

119TH CONGRESS  
1ST SESSION

# H. R. 3616

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## AN ACT

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,*

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-  
19 source mix, transmission development, and elec-  
20 tric energy demand trends;

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

1           “(C) a determination of whether additional  
2           generation resources are necessary to supply  
3           sufficient electric energy to maintain an ade-  
4           quate level of reliability during the assessment  
5           period.

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

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

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

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

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

24          “(1) NOTICE TO FEDERAL AGENCIES.—If the  
25          ERO notifies the Commission under subsection

1 (g)(3) that the bulk-power system is in a state of  
2 generation inadequacy, the Commission shall  
3 promptly notify the Department of Energy, the En-  
4 vironmental Protection Agency, and any other Fed-  
5 eral agency the Commission determines appropriate  
6 of such state of generation inadequacy.

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

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

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

24 “(3) COMMISSION COMMENTS.—The Commis-  
25 sion, in consultation with the ERO and transmission

1 organizations, shall, by order, provide to the agency  
2 head that provided to the Commission a covered  
3 agency action under paragraph (2)—

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

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

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

20 “(A) the agency head responds in writing  
21 to the Commission with an explanation of how  
22 the agency head modified, or why the agency  
23 head determined not to modify, such covered  
24 agency action in response to any comments and

1 recommendations provided by the Commission  
2 under paragraph (3); and

3 “(B) the Commission finds that the cov-  
4 ered agency action will not be likely to have a  
5 significant negative impact on the ability of the  
6 bulk-power system to supply sufficient electric  
7 energy necessary to maintain an adequate level  
8 of reliability.

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

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

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

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

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

22 “(i) relates to, or otherwise directly  
23 affects, any generation resource in the  
24 bulk-power system; and

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

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

Passed the House of Representatives December 17,  
2025.

Attest:

*Clerk.*

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