

119TH CONGRESS
1ST SESSION

H. R. 3616

To require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2025

Mr. BALDERSON (for himself, Mr. WEBER of Texas, and Mrs. FEDORCHAK) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system.

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 “Reliable Power Act”.

5 **SEC. 2. COMMISSION REVIEW AND COMMENT FOR COV-**
6 **ERED AGENCY ACTIONS.**

7 Section 215 of the Federal Power Act (16 U.S.C.
8 824o) is amended—

9 (1) in subsection (g)—

1 (A) by striking “The ERO” and inserting
2 the following:

3 “(1) IN GENERAL.—The ERO”; and

4 (B) by adding at the end the following:

5 “(2) ANNUAL LONG-TERM ASSESSMENT.—The
6 assessments under paragraph (1) shall include an
7 annual long-term assessment, which shall include—

8 “(A) an analysis of the ability of the bulk-
9 power system to supply sufficient electric en-
10 ergy necessary to maintain an adequate level of
11 reliability, taking into account generation re-
12 source mix, transmission development, and en-
13 ergy demand trends;

14 “(B) an analysis of the risk of future elec-
15 tric energy supply shortfalls under normal and
16 extreme weather conditions, and the risk of any
17 such shortfalls within each region of the bulk-
18 power system; and

19 “(C) a determination of whether additional
20 generation resources are necessary to supply
21 sufficient energy to maintain an adequate level
22 of reliability during the assessment period.

23 “(3) NOTICE OF GENERATION INADEQUACY.—
24 In conducting a long-term assessment under para-
25 graph (2), if the ERO finds that the bulk-power sys-

tem is at risk of not having adequate generation resources to supply sufficient electric energy to maintain an adequate level of reliability, the ERO shall publicly notify the Commission that the bulk-power system is in a state of generation inadequacy.

“(4) DATA COLLECTION.—To conduct a long-term assessment under paragraph (2), the ERO may collect information and data from users, owners, and operators of the bulk-power system.”;

(2) by redesignating subsections (h) through (k) as subsections (i) through (l), respectively; and

(3) by inserting after subsection (g) the following:

“(h) COMMISSION REVIEW AND COMMENT FOR COVERED AGENCY ACTIONS.—

“(1) NOTICE TO FEDERAL AGENCIES.—If the ERO notifies the Commission under subsection (g)(3) that the bulk-power system is in a state of generation inadequacy, the Commission shall promptly notify the Department of Energy, the Environmental Protection Agency, and any other Federal agency the Commission determines appropriate of such state of generation inadequacy.

“(2) SUBMISSION.—Upon receiving notice under paragraph (1), the head of each Federal agen-

1 cy that received such notice shall provide to the
2 Commission for review and comment any covered
3 agency action by the Federal agency—

4 “(A) on the first date on which such cov-
5 ered agency action is provided to the Office of
6 Management and Budget or any other Federal
7 agency for review and comment; or

8 “(B) if such covered agency action is not
9 provided to the Office of Management and
10 Budget or any other Federal agency for review
11 and comment, not later than 90 days before the
12 date on which the covered agency action is pub-
13 lished in the Federal Register or is otherwise
14 made available for public inspection or com-
15 ment.

16 “(3) COMMISSION COMMENTS.—The Commis-
17 sion, in consultation with the ERO, regional entities,
18 and transmission organizations shall, by order, pro-
19 vide to the agency head that provided to the Com-
20 mission a covered agency action under paragraph
21 (2)—

22 “(A) comments on such covered agency ac-
23 tion, which such comments may include an as-
24 sessment of the effect of the covered agency ac-
25 tion on rates, terms, and conditions for services

1 pursuant to the authority of the Commission
2 under sections 201 and 206; and

3 “(B) if applicable, recommendations for
4 modifications to the covered agency action to
5 prevent a significant negative impact on the
6 ability of the bulk-power system to supply suffi-
7 cient electric energy necessary to maintain an
8 adequate level of reliability.

9 “(4) AGENCY RESPONSE.—The head of a Fed-
10 eral agency may not finalize a covered agency action
11 that is provided to the Commission under paragraph
12 (2) until—

13 “(A) the agency head responds in writing
14 to the Commission with an explanation of how
15 the agency head modified, or why the agency
16 head determined not to modify, such covered
17 agency action in response to any comments and
18 recommendations provided by the Commission
19 under paragraph (3); and

20 “(B) the Commission finds that the cov-
21 ered agency action will not be likely to have a
22 significant negative impact on the ability of the
23 bulk-power system to supply sufficient electric
24 energy necessary to maintain an adequate level
25 of reliability.

1 “(5) PUBLIC AVAILABILITY OF COMMENTS AND
2 RESPONSES.—An agency head shall include any
3 comments, recommendations, and responses for the
4 covered agency action when—

5 “(A) submitting the covered agency action
6 to the Federal Register for publication; or

7 “(B) otherwise making the covered agency
8 action available for public inspection or com-
9 ment.

10 “(6) DEFINITIONS.—In this subsection:

11 “(A) COVERED AGENCY ACTION.—The
12 term ‘covered agency action’ means a regulation
13 that—

14 “(i) relates to, or otherwise directly
15 affects, any generation resource in the
16 bulk-power system; and

17 “(ii) is under development to be pro-
18 posed or otherwise under consideration in
19 a rulemaking prior to finalization on the
20 date on which the Federal agency receives
21 notice from the Commission under para-
22 graph (1).

23 “(B) FEDERAL AGENCY.—The term ‘Fed-
24 eral agency’ means an Executive department
25 (as that term is defined in section 101 of title

- 1 5, United States Code) or any other Executive
- 2 agency that is in the President's cabinet.”.

