rity Pact, the Director for Energy Security Pacts  
10          shall—

11                 (A) notify and consult with the appropriate  
12                 congressional committees regarding such Pact;

13                 (B) transmit to the appropriate congres-  
14                 sional committees the text of such Pact; and

15                 (C) provide to the appropriate congres-  
16                 sional committees an in-person briefing regard-  
17                 ing such Pact.

18          (c) ELIGIBILITY.—A country is eligible for participa-  
19          tion in an Energy Security Pact if—

20                 (1)(A) the per capita income of the country is  
21                 not greater than the World Bank's loan threshold;  
22                 or

23                 (B) at the beginning of the year in which nego-  
24                 tiations are initiated, the country is eligible for sup-  
25                 port from the World Bank's International Bank for

1 Reconstruction and Development or International  
2 Development Association graduation process;

3 (2) the country has been identified as strategi-  
4 cally or commercially important for the United  
5 States by the Secretary or the President;

6 (3) the Under Secretary determines that the  
7 country has the capacity and commitment to imple-  
8 ment the Energy Security Pact; and

9 (4) the country is not a foreign country of con-  
10 cern (as defined in section 10612(a) of the Research  
11 and Development, Competition, and Innovation Act  
12 (42 U.S.C. 19221(a))).

13 (d) ENERGY SECURITY PACT ELEMENTS.—

14 (1) IN GENERAL.—Each Energy Security Pact  
15 shall contain the following:

16 (A) The constraints analysis conducted  
17 under subsection (b)(1)(B).

18 (B) A demonstrated effort to integrate the  
19 national economic development strategy of the  
20 partner country.

21 (C) Specific objectives that the partner  
22 country and the United States expect to achieve  
23 during the term of the Energy Security Pact,  
24 including—

1 (i) increased energy production, reli-  
2 ability, and affordability in the partner  
3 country;

4 (ii) economic growth in the partner  
5 country that may reduce the need for for-  
6 eign assistance;

7 (iii) improved access to energy, in con-  
8 sultation with affected communities and  
9 civil society; and

10 (iv) improved infrastructure that en-  
11 ables access to critical minerals mining and  
12 processing.

13 (D) The responsibilities of the partner  
14 country and the United States in the achieve-  
15 ment of such objectives.

16 (E) Regular quantitative benchmarks to  
17 measure, as appropriate, progress toward  
18 achieving such objectives.

19 (F) An identification of the intended im-  
20 pact of the activities carried out in accordance  
21 with the Energy Security Pact.

22 (G) A multiyear financial plan, updated  
23 annually until the expiration of the term of the  
24 Energy Security Pact, that—



1 (i) estimates the amount of contribu-  
2 tions, commitments, and other participa-  
3 tion to be provided by council agencies, the  
4 partner country, multilateral development  
5 banks, and other development finance in-  
6 stitutions as applicable;

7 (ii) ensures that the Pact incorporates  
8 and is complementary to development pro-  
9 grams administered by other Federal de-  
10 partments and agencies, so that United  
11 States funds are used to improve feasibility  
12 for private sector investment to further de-  
13 velopment goals;

14 (iii) identifies proposed mechanisms to  
15 implement the plan and provide oversight  
16 of the plan; and

17 (iv) describes how the requirements  
18 described in this subsection will be met, in-  
19 cluding the role of the private sector in the  
20 achievement of such requirements.

21 (H) As appropriate, a description of the  
22 current and potential participation of other do-  
23 nors, including council agencies or countries  
24 that are allies and partners of the United

1 States, in the achievement of the objectives de-  
2 scribed in subparagraph (C).

3 (I) A description of how oversight and  
4 transparency of the foreign assistance provided  
5 through the Economic Resilience Initiative will  
6 be maintained.

7 (J) As appropriate, a process or processes  
8 for considering—

9 (i) solicited proposals under the En-  
10 ergy Security Pact; and

11 (ii) unsolicited proposals by national,  
12 regional, and local governments and pri-  
13 vate corporations.

14 (K) A requirement that open, fair, com-  
15 petitive, and transparent procedures are used in  
16 the administration of grants or cooperative  
17 agreements or the procurement of goods and  
18 services for the accomplishment of objectives  
19 under the Energy Security Pact.

20 (L) The strategy of the partner country to  
21 sustain progress made toward achieving the ob-  
22 jectives described in subparagraph (C) after ex-  
23 piration of the Energy Security Pact.

24 (M) A description of the role of council  
25 agencies in any design, implementation, and

1 monitoring of programs and activities funded  
2 through the Energy Security Pact.

3 (N) A description of any contribution, as  
4 appropriate, from the partner country relative  
5 to its national budget and taking into account  
6 the prevailing economic conditions, toward  
7 meeting the objectives described in subpara-  
8 graph (C).

9 (2) PROHIBITION ON TAXATION.—In addition  
10 to the elements described in paragraph (1), each En-  
11 ergy Security Pact shall contain a provision stating  
12 that assistance provided by the United States under  
13 the Energy Security Pact shall be exempt from tax-  
14 ation by the government of the partner country.

15 (3) ENERGY SOURCES.—An Energy Security  
16 Pact shall not exclude, as a matter of policy, any  
17 specific type of energy or power generation.

18 (e) NOTIFICATION REGARDING INCREASE OR EXTEN-  
19 SION OF ASSISTANCE.—Not later than 15 days after mak-  
20 ing a determination and before distributing funds to in-  
21 crease or extend assistance under an Energy Security Pact  
22 with a partner country, the Secretary, acting through the  
23 Director for Energy Security Pacts, shall submit to the  
24 appropriate congressional committees a written notifica-  
25 tion that contains the following:

1           (1) A justification for the determination.

2           (2) A detailed summary of the proposed in-  
3       crease in, or extension of, assistance under the En-  
4       ergy Security Pact.

5           (3) A copy of the full text of the amendment to  
6       the Energy Security Pact.

7       (f) DURATION.—The duration of an Energy Security  
8       Pact may not exceed 10 years.

9       (g) SUBSEQUENT AND CONCURRENT PACTS.—A  
10      partner country that has entered into, and has in effect,  
11      an Energy Security Pact may enter into, and concurrently  
12      have in effect, additional Energy Security Pacts.

13      (h) RULE OF CONSTRUCTION.—Nothing in this sec-  
14      tion shall be construed to alter, supersede, or otherwise  
15      affect any authorities, restrictions, or eligibility require-  
16      ments existing on the date of the enactment of this Act  
17      applicable to foreign assistance programs administered by  
18      any Federal department or agency, including determina-  
19      tions regarding the eligibility of countries for such assist-  
20      ance made pursuant to the Foreign Assistance Act of  
21      1961 (22 U.S.C. 2151 et seq.) or any other provision of  
22      law.

23      **SEC. 6. ENERGY SECURITY PACTS COUNCIL.**

24      (a) ESTABLISHMENT.—Not later than 90 days after  
25      the date of the enactment of this Act, the President shall

1 establish an Energy Security Pacts Council (in this section  
2 referred to as the “Council”) to coordinate and implement  
3 Energy Security Pacts.

4 (b) CHAIRPERSON.—The Council shall be chaired by  
5 the Secretary.

6 (c) COMPOSITION.—The Council shall be composed of  
7 principal officers of executive departments from the fol-  
8 lowing:

9 (1) The United States International Develop-  
10 ment Finance Corporation.

11 (2) The Department of Energy.

12 (3) The United States Trade and Development  
13 Agency.

14 (4) The Export-Import Bank of the United  
15 States.

16 (5) The Department of Commerce.

17 (6) The United States Trade Representative.

18 (7) The Department of Defense.

19 (8) The Department of State.

20 (9) The Department of the Treasury.

21 (10) The Millennium Challenge Corporation.

22 (11) The Department of the Interior.

23 (12) Any other Federal department, agency, or  
24 organization that the President determines to be ap-  
25 propriate.

1       (d) VACANCIES.—When there is a vacancy in the of-  
2       fice of a principal officer of an executive department, the  
3       individual acting in the capacity of principal officer shall  
4       serve as a member of the Council until a new principal  
5       officer of the executive department is appointed.

6       (e) DELEGATION.—The principal officer of an execu-  
7       tive department may delegate a senior official (as de-  
8       scribed in section 1(d) of the State Department Basic Au-  
9       thorities Act of 1956 (22 U.S.C. 2651a(d)) or following  
10      other relevant agency guidance) to serve on the Council,  
11      as appropriate.

12      (f) MEETINGS.—The Council shall meet not less fre-  
13      quently than quarterly.

14      (g) DUTIES.—The Council shall—

15           (1) coordinate Energy Security Pact-related ac-  
16           tivities of the council agencies;

17           (2) make annual recommendations to the Direc-  
18           tor for Energy Security Pacts, taking into account  
19           the stated priorities of the National Security Council  
20           and the President, regarding the prioritization of  
21           countries eligible for Energy Security Pact negotia-  
22           tion; and

23           (3) make recommendations to improve inter-  
24           agency collaboration for purposes of promoting en-

1        energy security and United States national security in-  
2        terests abroad.

3        (h) SUNSHINE ACT COMPLIANCE.—Meetings of the  
4        Council are subject to section 552b of title 5, United  
5        States Code (commonly referred to as the “Government  
6        in the Sunshine Act”).

7        **SEC. 7. EVALUATION BY GOVERNMENT ACCOUNTABILITY**  
8        **OFFICE.**

9        Not later than 2 years after the date of the enact-  
10       ment of this Act, and annually thereafter until the final  
11       Energy Security Pact expires, the Comptroller General of  
12       the United States shall submit to Congress an evaluation  
13       of the efficiency and development impact of projects sup-  
14       ported by an Energy Security Pact.

○