

## Committee Print

(SHOWING THE TEXT OF H.R. 3616, AS FAVORABLY FORWARDED BY THE  
SUBCOMMITTEE ON ENERGY ON JUNE 5, 2025)

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.

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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 En-  
ergy and Commerce

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## 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”.

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

3 Section 215 of the Federal Power Act (16 U.S.C.  
4 824o) is amended—

5 (1) in subsection (g)—

6 (A) by striking “The ERO” and inserting  
7 the following:

8 “(1) IN GENERAL.—The ERO”; and

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

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

13 “(A) an analysis of the ability of the bulk-  
14 power system to supply sufficient electric en-  
15 ergy necessary to maintain an adequate level of  
16 reliability, taking into account generation re-  
17 source mix, transmission development, and elec-  
18 tric energy demand trends;

19 “(B) an analysis of the risk of future elec-  
20 tric energy supply shortfalls under normal and  
21 extreme weather conditions, and the risk of any  
22 such shortfalls within each region of the bulk-  
23 power system; and

24 “(C) a determination of whether additional  
25 generation resources are necessary to supply  
26 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 finds that the bulk-power sys-  
6       tem is at risk of not having adequate generation re-  
7       sources to supply sufficient electric energy to main-  
8       tain an adequate level of reliability, the ERO shall  
9       publicly notify the Commission that the bulk-power  
10      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) NOTICE TO FEDERAL AGENCIES.—If the  
22      ERO notifies the Commission under subsection  
23      (g)(3) that the bulk-power system is in a state of  
24      generation inadequacy, the Commission shall  
25      promptly notify the Department of Energy, the En-

1        vironmental Protection Agency, and any other Fed-  
2        eral agency the Commission determines appropriate  
3        of such state of generation inadequacy.

4            “(2) SUBMISSION.—Upon receiving notice  
5        under paragraph (1), the head of each Federal agen-  
6        cy that received such notice shall provide to the  
7        Commission for review and comment any covered  
8        agency action by the Federal agency—

9            “(A) on the first date on which such cov-  
10        ered agency action is provided to the Office of  
11        Management and Budget or any other Federal  
12        agency for review and comment; or

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

21            “(3) COMMISSION COMMENTS.—The Commis-  
22        sion, in consultation with the ERO and transmission  
23        organizations, shall, by order, provide to the agency  
24        head that provided to the Commission a covered  
25        agency action under paragraph (2)—

1           “(A) comments on such covered agency ac-  
2           tion, which such comments may include an as-  
3           sessment of the effect of the covered agency ac-  
4           tion on rates, terms, and conditions for services  
5           pursuant to the authority of the Commission  
6           under sections 201 and 206; and

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

13          “(4) AGENCY RESPONSE.—The head of a Fed-  
14          eral agency may not finalize a covered agency action  
15          that is provided to the Commission under paragraph  
16          (2) until—

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

24               “(B) the Commission finds that the cov-  
25               ered agency action will not be likely to have a

1 significant negative impact on the ability of the  
2 bulk-power system to supply sufficient electric  
3 energy necessary to maintain an adequate level  
4 of reliability.

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

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

11 “(B) otherwise making the covered agency  
12 action available for public inspection or com-  
13 ment.

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

15 “(A) COVERED AGENCY ACTION.—The  
16 term ‘covered agency action’ means a regulation  
17 that—

18 “(i) relates to, or otherwise directly  
19 affects, any generation resource in the  
20 bulk-power system; and

21 “(ii) is under development to be pro-  
22 posed or otherwise under consideration in  
23 a rulemaking prior to finalization on the  
24 date on which the Federal agency receives

1 notice from the Commission under para-  
2 graph (1).

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