

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Reliable Power Act”.

3 SEC. 2. COMMISSION REVIEW AND COMMENT FOR COV-
4 ERED AGENCY ACTIONS.

5 Section 215 of the Federal Power Act (16 U.S.C.
6 824o) is amended—

7 (1) in subsection (g)—

8 (A) by striking “The ERO” and inserting
9 the following:

10 “(1) IN GENERAL.—The ERO”; and

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

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

15 “(A) an analysis of the ability of the bulk-
16 power system to supply sufficient electric en-
17 ergy necessary to maintain an adequate level of
18 reliability, taking into account generation re-

1 source mix, transmission development, and elec-
2 tric energy demand trends;

3 “(B) an analysis of the risk of future elec-
4 tric energy supply shortfalls under normal and
5 extreme weather conditions, and the risk of any
6 such shortfalls within each region of the bulk-
7 power system; and

8 “(C) a determination of whether additional
9 generation resources are necessary to supply
10 sufficient electric energy to maintain an ade-
11 quate level of reliability during the assessment
12 period.

13 “(3) NOTICE OF GENERATION INADEQUACY.—
14 In conducting a long-term assessment under para-
15 graph (2), if the ERO finds that the bulk-power sys-
16 tem is at risk of not having adequate generation re-
17 sources to supply sufficient electric energy to main-
18 tain an adequate level of reliability, the ERO shall
19 publicly notify the Commission that the bulk-power
20 system is in a state of generation inadequacy.

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

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

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

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

7 “(1) NOTICE TO FEDERAL AGENCIES.—If the
8 ERO notifies the Commission under subsection
9 (g)(3) that the bulk-power system is in a state of
10 generation inadequacy, the Commission shall
11 promptly notify the Department of Energy, the En-
12 vironmental Protection Agency, and any other Fed-
13 eral agency the Commission determines appropriate
14 of such state of generation inadequacy.

15 “(2) SUBMISSION.—Upon receiving notice
16 under paragraph (1), the head of each Federal agen-
17 cy that received such notice shall provide to the
18 Commission for review and comment any covered
19 agency action by the Federal agency—

20 “(A) on the first date on which such cov-
21 ered agency action is provided to the Office of
22 Management and Budget or any other Federal
23 agency for review and comment; or

24 “(B) if such covered agency action is not
25 provided to the Office of Management and

1 Budget or any other Federal agency for review
2 and comment, not later than 90 days before the
3 date on which the covered agency action is pub-
4 lished in the Federal Register or is otherwise
5 made available for public inspection or com-
6 ment.

7 “(3) COMMISSION COMMENTS.—The Commis-
8 sion, in consultation with the ERO and transmission
9 organizations, shall, by order, provide to the agency
10 head that provided to the Commission a covered
11 agency action under paragraph (2)—

12 “(A) comments on such covered agency ac-
13 tion, which such comments may include an as-
14 sessment of the effect of the covered agency ac-
15 tion on rates, terms, and conditions for services
16 pursuant to the authority of the Commission
17 under sections 201 and 206; and

18 “(B) if applicable, recommendations for
19 modifications to the covered agency action to
20 prevent a significant negative impact on the
21 ability of the bulk-power system to supply suffi-
22 cient electric energy necessary to maintain an
23 adequate level of reliability.

24 “(4) AGENCY RESPONSE.—The head of a Fed-
25 eral agency may not finalize a covered agency action

1 that is provided to the Commission under paragraph
2 (2) until—

3 “(A) the agency head responds in writing
4 to the Commission with an explanation of how
5 the agency head modified, or why the agency
6 head determined not to modify, such covered
7 agency action in response to any comments and
8 recommendations provided by the Commission
9 under paragraph (3); and

10 “(B) the Commission finds that the cov-
11 ered agency action will not be likely to have a
12 significant negative impact on the ability of the
13 bulk-power system to supply sufficient electric
14 energy necessary to maintain an adequate level
15 of reliability.

16 “(5) PUBLIC AVAILABILITY OF COMMENTS AND
17 RESPONSES.—An agency head shall include any
18 comments, recommendations, and responses for the
19 covered agency action when—

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

22 “(B) otherwise making the covered agency
23 action available for public inspection or com-
24 ment.

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

1 “(A) COVERED AGENCY ACTION.—The
2 term ‘covered agency action’ means a regulation
3 that—

4 “(i) relates to, or otherwise directly
5 affects, any generation resource in the
6 bulk-power system; and

7 “(ii) is under development to be pro-
8 posed or otherwise under consideration in
9 a rulemaking prior to finalization on the
10 date on which the Federal agency receives
11 notice from the Commission under para-
12 graph (1).

13 “(B) FEDERAL AGENCY.—The term ‘Fed-
14 eral agency’ means an Executive department
15 (as that term is defined in section 101 of title
16 5, United States Code) or any other Executive
17 agency that is in the President’s cabinet.”.

