

Calendar No. _____

119TH CONGRESS
2D SESSION**S. 4392**

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

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2026

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

_____ (legislative day, _____), _____

Reported by Mr. RISCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 Paets
5 Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ~~APPROPRIATE CONGRESSIONAL COMMIT-~~
4 ~~TEES.~~—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations;
7 the Committee on Finance, and the Committee
8 on Appropriations of the Senate; and

9 (B) the Committee on Foreign Affairs, the
10 Committee on Ways and Means, and the Com-
11 mittee on Appropriations of the House of Rep-
12 resentatives.

13 (2) ~~COUNCIL AGENCY.~~—The term “council
14 agency” means a department, agency, or organiza-
15 tion described in section 6(c).

16 (3) ~~CRITICAL MINERAL.~~—The term “critical
17 mineral” means any mineral on the list of critical
18 minerals required by section 7002(c)(3) of the En-
19 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) on or after
20 January 1, 2026.

21 (4) ~~DIRECTOR FOR ENERGY SECURITY~~
22 ~~PACTS.~~—The term “Director for Energy Security
23 Pacts” means the Director for Energy Security
24 Pacts described in section 4.

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

4 (6) ~~ENERGY SECURITY PACTS COUNCIL.~~—The
5 term “Energy Security Pacts Council” means the
6 Energy Security Pacts Council established under
7 section 6.

8 (7) ~~PARTNER COUNTRY.~~—The term “partner
9 country” means a country eligible for participation
10 in an Energy Security Pact.

11 (8) ~~SECRETARY.~~—The term “Secretary” means
12 the Secretary of State.

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

16 **SEC. 3. AUTHORITY AND FUNDING FOR ENERGY SECURITY**
17 **PACTS.**

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

1 (b) FUNDING.—

2 (1) AVAILABILITY OF AMOUNTS.—The Sec-
3 retary may make available, from amounts authorized
4 to be appropriated for fiscal year 2026 or any subse-
5 quent fiscal year under the heading “National Secu-
6 rity Investment Programs” in Acts making appro-
7 priations for the Department of State, foreign oper-
8 ations, and related programs (including amounts au-
9 thorized to be appropriated to the Economic Resil-
10 ience Initiative), amounts for the purpose of estab-
11 lishing and implementing Energy Security Pacts.

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

1 ~~(3)~~ CONSULTATION AND NOTIFICATION.—The
2 transfer authority provided by this subsection is—

3 ~~(A)~~ in addition to any other transfer au-
4 thority provided by law; and

5 ~~(B)~~ subject to—

6 (i) prior consultation with—

7 ~~(I)~~ the Committee on Appropria-
8 tions and the Committee on Foreign
9 Relations of the Senate; and

10 ~~(II)~~ the Committee on Appropria-
11 tions and the Committee on Foreign
12 Affairs of the House of Representa-
13 tives; and

14 (ii) the regular notification procedures
15 of such committees.

16 ~~(c)~~ ASSISTANCE FOR THE DEVELOPMENT AND IM-
17 PLEMENTATION OF PACTS.—The Director for Energy Se-
18 curity Pacts may—

19 ~~(1)~~ enter into contracts for required technical
20 support related to Energy Security Pacts;

21 ~~(2)~~ make grants to partner countries that meet
22 eligibility requirements for United States foreign as-
23 sistance for the purpose of building the administra-
24 tive or technical capacity necessary to facilitate the
25 development and implementation of an Energy Secu-

1 rity Pact between the United States and such coun-
2 try; and

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

6 ~~(d) LIMITATIONS.—~~

7 ~~(1) PROHIBITION ON MILITARY ASSISTANCE~~
8 AND TRAINING.—Assistance under this section may
9 not include military assistance or military training
10 for a country.

11 ~~(2) PROHIBITION ON ASSISTANCE RELATING TO~~
12 UNITED STATES JOB LOSS OR PRODUCTION DIS-
13 PLACEMENT.—Assistance under this section may not
14 be provided for any project that is likely to cause a
15 substantial loss of United States jobs or a substan-
16 tial displacement of United States production.

17 ~~(3) PROHIBITION ON ASSISTANCE RELATING TO~~
18 ENVIRONMENTAL, HEALTH, OR SAFETY HAZARDS.—
19 Assistance under this section may not be provided
20 for any project that is likely to cause a significant
21 environmental, health, or safety hazard.

22 ~~(4) FOREIGN AID TRANSPARENCY AND AC-~~
23 COUNTABILITY ACT COMPLIANCE.—None of the
24 funds authorized to be appropriated or otherwise
25 made available to carry out this Act may be obli-

1 gated or expended for an Energy Security Pact un-
2 less the Secretary complies with the requirements of
3 section 4 of the Foreign Aid Transparency and Ac-
4 countability Act of 2016 (22 U.S.C. 2394c) with re-
5 spect to the Pact and all activities associated with
6 the Pact.

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

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

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

22 (a) ESTABLISHMENT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary shall
24 establish an Office of Energy Security Pacts, which shall
25 perform such functions related to the administration, co-

1 ordination, and implementation of Energy Security Pacts
2 as the Under Secretary may prescribe.

3 ~~(b) DIRECTOR FOR ENERGY SECURITY PACTS.—~~

4 ~~(1) IN GENERAL.—~~The Office of Energy Secu-
5 rity shall be led by a Director for Energy Security
6 Pacts, who shall be—

7 ~~(A) appointed by the Secretary; and~~

8 ~~(B) responsible—~~

9 ~~(i) to the Under Secretary for all mat-~~
10 ~~ters pertaining to the administration and~~
11 ~~implementation of Energy Security Pacts;~~
12 ~~and~~

13 ~~(ii) for such other related duties as~~
14 ~~the Secretary may from time to time des-~~
15 ~~ignate.~~

16 ~~(2) RESPONSIBILITIES.—~~In addition to the re-
17 sponsibilities described in paragraph (1), the Direc-
18 tor for Energy Security Pacts shall be responsible
19 for supporting the coordination and implementation
20 by the Department of State of the Economic Resil-
21 ience Initiative and the Energy Security Pacts Coun-
22 cil, including for all matters pertaining to the fol-
23 lowing:

24 ~~(A) Drafting the contribution of the Sec-~~
25 ~~retary to the strategy required by section~~

1 7030(d) of the Further Consolidated Appropria-
2 tions Act, 2024 (Public Law 118—47, 138 Stat.
3 782).

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

6 (C) Consulting and coordinating with
7 council agencies to develop prospective Energy
8 Security Pacts and implement ongoing Energy
9 Security Pacts, as appropriate.

10 (D) Serving as the recipient for—

11 (i) solicited proposals under Energy
12 Security Pacts; and

13 (ii) unsolicited proposals for projects
14 to be considered for inclusion in any En-
15 ergy Security Pact by national, regional,
16 and local governments and private corpora-
17 tions.

18 (E) Signing joint agency agreements on
19 behalf of the Department of State, transferring
20 or receiving appropriated funds from any de-
21 partment, agency, or independent establishment
22 of the United States Government on behalf of
23 the Department of State (with the consent of
24 the head of such department, agency, or estab-
25 lishment) for the purpose of developing, imple-

1 menting, or otherwise participating in an En-
2 ergy Security Pact, including for use as a credit
3 subsidy to provide loans.

4 (F) Coordinating with other donor entities;
5 including countries that are allies and partners
6 of the United States; the Forum on Resource
7 Geostrategic Engagement of the Department of
8 State; and other multilateral fora; for purposes
9 of deconflicting, augmenting, and leveraging, as
10 appropriate, Energy Security Pact workplans
11 with the development and financing activities
12 performed by others.

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

20 (A) the current status of activities author-
21 ized under this Act;

22 (B) any obstacles to the implementation of
23 such activities; and

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

1 ~~(c) COUNTRY PACT TEAMS.—~~

2 ~~(1) IN GENERAL.—~~The Secretary, in consulta-
3 tion with the Under Secretary and relevant Federal
4 departments and agencies, shall designate a Country
5 Pact Team for each Energy Security Pact.

6 ~~(2) LEADERSHIP; DUTIES.—~~Each Country Pact
7 Team shall—

8 ~~(A)~~ be led by the Director for Energy Se-
9 curity Pacts, who shall regularly engage with
10 the Energy Security Pacts Council on matters
11 related to the Energy Security Pact; and

12 ~~(B)~~ manage the day-to-day activities re-
13 lated to the development, negotiation, imple-
14 mentation, and monitoring of the Pact.

15 ~~(d) PERSONNEL.—~~

16 ~~(1) IN GENERAL.—~~The Under Secretary or the
17 Under Secretary's designee may—

18 ~~(A)~~ detail staff to heads of council agencies
19 with relevant sectoral, financial, or regional ex-
20 pertise for the express purpose of supporting
21 the negotiation or implementation of an Energy
22 Security Pact;

23 ~~(B)~~ request from the heads of council
24 agencies the detail of personnel to the Office of
25 Energy Security Pacts with relevant sectoral, fi-

1 nancial, or regional expertise, on a reimbursable
2 basis, for the express purpose of supporting the
3 negotiation or implementation of an Energy Se-
4 curity Pact; and

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

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

16 (e) TERMINATION.—

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

21 (2) OFFICE; DIRECTOR; COUNCIL.—The Office
22 of Energy Security Pacts, the position of Director
23 for Energy Security Pacts, and the Energy Security
24 Pacts Council shall terminate after the final Energy
25 Security Pact expires.

1 (f) **REPORTS.**—Not later than 180 days after the
2 date of the enactment of this Act, the Under Secretary
3 shall submit to the appropriate congressional committees
4 a report that contains plans to attract and retain diplo-
5 matic, policy, legal, and technical expertise for civil service
6 officers in the Office of Energy Security Pacts, including
7 career promotion tracks to supervisory and non-super-
8 visory GS-15 positions.

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

11 (a) **GOAL.**—It shall be the goal of each Energy Secu-
12 rity Pact to increase reliable access to energy or electricity,
13 including that needed for production of critical minerals,
14 for the United States and the partner country to the En-
15 ergy Security Pact, for the purpose of stimulating eco-
16 nomic growth, enabling follow-on private sector invest-
17 ment, supporting the commercial competitiveness of
18 United States companies, or diversifying relevant supply
19 chains.

20 (b) **INITIAL REQUIREMENTS.**—

21 (1) **RECOMMENDATION; ANALYSIS.**—Before en-
22 tering into an Energy Security Pact—

23 (A) the Pact shall be recommended by the
24 Director for Energy Security Pacts and the

1 Under Secretary and approved by the Sec-
2 retary; and

3 (B) the Director for Energy Security
4 Pacts, in collaboration with the Energy Security
5 Pacts Council and partner country, shall con-
6 duct a constraints analysis that identifies
7 insufficiencies in the energy sector and supply-
8 chain segments needed to strengthen the part-
9 ner country's energy security, consistent with
10 United States energy security risks and com-
11 mercial opportunities.

12 (2) CONGRESSIONAL NOTIFICATION.—Not later
13 than 30 days before entering into an Energy Secu-
14 rity Pact, the Director for Energy Security Pacts
15 shall—

16 (A) notify and consult with the appropriate
17 congressional committees regarding such Pact;

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

20 (C) provide to the appropriate congres-
21 sional committees an in-person briefing regard-
22 ing such Pact.

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

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

(B) at the beginning of the year in which negotiations are initiated, the country is eligible for support from the World Bank's International Bank for Reconstruction and Development or International Development Association graduation process;

9 (2) the country has been identified as strategi-
10 cally or commercially important for the United
11 States by the Secretary or the President;

(3) the Under Secretary determines that the country has the capacity and commitment to implement the Energy Security Pact; and

(4) the country is not a foreign country of concern (as defined in section 10612(a) of the Research and Development, Competition, and Innovation Act (42 U.S.C. 19221(a))).

19 ~~(d) ENERGY SECURITY PACT ELEMENTS.—~~

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

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

1 ~~(B) A demonstrated effort to integrate the~~
2 ~~national economic development strategy of the~~
3 ~~partner country.~~

4 ~~(C) Specific objectives that the partner~~
5 ~~country and the United States expect to achieve~~
6 ~~during the term of the Energy Security Pact,~~
7 ~~including—~~

8 ~~(i) increased energy production, reli-~~
9 ~~ability, and affordability in the partner~~
10 ~~country;~~

11 ~~(ii) economic growth in the partner~~
12 ~~country that may reduce the need for for-~~
13 ~~ign assistance;~~

14 ~~(iii) improved access to energy, in con-~~
15 ~~sultation with affected communities and~~
16 ~~civil society; and~~

17 ~~(iv) improved infrastructure that en-~~
18 ~~ables access to critical minerals mining and~~
19 ~~processing.~~

20 ~~(D) The responsibilities of the partner~~
21 ~~country and the United States in the achieve-~~
22 ~~ment of such objectives.~~

23 ~~(E) Regular quantitative benchmarks to~~
24 ~~measure, as appropriate, progress toward~~
25 ~~achieving such objectives.~~

1 (F) An identification of the intended im-
2 pact of the activities carried out in accordance
3 with the Energy Security Pact.

4 (G) A multiyear financial plan, updated
5 annually until the expiration of the term of the
6 Energy Security Pact, that—

7 (i) estimates the amount of contribu-
8 tions, commitments, and other participa-
9 tion to be provided by council agencies, the
10 partner country, multilateral development
11 banks, and other development finance in-
12 stitutions as applicable;

13 (ii) ensures that the Pact incorporates
14 and is complementary to development pro-
15 grams administered by other Federal de-
16 partments and agencies, so that United
17 States funds are used to improve feasibility
18 for private sector investment to further de-
19 velopment goals;

20 (iii) identifies proposed mechanisms to
21 implement the plan and provide oversight
22 of the plan; and

23 (iv) describes how the requirements
24 described in this subsection will be met, in-

1 including the role of the private sector in the
2 achievement of such requirements.

3 (H) As appropriate, a description of the
4 current and potential participation of other do-
5 nors, including council agencies or countries
6 that are allies and partners of the United
7 States, in the achievement of the objectives de-
8 scribed in subparagraph (C).

9 (I) A description of how oversight and
10 transparency of the foreign assistance provided
11 through the Economic Resilience Initiative will
12 be maintained.

13 (J) As appropriate, a process or processes
14 for considering—

15 (i) solicited proposals under the En-
16 ergy Security Pact; and

17 (ii) unsolicited proposals by national,
18 regional, and local governments and pri-
19 vate corporations.

20 (K) A requirement that open, fair, com-
21 petitive, and transparent procedures are used in
22 the administration of grants or cooperative
23 agreements or the procurement of goods and
24 services for the accomplishment of objectives
25 under the Energy Security Pact.

1 ~~(L)~~ The strategy of the partner country to
2 sustain progress made toward achieving the ob-
3 jectives described in subparagraph ~~(C)~~ after ex-
4 piration of the Energy Security Pact.

5 ~~(M)~~ A description of the role of council
6 agencies in any design, implementation, and
7 monitoring of programs and activities funded
8 through the Energy Security Pact.

9 ~~(N)~~ A description of any contribution, as
10 appropriate, from the partner country relative
11 to its national budget and taking into account
12 the prevailing economic conditions, toward
13 meeting the objectives described in subpara-
14 graph ~~(C)~~.

15 ~~(2)~~ PROHIBITION ON TAXATION.—In addition
16 to the elements described in paragraph (1), each En-
17 ergy Security Pact shall contain a provision stating
18 that assistance provided by the United States under
19 the Energy Security Pact shall be exempt from tax-
20 ation by the government of the partner country.

21 ~~(3)~~ ENERGY SOURCES.—An Energy Security
22 Pact shall not exclude, as a matter of policy, any
23 specific type of energy or power generation.

24 ~~(c)~~ NOTIFICATION REGARDING INCREASE OR EXTEN-
25 SION OF ASSISTANCE.—Not later than 15 days after mak-

1 ing a determination and before distributing funds to in-
2 crease or extend assistance under an Energy Security Pact
3 with a partner country, the Secretary, acting through the
4 Director for Energy Security Pacts, shall submit to the
5 appropriate congressional committees a written notifica-
6 tion that contains the following:

7 (1) A justification for the determination.

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

11 (3) A copy of the full text of the amendment to
12 the Energy Security Pact.

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

15 (g) SUBSEQUENT AND CONCURRENT PACTS.—A
16 partner country that has entered into, and has in effect,
17 an Energy Security Pact may enter into, and concurrently
18 have in effect, additional Energy Security Pacts.

19 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to alter, supersede, or otherwise
21 affect any authorities, restrictions, or eligibility require-
22 ments existing on the date of the enactment of this Act
23 applicable to foreign assistance programs administered by
24 any Federal department or agency, including determina-
25 tions regarding the eligibility of countries for such assist-

1 anee made pursuant to the Foreign Assistance Act of
2 1961 (22 U.S.C. 2151 et seq.) or any other provision of
3 law.

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

5 (a) ESTABLISHMENT.—Not later than 90 days after
6 the date of the enactment of this Act, the President shall
7 establish an Energy Security Pacts Council (in this section
8 referred to as the “Council”) to coordinate and implement
9 Energy Security Pacts.

10 (b) CHAIRPERSON.—The Council shall be chaired by
11 the Secretary.

12 (c) COMPOSITION.—The Council shall be composed of
13 principal officers of executive departments from the fol-
14 lowing:

15 (1) The United States International Develop-
16 ment Finance Corporation.

17 (2) The Department of Energy.

18 (3) The United States Trade and Development
19 Agency.

20 (4) The Export-Import Bank of the United
21 States.

22 (5) The Department of Commerce.

23 (6) The United States Trade Representative.

24 (7) The Department of Defense.

25 (8) The Department of State.

1 ~~(9) The Department of the Treasury.~~

2 ~~(10) The Millennium Challenge Corporation.~~

3 ~~(11) The Department of the Interior.~~

4 ~~(12) Any other Federal department, agency, or~~
5 ~~organization that the President determines to be ap-~~
6 ~~propriate.~~

7 ~~(d) VACANCIES.—When there is a vacancy in the of-~~
8 ~~fice of a principal officer of an executive department, the~~
9 ~~individual acting in the capacity of principal officer shall~~
10 ~~serve as a member of the Council until a new principal~~
11 ~~officer of the executive department is appointed.~~

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

18 ~~(f) MEETINGS.—The Council shall meet not less fre-~~
19 ~~quently than quarterly.~~

20 ~~(g) DUTIES.—The Council shall—~~

21 ~~(1) coordinate Energy Security Pact-related ac-~~
22 ~~tivities of the council agencies;~~

23 ~~(2) make annual recommendations to the Direc-~~
24 ~~tor for Energy Security Pacts, taking into account~~
25 ~~the stated priorities of the National Security Council~~

1 and the President, regarding the prioritization of
2 countries eligible for Energy Security Pact negotia-
3 tion; and

4 (3) make recommendations to improve inter-
5 agency collaboration for purposes of promoting en-
6 ergy security and United States national security in-
7 terests abroad.

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

12 **SEC. 7. EVALUATION BY GOVERNMENT ACCOUNTABILITY**
13 **OFFICE.**

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

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Energy Security Pacts*
22 *Act”.*

23 **SEC. 2. DEFINITIONS.**

24 *In this Act:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Foreign Relations*
5 *and the Committee on Appropriations of the*
6 *Senate; and*

7 (B) *the Committee on Foreign Affairs and*
8 *the Committee on Appropriations of the House of*
9 *Representatives.*

10 (2) *COUNCIL AGENCY.*—*The term “council agen-*
11 *cy” means a department, agency, or organization de-*
12 *scribed in section 6(c).*

13 (3) *CRITICAL MINERAL.*—*The term “critical*
14 *mineral” means any mineral on the list of critical*
15 *minerals required by section 7002(c)(3) of the Energy*
16 *Act of 2020 (30 U.S.C. 1606(c)(3)) on or after Janu-*
17 *ary 1, 2026.*

18 (4) *DIRECTOR FOR ENERGY SECURITY PACTS.*—
19 *The term “Director for Energy Security Pacts”*
20 *means the Director for Energy Security Pacts de-*
21 *scribed in section 4.*

22 (5) *ENERGY SECURITY PACT.*—*The term “Energy*
23 *Security Pact” means an Energy Security Pact de-*
24 *scribed in section 3.*

1 (6) *ENERGY SECURITY PACTS COUNCIL.*—*The*
2 *term “Energy Security Pacts Council” means the En-*
3 *ergy Security Pacts Council established under section*
4 *6.*

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

8 (8) *RELIABLE ACCESS TO ENERGY OR ELEC-*
9 *TRICITY.*—*The term “reliable access to energy or elec-*
10 *tricity” means access to energy or electricity that en-*
11 *ables the electric system to consistently meet demand*
12 *through a combination of generation, forecasting,*
13 *storage, and grid management tools available across*
14 *all resources and technologies.*

15 (9) *SECRETARY.*—*The term “Secretary” means*
16 *the Secretary of State.*

17 (10) *SENIOR UNITED STATES GOVERNMENT OFFI-*
18 *CIAL.*—*The term “senior United States Government*
19 *official” means—*

20 (A) *any individual serving in a position at*
21 *level I of the Executive Schedule under section*
22 *5312 of title 5, United States Code; and*

23 (B) *any individual serving as a presi-*
24 *dential special envoy.*

1 (11) *UNDER SECRETARY.*—*The term “Under*
2 *Secretary” means the Under Secretary of State for*
3 *Economic Growth, Energy, and the Environment.*

4 **SEC. 3. AUTHORITY FOR ENERGY SECURITY PACTS.**

5 (a) *IN GENERAL.*—*The Secretary may carry out an*
6 *initiative to establish multiyear agreements, to be known*
7 *as “Energy Security Pacts”, with partner countries for the*
8 *purpose of enhancing the energy and economic security and*
9 *stability of the United States and partner countries, includ-*
10 *ing through efforts to counter economic coercion through the*
11 *diversification of critical mineral and energy supply*
12 *chains.*

13 (b) *ASSISTANCE FOR THE DEVELOPMENT AND IMPLE-*
14 *MENTATION OF PACTS.*—*The Director for Energy Security*
15 *Pacts may—*

16 (1) *enter into contracts for required technical*
17 *support related to Energy Security Pacts;*

18 (2) *make grants to partner countries that meet*
19 *eligibility requirements for United States foreign as-*
20 *sistance for the purpose of building the administrative*
21 *or technical capacity necessary to facilitate the devel-*
22 *opment and implementation of an Energy Security*
23 *Pact between the United States and such country;*
24 *and*

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

4 (c) *LIMITATIONS AND CONDITIONS.—*

5 (1) *PROHIBITION ON MILITARY ASSISTANCE AND*
6 *TRAINING.—Assistance under this section may not in-*
7 *clude military assistance or military training for a*
8 *country.*

9 (2) *CONDITION ON ASSISTANCE RELATING TO*
10 *AMERICAN COMPETITIVENESS OR PRODUCTION DIS-*
11 *PLACEMENT.—Prior to funding a project pursuant to*
12 *an Energy Security Pact, the Secretary, in consulta-*
13 *tion with other relevant departments and agencies,*
14 *should conduct an assessment on whether the proposed*
15 *project would undermine the competitiveness or dis-*
16 *place production of relevant domestic suppliers.*

17 (3) *PROHIBITION ON ASSISTANCE RELATING TO*
18 *ENVIRONMENTAL, HEALTH, OR SAFETY HAZARDS.—*
19 *Assistance under this section may not be provided for*
20 *any project that is likely to cause a significant envi-*
21 *ronmental, health, or safety hazard.*

22 (4) *FOREIGN AID TRANSPARENCY AND ACCOUNT-*
23 *ABILITY ACT COMPLIANCE.—None of the funds author-*
24 *ized to be appropriated or otherwise made available*
25 *to carry out this Act may be obligated or expended*

1 *for an Energy Security Pact unless the Secretary*
2 *complies with the requirements of section 4 of the*
3 *Foreign Aid Transparency and Accountability Act of*
4 *2016 (22 U.S.C. 2394c) with respect to the Pact and*
5 *all activities associated with the Pact.*

6 (5) *PROHIBITION ON ASSISTANCE FOR CERTAIN*
7 *ENTITIES.—None of the funds authorized to be appro-*
8 *priated or otherwise made available to carry out this*
9 *Act may be obligated or expended to provide any*
10 *grant, contract, or other financial assistance to an en-*
11 *tity in which a senior United States Government offi-*
12 *cial or an immediate family member (as defined in*
13 *section 1128(j) of the Social Security Act (42 U.S.C.*
14 *1320a–7(j))) of such official holds any ownership in-*
15 *terest or serves in any managerial, officer, director, or*
16 *board capacity.*

17 (6) *OTHER PROHIBITION.—Assistance under this*
18 *section may not be used in any manner otherwise*
19 *prohibited by any provision of law.*

20 **SEC. 4. DIRECTOR OF ENERGY SECURITY PACTS.**

21 (a) *DIRECTOR FOR ENERGY SECURITY PACTS.—*

22 (1) *IN GENERAL.—The activities described in*
23 *this Act may be led by a Director for Energy Security*
24 *Pacts, who may be—*

25 (A) *appointed by the Secretary; and*

1 (B) *responsible—*

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

6 (ii) *for such other related duties as the*
7 *Secretary may from time to time designate.*

8 (2) *RESPONSIBILITIES.—In addition to the re-*
9 *sponsibilities described in paragraph (1), the Director*
10 *for Energy Security Pacts should be responsible for*
11 *supporting the coordination and implementation of*
12 *the Energy Security Pacts Council, including for*
13 *matters pertaining to the following:*

14 (A) *Leading the development, negotiation,*
15 *and management of Energy Security Pacts.*

16 (B) *Consulting and coordinating with coun-*
17 *cil agencies to develop prospective Energy Secu-*
18 *rity Pacts and implement ongoing Energy Secu-*
19 *rity Pacts, as appropriate.*

20 (C) *Serving as the recipient for—*

21 (i) *solicited proposals under Energy*
22 *Security Pacts; and*

23 (ii) *unsolicited proposals for projects to*
24 *be considered for inclusion in any Energy*

1 *Security Pact by national, regional, and*
2 *local governments and private corporations.*

3 *(D) Signing interagency agreements from*
4 *departments, agencies, or independent establish-*
5 *ments of the United States Government on behalf*
6 *of the Department of State (with the consent of*
7 *the head of such department, agency, or estab-*
8 *lishment) for the purpose of developing, imple-*
9 *menting, or otherwise participating in an En-*
10 *ergy Security Pact.*

11 *(E) Coordinating with other donor entities,*
12 *including countries that are allies and partners*
13 *of the United States, the Forum on Resource*
14 *Geostrategic Engagement of the Department of*
15 *State, and other multilateral fora, for purposes*
16 *of deconflicting, augmenting, and leveraging, as*
17 *appropriate, Energy Security Pact workplans*
18 *with the development and financing activities*
19 *performed by others.*

20 *(3) ANNUAL REPORT REQUIRED.—Not less fre-*
21 *quently than annually until the date that is 5 years*
22 *after the date of the enactment of this Act, the Direc-*
23 *tor for Energy Security Pacts shall submit to the ap-*
24 *propriate congressional committees, the Executive Of-*

1 *office of the President, the National Security Council,*
2 *and the Secretary a report describing—*

3 *(A) the current status and expenditures of*
4 *activities authorized under this Act;*

5 *(B) any obstacles to the implementation of*
6 *such activities; and*

7 *(C) any updates to the multiyear financial*
8 *plan developed pursuant to section 5(d)(G).*

9 *(b) COUNTRY PACT TEAMS.—*

10 *(1) IN GENERAL.—The Secretary, in consultation*
11 *with the Under Secretary and relevant Federal de-*
12 *partments and agencies, may designate a Country*
13 *Pact Team for each Energy Security Pact.*

14 *(2) LEADERSHIP; DUTIES.—Each Country Pact*
15 *Team shall—*

16 *(A) be led by the Director for Energy Secu-*
17 *rity Pacts, who may regularly engage with the*
18 *Energy Security Pacts Council on matters re-*
19 *lated to the Energy Security Pact; and*

20 *(B) manage the day-to-day activities related*
21 *to the development, negotiation, implementation,*
22 *and monitoring of the Pact.*

23 *(c) PERSONNEL.—*

24 *(1) IN GENERAL.—The Under Secretary or the*
25 *Under Secretary's designee may—*

1 (A) upon request from the heads of relevant
2 Federal departments and agencies, detail staff,
3 on a reimbursable basis, to heads of council
4 agencies with relevant sectoral, financial, or re-
5 gional expertise for the express purpose of sup-
6 porting the negotiation or implementation of an
7 Energy Security Pact;

8 (B) request from the heads of council agen-
9 cies the detail of personnel to the Director of En-
10 ergy Security Pacts with relevant sectoral, finan-
11 cial, or regional expertise, on a reimbursable
12 basis, for the express purpose of supporting the
13 negotiation or implementation of an Energy Se-
14 curity Pact; and

15 (C) appoint, without regard to the provi-
16 sions of sections 3309 through 3318 of title 5,
17 United States Code, candidates directly to posi-
18 tions in the competitive service, as defined in
19 section 2102 of that title.

20 (2) DETAILED EMPLOYEES.—Any employee de-
21 tailed pursuant to a request made under paragraph
22 (1)(A) shall remain, for the purpose of preserving
23 such employee's allowances, privileges, rights, senior-
24 ity, and other benefits, an employee of the agency
25 from which detailed.

1 (d) *TERMINATION.*—

2 (1) *NEW ENERGY SECURITY PACTS.*—*The author-*
3 *ity to enter into new Energy Security Pacts shall ter-*
4 *minate on the date that is 15 years after the date of*
5 *the enactment of this Act.*

6 (2) *DIRECTOR; COUNCIL.*—*The position of Direc-*
7 *tor for Energy Security Pacts and the Energy Secu-*
8 *rity Pacts Council shall terminate 30 days after the*
9 *final Energy Security Pact expires.*

10 (e) *REPORTS.*—*Not later than 180 days after the date*
11 *of the enactment of this Act, the Under Secretary shall sub-*
12 *mit to the appropriate congressional committees a report*
13 *that contains plans to attract and retain diplomatic, pol-*
14 *icy, legal, and technical expertise for civil service officers*
15 *to work with the Director of Energy Security Pacts, includ-*
16 *ing career promotion tracks to supervisory and non-super-*
17 *visory GS–15 positions.*

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

20 (a) *GOAL.*—*It shall be the goal of each Energy Secu-*
21 *rity Pact to increase reliable access to energy or electricity*
22 *for the United States and the partner country to the Energy*
23 *Security Pact, for the purpose of stimulating economic*
24 *growth, promoting United States mineral production where*
25 *possible, enabling follow-on private sector investment, sup-*

1 *porting the commercial competitiveness of United States*
2 *companies, or diversifying relevant supply chains.*

3 *(b) INITIAL REQUIREMENTS.—*

4 *(1) RECOMMENDATION; ANALYSIS.—Before enter-*
5 *ing into an Energy Security Pact—*

6 *(A) the Pact shall be recommended by the*
7 *Director for Energy Security Pacts and the*
8 *Under Secretary and approved by the Secretary,*
9 *after consultation with the United States Amba-*
10 *sador, or in the absence of an Ambassador, the*
11 *Charge d’Affaires, for the partner country; and*

12 *(B) the Director for Energy Security Pacts,*
13 *in collaboration with the Energy Security Pacts*
14 *Council and the partner country, shall conduct*
15 *a constraints analysis that—*

16 *(i) identifies insufficiencies in the en-*
17 *ergy sector and supply-chain segments need-*
18 *ed to strengthen the partner country’s en-*
19 *ergy security, consistent with United States*
20 *energy security risks and commercial op-*
21 *portunities; and*

22 *(ii) includes an assessment of the part-*
23 *ner country’s ability to address shared crit-*
24 *ical mineral supply chain vulnerabilities.*

1 (2) *CONGRESSIONAL NOTIFICATION.*—*Not later*
2 *than 30 days before entering into an Energy Security*
3 *Pact, the Director for Energy Security Pacts shall—*

4 (A) *notify and consult with the appropriate*
5 *congressional committees regarding such Pact;*

6 (B) *transmit to the appropriate congres-*
7 *sional committees the text of such Pact and addi-*
8 *tional documentation that describes the imple-*
9 *mentation of such Pact; and*

10 (C) *provide to the appropriate congressional*
11 *committees an in-person briefing regarding such*
12 *Pact.*

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

15 (1)(A) *the per capita income of the country is*
16 *not greater than the World Bank’s loan threshold; or*

17 (B) *at the beginning of the year in which nego-*
18 *tiations are initiated, the country is eligible for sup-*
19 *port from the World Bank’s International Bank for*
20 *Reconstruction and Development or International De-*
21 *velopment Association graduation process; and*

22 (2)(A) *the country has deposits of critical min-*
23 *erals strategically or commercially important for the*
24 *United States; or*

1 (B) *United States adversary encroachment into*
2 *the country's energy system poses a threat to the na-*
3 *tional security of the United States; and*

4 (3) *the country is not a covered nation (as de-*
5 *finied in section 4872(f) of title 10, United States*
6 *Code).*

7 (d) *ENERGY SECURITY PACT ELEMENTS.—*

8 (1) *IN GENERAL.—Each Energy Security Pact*
9 *shall contain the following:*

10 (A) *The constraints analysis conducted*
11 *under subsection (b)(1)(B).*

12 (B) *A demonstrated effort to integrate the*
13 *national economic development strategy of the*
14 *partner country.*

15 (C) *Specific objectives that the partner*
16 *country and the United States expect to achieve*
17 *during the term of the Energy Security Pact, in-*
18 *cluding—*

19 (i) *increased energy production, reli-*
20 *ability, and affordability in the partner*
21 *country;*

22 (ii) *economic growth in the partner*
23 *country that may reduce the need for for-*
24 *eign assistance;*

1 (iii) improved access to energy, in con-
2 sultation with affected communities and
3 civil society; and

4 (iv) improved infrastructure that en-
5 ables access to critical minerals mining and
6 processing.

7 (D) The responsibilities of the partner coun-
8 try and the United States in the achievement of
9 such objectives.

10 (E) Regular quantitative benchmarks to
11 measure, as appropriate, progress toward achiev-
12 ing such objectives.

13 (F) An identification of the intended im-
14 pact of the activities carried out in accordance
15 with the Energy Security Pact.

16 (G) A multiyear financial plan, updated
17 annually until the expiration of the term of the
18 Energy Security Pact, that—

19 (i) estimates the amount of contribu-
20 tions, commitments, and other participation
21 to be provided by council agencies, the part-
22 ner country, multilateral development
23 banks, and other development finance insti-
24 tutions as applicable;

1 (ii) ensures that the Pact incorporates
2 and is complementary to development pro-
3 grams administered by other Federal de-
4 partments and agencies, so that United
5 States funds are used to improve feasibility
6 for private sector investment to further de-
7 velopment goals;

8 (iii) identifies proposed mechanisms to
9 implement the plan and provide oversight of
10 the plan; and

11 (iv) describes how the requirements de-
12 scribed in this subsection will be met, in-
13 cluding the role of the private sector in the
14 achievement of such requirements.

15 (H) As appropriate, a description of the
16 current and potential participation of other do-
17 nors, including council agencies or countries that
18 are allies and partners of the United States, in
19 the achievement of the objectives described in sub-
20 paragraph (C).

21 (I) A description of how oversight and
22 transparency of the foreign assistance provided
23 through the Energy Security Pact will be main-
24 tained.

1 *(J) As appropriate, a process or processes*
2 *for considering—*

3 *(i) solicited proposals under the En-*
4 *ergy Security Pact; and*

5 *(ii) unsolicited proposals by national,*
6 *regional, and local governments and private*
7 *corporations.*

8 *(K) A requirement that open, fair, competi-*
9 *tive, and transparent procedures are used in the*
10 *administration of grants or cooperative agree-*
11 *ments or the procurement of goods and services*
12 *for the accomplishment of objectives under the*
13 *Energy Security Pact.*

14 *(L) The strategy of the partner country to*
15 *sustain progress made toward achieving the ob-*
16 *jectives described in subparagraph (C) after expi-*
17 *ration of the Energy Security Pact.*

18 *(M) A description of the role of council*
19 *agencies in any design, implementation, and*
20 *monitoring of programs and activities funded*
21 *through the Energy Security Pact.*

22 *(N) A description of any contribution, as*
23 *appropriate, from the partner country relative to*
24 *its national budget and taking into account the*

1 *prevailing economic conditions, toward meeting*
2 *the objectives described in subparagraph (C).*

3 (2) *PROHIBITION ON TAXATION.—In addition to*
4 *the elements described in paragraph (1), each Energy*
5 *Security Pact shall contain a provision stating that*
6 *assistance provided by the United States under the*
7 *Energy Security Pact shall be exempt from taxation*
8 *by the government of the partner country.*

9 (3) *ENERGY SOURCES.—An Energy Security*
10 *Pact shall not exclude, as a matter of policy, any spe-*
11 *cific type of energy or power generation.*

12 (e) *NOTIFICATION REGARDING INCREASE OR EXTEN-*
13 *SION OF ASSISTANCE.—Not later than 30 days after making*
14 *a determination and before distributing funds to increase*
15 *or extend assistance under an Energy Security Pact with*
16 *a partner country, the Secretary shall submit to the appro-*
17 *priate congressional committees a written notification that*
18 *contains the following:*

19 (1) *A justification for the determination.*

20 (2) *A detailed summary of the proposed increase*
21 *in, or extension of, assistance under the Energy Secu-*
22 *rity Pact.*

23 (3) *A copy of the full text of the amendment to*
24 *the Energy Security Pact.*

1 (f) *DURATION.*—*The duration of an Energy Security*
2 *Pact shall not exceed 10 years.*

3 (g) *SUBSEQUENT AND CONCURRENT PACTS.*—*A part-*
4 *ner country that has entered into, and has in effect, an En-*
5 *ergy Security Pact may enter into, and concurrently have*
6 *in effect, not more than one additional Energy Security*
7 *Pact.*

8 (h) *RULE OF CONSTRUCTION.*—*Nothing in this section*
9 *shall be construed to alter, supersede, or otherwise affect any*
10 *authorities, restrictions, or eligibility requirements existing*
11 *on the date of the enactment of this Act applicable to foreign*
12 *assistance programs administered by any Federal depart-*
13 *ment or agency, including determinations regarding the eli-*
14 *gibility of countries for such assistance made pursuant to*
15 *the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)*
16 *or any other provision of law.*

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

18 (a) *ESTABLISHMENT.*—*Not later than 90 days after*
19 *the date of the enactment of this Act, the President should*
20 *establish an Energy Security Pacts Council (referred to in*
21 *this section as the “Council”) to coordinate and implement*
22 *Energy Security Pacts.*

23 (b) *CHAIRPERSON.*—*The Council may be chaired by*
24 *the Secretary.*

1 (c) *COMPOSITION.*—*The Council may be composed of*
2 *principal officers of executive departments from the fol-*
3 *lowing departments and agencies:*

4 (1) *The United States International Develop-*
5 *ment Finance Corporation.*

6 (2) *The Department of Energy.*

7 (3) *The United States Trade and Development*
8 *Agency.*

9 (4) *The Export-Import Bank of the United*
10 *States.*

11 (5) *The Department of Commerce.*

12 (6) *The United States Trade Representative.*

13 (7) *The Department of Defense.*

14 (8) *The Department of State.*

15 (9) *The Department of the Treasury.*

16 (10) *The Millennium Challenge Corporation.*

17 (11) *The Department of the Interior.*

18 (12) *Any other Federal department, agency, or*
19 *organization that the President determines to be ap-*
20 *propriate.*

21 (d) *VACANCIES.*—*When there is a vacancy in the office*
22 *of a principal officer of an executive department, the indi-*
23 *vidual acting in the capacity of principal officer shall serve*
24 *as a member of the Council until a new principal officer*
25 *of the executive department is appointed.*

1 (e) *DESIGNATION.*—*The principal officer of an execu-*
2 *tive department may designate a senior official of such de-*
3 *partment to serve on the Council, as appropriate.*

4 (f) *MEETINGS.*—*The Council should meet not less fre-*
5 *quently than quarterly.*

6 (g) *DUTIES.*—*The Council should—*

7 (1) *coordinate Energy Security Pact-related ac-*
8 *tivities of the council agencies;*

9 (2) *make annual recommendations to the Direc-*
10 *tor for Energy Security Pacts, taking into account*
11 *the stated priorities of the National Security Council*
12 *and the President, regarding the prioritization of*
13 *countries eligible for Energy Security Pact negotia-*
14 *tion; and*

15 (3) *make recommendations to improve inter-*
16 *agency collaboration for purposes of promoting energy*
17 *security and United States national security interests*
18 *abroad.*

19 (h) *SUNSHINE ACT COMPLIANCE.*—*Meetings of the*
20 *Council are subject to section 552b of title 5, United States*
21 *Code (commonly referred to as the “Government in the Sun-*
22 *shine Act”).*

1 **SEC. 7. EVALUATION BY GOVERNMENT ACCOUNTABILITY**

2 **OFFICE.**

3 *Not later than 2 years after the date of the enactment*
4 *of this Act, and annually thereafter until the final Energy*
5 *Security Pact expires, the Comptroller General of the*
6 *United States shall submit to Congress an evaluation of the*
7 *efficiency and development impact of projects supported by*
8 *an Energy Security Pact.*