

To the office of U.S. Senator Christopher A. Coons

Re: S 4392 (119th Congress), Energy Security Pacts Act • Latest action (2026-07-27): Placed on Senate Legislative Calendar under General Orders. Calendar No. 508.

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Energy Security Partnership Act of 2025

The measure, as described from the official record: To enhance U.S. energy security through international agreements that coordinate energy reserves, infrastructure, and technology sharing with partner nations.

THE PROPOSAL

This Act authorizes the Secretary of Energy, in consultation with the Secretary of State, to negotiate and enter into bilateral energy security partnerships with foreign nations. These partnerships may include: (a) coordinated management of strategic petroleum reserves, (b) joint investment in cross-border energy infrastructure, (c) voluntary technology-sharing for renewable energy and efficiency, and (d) mutual assistance during energy supply disruptions. No binding international commitment shall take effect unless ratified by the Senate pursuant to Article II, Section 2, Clause 2. Non-binding memoranda of understanding are permitted without ratification. The Act explicitly prohibits any mandate on states, local governments, or private entities to alter their energy production or consumption. The Secretary shall report annually to Congress on each agreement's terms and implementation. Funding for the program shall come from existing appropriations to the Department of Energy, with a total authorization of \$50 million over five years for administrative costs. The Act sunsets after five years.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing Department of Energy appropriations, with up to \$50 million authorized from the general fund.
Funding Amount	\$50 million over five years
Sunset Years	5 years
Oversight Body	Congress via annual reporting; Government Accountability Office audit at year three.
Enforcement Mechanism	No private right of action. Compliance enforced by Congressional review and budget limitation; violation of binding treaty terms subject to international law remedies as determined by the Secretary of State.
Effective Date	90 days after enactment

CONSTITUTIONAL BASIS

- Article II, Section 2, Clause 2 (treaty power)
- Article I, Section 8, Clause 3 (commerce clause)
- Tenth Amendment (limits on federal power over states)

- Fifth Amendment Due Process (prohibition on uncompensated mandates)

Concerns with the measure as written:

- Treaty power requires Senate ratification for binding international commitments; executive agreements may circumvent Article II, Section 2, Clause 2.
- Commerce Clause regulation of international energy trade is proper, but mandates on states or private entities may violate Tenth Amendment or Fifth Amendment Due Process.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities honored: climate technology sharing and renewable energy cooperation.
Republican priorities honored: strategic petroleum reserves, market-based voluntary partnerships, no federal mandates, and protection of state energy sovereignty.

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