

Union Calendar No. 256

119TH CONGRESS
1ST SESSION

H. R. 3616

[Report No. 119–302]

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 Ms. FEDORCHAK) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER 17, 2025

Additional sponsors: Mr. CARTER of Georgia, Mrs. MILLER of West Virginia, Mrs. HARSHBARGER, Mr. ALLEN, Mr. JOYCE of Pennsylvania, Mr. DOWNING, Mr. RULLI, Mr. LANGWORTHY, Mr. BILIRAKIS, Mr. BRESNAHAN, Mr. GRIFFITH, Mr. MOORE of North Carolina, Mr. HUDSON, Mr. MEUSER, Mrs. MILLER-MEEKS, Mr. MANN, Mr. McDOWELL, and Mr. ONDER

SEPTEMBER 17, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on May 29, 2025]

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 COVERED**
 6 **AGENCY ACTIONS.**

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

9 *(1) in subsection (g)—*

10 *(A) by striking “The ERO” and inserting*
 11 *the following:*

12 *“(1) IN GENERAL.—The ERO”; and*

13 *(B) by adding at the end the following:*

14 *“(2) ANNUAL LONG-TERM ASSESSMENT.—The as-*
 15 *sessments under paragraph (1) shall include an an-*
 16 *nual long-term assessment, which shall include—*

17 *“(A) an analysis of the ability of the bulk-*
 18 *power system to supply sufficient electric energy*
 19 *necessary to maintain an adequate level of reli-*
 20 *ability, taking into account generation resource*
 21 *mix, transmission development, and electric en-*
 22 *ergy demand trends;*

23 *“(B) an analysis of the risk of future elec-*
 24 *tric energy supply shortfalls under normal and*
 25 *extreme weather conditions, and the risk of any*

1 *such shortfalls within each region of the bulk-*
 2 *power system; and*

3 *“(C) a determination of whether additional*
 4 *generation resources are necessary to supply suf-*
 5 *ficient electric energy to maintain an adequate*
 6 *level of reliability during the assessment period.*

7 *“(3) NOTICE OF GENERATION INADEQUACY.—In*
 8 *conducting a long-term assessment under paragraph*
 9 *(2), if the ERO finds that the bulk-power system is*
 10 *at risk of not having adequate generation resources to*
 11 *supply sufficient electric energy to maintain an ade-*
 12 *quate level of reliability, the ERO shall publicly no-*
 13 *tify the Commission that the bulk-power system is in*
 14 *a state of generation inadequacy.*

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

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

21 *(3) by inserting after subsection (g) the fol-*
 22 *lowing:*

23 *“(h) COMMISSION REVIEW AND COMMENT FOR COV-*
 24 *ERED AGENCY ACTIONS.—*

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

9 “(2) *SUBMISSION.*—Upon receiving notice under
10 paragraph (1), the head of each Federal agency that
11 received such notice shall provide to the Commission
12 for review and comment any covered agency action by
13 the Federal agency—

14 “(A) on the first date on which such covered
15 agency action is provided to the Office of Man-
16 agement and Budget or any other Federal agen-
17 cy for review and comment; or

18 “(B) if such covered agency action is not
19 provided to the Office of Management and Budg-
20 et or any other Federal agency for review and
21 comment, not later than 90 days before the date
22 on which the covered agency action is published
23 in the Federal Register or is otherwise made
24 available for public inspection or comment.

1 “(3) *COMMISSION COMMENTS.*—*The Commission,*
2 *in consultation with the ERO and transmission orga-*
3 *nizations, shall, by order, provide to the agency head*
4 *that provided to the Commission a covered agency ac-*
5 *tion under paragraph (2)—*

6 “(A) *comments on such covered agency ac-*
7 *tion, which such comments may include an as-*
8 *essment of the effect of the covered agency action*
9 *on rates, terms, and conditions for services pur-*
10 *suant to the authority of the Commission under*
11 *sections 201 and 206; and*

12 “(B) *if applicable, recommendations for*
13 *modifications to the covered agency action to*
14 *prevent a significant negative impact on the*
15 *ability of the bulk-power system to supply suffi-*
16 *cient electric energy necessary to maintain an*
17 *adequate level of reliability.*

18 “(4) *AGENCY RESPONSE.*—*The head of a Federal*
19 *agency may not finalize a covered agency action that*
20 *is provided to the Commission under paragraph (2)*
21 *until—*

22 “(A) *the agency head responds in writing to*
23 *the Commission with an explanation of how the*
24 *agency head modified, or why the agency head*
25 *determined not to modify, such covered agency*

1 *action in response to any comments and rec-*
2 *ommendations provided by the Commission*
3 *under paragraph (3); and*

4 *“(B) the Commission finds that the covered*
5 *agency action will not be likely to have a signifi-*
6 *cant negative impact on the ability of the bulk-*
7 *power system to supply sufficient electric energy*
8 *necessary to maintain an adequate level of reli-*
9 *ability.*

10 *“(5) PUBLIC AVAILABILITY OF COMMENTS AND*
11 *RESPONSES.—An agency head shall include any com-*
12 *ments, recommendations, and responses for the cov-*
13 *ered agency action when—*

14 *“(A) submitting the covered agency action*
15 *to the Federal Register for publication; or*

16 *“(B) otherwise making the covered agency*
17 *action available for public inspection or com-*
18 *ment.*

19 *“(6) DEFINITIONS.—In this subsection:*

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

23 *“(i) relates to, or otherwise directly af-*
24 *fects, any generation resource in the bulk-*
25 *power system; and*

1 “(ii) is under development to be pro-
2 posed or otherwise under consideration in a
3 rulemaking prior to finalization on the date
4 on which the Federal agency receives notice
5 from the Commission under paragraph (1).

6 “(B) FEDERAL AGENCY.—The term ‘Federal
7 agency’ means an Executive department (as that
8 term is defined in section 101 of title 5, United
9 States Code) or any other Executive agency that
10 is in the President’s cabinet.”.

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