

119TH CONGRESS  
1ST SESSION

# S. 3034

To amend the Federal Power Act to require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2025

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Federal Power Act to require the Federal Energy Regulatory Commission to review regulations that may affect the reliable operation of the bulk-power system, 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 “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—

1 (1) in subsection (g)—

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

4 “(1) IN GENERAL.—The ERO”; and

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

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

9 “(A) an analysis of the ability of the bulk-  
10 power system to supply sufficient electric en-  
11 ergy to maintain an adequate level of reliability,  
12 taking into account—

13 “(i) generation resource mix;

14 “(ii) transmission development; and

15 “(iii) electric energy demand trends;

16 “(B) an analysis of—

17 “(i) the risk of future electric energy  
18 supply shortfalls under normal and ex-  
19 treme weather conditions; and

20 “(ii) the risk of any such shortfalls  
21 within each region of the bulk-power sys-  
22 tem; and

23 “(C) a determination of whether additional  
24 generation resources are necessary to supply  
25 sufficient electric energy to maintain an ade-

1           quate level of reliability during the assessment  
2           period.

3           “(3) NOTICE OF GENERATION INADEQUACY.—

4           In conducting a long-term assessment under para-  
5           graph (2), if the ERO determines that the bulk-  
6           power system is at risk of not having adequate gen-  
7           eration resources to supply sufficient electric energy  
8           to maintain an adequate level of reliability, the ERO  
9           shall publicly notify the Commission that the bulk-  
10          power system is in a state of generation inadequacy.

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

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

17          (3) by inserting after subsection (g) the fol-  
18          lowing:

19          “(h) COMMISSION REVIEW AND COMMENT FOR COV-  
20          ERED AGENCY ACTIONS.—

21          “(1) DEFINITIONS.—In this subsection:

22                  “(A) COVERED AGENCY ACTION.—The  
23                  term ‘covered agency action’ means a regulation  
24                  that—

1 “(i) relates to, or otherwise directly  
 2 affects, any generation resource in the  
 3 bulk-power system; and

4 “(ii) on the date on which the applica-  
 5 ble Federal agency receives notice from the  
 6 Commission under paragraph (2)—

7 “(I) is under development to be  
 8 proposed; or

9 “(II) is otherwise under consider-  
 10 ation in a rulemaking proceeding.

11 “(B) FEDERAL AGENCY.—The term ‘Fed-  
 12 eral agency’ means an Executive department  
 13 (as defined in section 101 of title 5, United  
 14 States Code) or any other Executive agency the  
 15 head of which holds a Cabinet-level position.

16 “(2) NOTICE TO FEDERAL AGENCIES.—If the  
 17 ERO notifies the Commission under subsection  
 18 (g)(3) that the bulk-power system is in a state of  
 19 generation inadequacy, the Commission shall  
 20 promptly notify the Department of Energy, the En-  
 21 vironmental Protection Agency, and any other Fed-  
 22 eral agency the Commission determines appropriate  
 23 of that state of generation inadequacy.

24 “(3) SUBMISSION OF COVERED AGENCY AC-  
 25 TIONS TO THE COMMISSION.—

1           “(A) IN GENERAL.—Not later than the ap-  
2           plicable date described in subparagraph (B), the  
3           head of each Federal agency that receives a no-  
4           tification under paragraph (2) shall submit to  
5           the Commission for review and comment any  
6           covered agency action of the Federal agency.

7           “(B) DATE DESCRIBED.—The date re-  
8           ferred to in subparagraph (A) is—

9                   “(i) the first date on which the appli-  
10                  cable covered agency action is provided to  
11                  the Office of Management and Budget or  
12                  any other Federal agency for review and  
13                  comment;

14                  “(ii) if the applicable covered agency  
15                  action is not provided to the Office of  
16                  Management and Budget or any other  
17                  Federal agency for review and comment,  
18                  the date that is 90 days before the date on  
19                  which the covered agency action is pub-  
20                  lished in the Federal Register or otherwise  
21                  made available for public inspection or  
22                  comment; or

23                  “(iii) if, as of the date on which the  
24                  Federal agency receives the applicable noti-  
25                  fication under paragraph (2), the covered

1 agency action has already been provided to  
2 the Office of Management and Budget or  
3 any other Federal agency for review and  
4 comment, or has already been published in  
5 the Federal Register or otherwise made  
6 available for public inspection or comment,  
7 the date that is 60 days after the date on  
8 which the Federal agency received the noti-  
9 fication.

10 “(4) COMMISSION COMMENTS.—The Commis-  
11 sion, in consultation with the ERO and transmission  
12 organizations, shall, by order, provide to the Federal  
13 agency head that submitted to the Commission a  
14 covered agency action under paragraph (3)—

15 “(A) comments on the covered agency ac-  
16 tion, which may include an assessment of the  
17 effect of the covered agency action on rates,  
18 terms, and conditions for services pursuant to  
19 the authority of the Commission under sections  
20 201 and 206; and

21 “(B) if applicable, recommendations for  
22 modifications to the covered agency action to  
23 prevent a significant negative impact on the  
24 ability of the bulk-power system to supply suffi-

1           cient electric energy to maintain an adequate  
2           level of reliability.

3           “(5) AGENCY RESPONSE.—The head of a Fed-  
4           eral agency may not finalize a covered agency action  
5           that is submitted to the Commission under para-  
6           graph (3) until—

7                   “(A) the agency head responds in writing  
8                   to the Commission with an explanation of how  
9                   the agency head modified, or why the agency  
10                  head determined not to modify, the covered  
11                  agency action in response to any comments and  
12                  recommendations provided by the Commission  
13                  under paragraph (4); and

14                  “(B) the Commission determines that the  
15                  covered agency action is not likely to have a sig-  
16                  nificant negative impact on the ability of the  
17                  bulk-power system to supply sufficient electric  
18                  energy to maintain an adequate level of reli-  
19                  ability.

20           “(6) PUBLIC AVAILABILITY OF COMMENTS AND  
21           RESPONSES.—A Federal agency head shall include  
22           any comments, recommendations, and responses re-  
23           lating to the covered agency action under para-  
24           graphs (4) and (5) in—

1           “(A) any submission of the covered agency  
2           action to the Federal Register for publication;  
3           and

4           “(B) any other place in which the covered  
5           agency action is otherwise made available for  
6           public inspection or comment.”.

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