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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense and well-being of the United States against natural and manmade electromagnetic pulse (“EMP”) threats and vulnerabilities.

IN THE HOUSE OF REPRESENTATIVES

Mr. FRANKS of Arizona introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense and well-being of the United States against natural and manmade electromagnetic pulse (“EMP”) threats and vulnerabilities.

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 “Secure High-voltage
5 Infrastructure for Electricity from Lethal Damage Act”
6 or the “SHIELD Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) According to the Report of the Commission
4 to Assess the Threat to the United States from
5 Electromagnetic Pulse Attack (in this Act referred
6 to as the “EMP Commission Report”), the society
7 and economy of the United States are “critically de-
8 pendent upon the availability of electricity.”.

9 (2) According to the EMP Commission Report,
10 “continued electrical supply is necessary for sus-
11 taining water supplies, production and distribution
12 of food, fuel, communications, and everything else
13 that is part of our economy”.

14 (3) According to the EMP Commission Report,
15 “contemporary U.S. society is not structured, nor
16 does it have the means, to provide for the needs of
17 nearly 300 million Americans without electricity.”.

18 (4) According to the EMP Commission Report,
19 due to the existing electrical system operating at or
20 near its physical capacity, “a relatively modest upset
21 to the system can cause functional collapse.”.

22 (5) According to the EMP Commission Report,
23 electromagnetic pulse (in this Act referred to as
24 “EMP”) is a threat to the overall electrical power
25 system.

1 (6) According to the EMP Commission Report,
2 EMP occurs both naturally, such as geomagnetic
3 storms, and via manmade devices.

4 (7) According to the EMP Commission Report,
5 while the electric infrastructure “has a degree of du-
6 rability against . . . the failure of one or a small
7 number of [electric] components,” the current strat-
8 egy for recovery leaves the United States ill-prepared
9 to respond effectively to an EMP attack that would
10 potentially result in damage to vast numbers of com-
11 ponents nearly simultaneously over an unprece-
12 dented geographic scale.

13 (8) According to the EMP Commission Report,
14 EMP “may couple ultimately unmanageable currents
15 and voltages into an electrical system routinely oper-
16 ated with little margin and cause the collapse of
17 large portions of the electrical system.”.

18 (9) According to the EMP Commission Report,
19 a collapse of large portions of the electrical system
20 will result in significant periods of power-outage and
21 “restoration from collapse or loss of significant por-
22 tions of the system [will be] exceedingly difficult.”.

23 (10) According to the EMP Commission Re-
24 port, “should the electrical power system be lost for

1 any substantial period of time . . . the consequences
2 are likely to be catastrophic to civilian society.”.

3 (11) According to the EMP Commission Re-
4 port, “the Commission is deeply concerned that
5 [negative] impacts [on the electric infrastructure]
6 are certain in an EMP event unless practical steps
7 are taken to provide protection for critical elements
8 of the electric system.”.

9 **SEC. 3. AMENDMENT TO THE FEDERAL POWER ACT.**

10 (a) CRITICAL ELECTRIC INFRASTRUCTURE SECUR-
11 ITY.—Part II of the Federal Power Act (16 U.S.C. 824
12 et seq.) is amended by adding after section 215 the fol-
13 lowing new section:

14 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECUR-**
15 **RITY.**

16 “(a) DEFINITIONS.—For purposes of this section:

17 “(1) BULK-POWER SYSTEM; ELECTRIC RELI-
18 ABILITY ORGANIZATION; REGIONAL ENTITY.—The
19 terms ‘bulk-power system’, ‘Electric Reliability Or-
20 ganization’, and ‘regional entity’ have the meanings
21 given such terms in paragraphs (1), (2), and (7) of
22 section 215(a), respectively.

23 “(2) DEFENSE CRITICAL ELECTRIC INFRA-
24 STRUCTURE.—The term ‘defense critical electric in-
25 frastructure’ means any infrastructure located in the

1 United States (including the territories) used for the
2 generation, transmission, or distribution of electric
3 energy that—

4 “(A) is not part of the bulk-power system;

5 and

6 “(B) serves a facility designated by the
7 President pursuant to subsection (d)(1), but is
8 not owned or operated by the owner or operator
9 of such facility.

10 “(3) DEFENSE CRITICAL ELECTRIC INFRA-
11 STRUCTURE VULNERABILITY.—The term ‘defense
12 critical electric infrastructure vulnerability’ means a
13 weakness in defense critical electric infrastructure
14 that, in the event of a malicious act using an electro-
15 magnetic pulse, would pose a substantial risk of dis-
16 ruption of those electrical or electronic devices or
17 communications networks, including hardware, soft-
18 ware, and data, that are essential to the reliability
19 of defense critical electric infrastructure.

20 “(4) ELECTROMAGNETIC PULSE.—The term
21 ‘electromagnetic pulse’ means 1 or more pulses of
22 electromagnetic energy generated or emitted by a de-
23 vice capable of disabling, disrupting, or destroying
24 electronic equipment by means of such a pulse.

1 “(5) GEOMAGNETIC STORM.—The term ‘geo-
2 magnetic storm’ means a temporary disturbance of
3 the Earth’s magnetic field resulting from solar activ-
4 ity.

5 “(6) GRID SECURITY THREAT.—The term ‘grid
6 security threat’ means a substantial likelihood of—

7 “(A) a malicious act using an electro-
8 magnetic pulse, or a geomagnetic storm event,
9 that could disrupt the operation of those elec-
10 trical or electronic devices or communications
11 networks, including hardware, software, and
12 data, that are essential to the reliability of the
13 bulk-power system or of defense critical electric
14 infrastructure; and

15 “(B) disruption of the operation of such
16 devices or networks, with significant adverse ef-
17 fects on the reliability of the bulk-power system
18 or of defense critical electric infrastructure, as
19 a result of such act or event.

20 “(7) GRID SECURITY VULNERABILITY.—The
21 term ‘grid security vulnerability’ means a weakness
22 that, in the event of a malicious act using an electro-
23 magnetic pulse, would pose a substantial risk of dis-
24 ruption to the operation of those electrical or elec-
25 tronic devices or communications networks, includ-

1 ing hardware, software, and data, that are essential
2 to the reliability of the bulk-power system.

3 “(8) LARGE TRANSFORMER.—The term ‘large
4 transformer’ means an electric transformer that is
5 part of the bulk-power system.

6 “(9) PROTECTED INFORMATION.—The term
7 ‘protected information’ means information, other
8 than classified national security information, des-
9 ignated as protected information by the Commission
10 under subsection (e)(2)—

11 “(A) that was developed or submitted in
12 connection with the implementation of this sec-
13 tion;

14 “(B) that specifically discusses grid secu-
15 rity threats, grid security vulnerabilities, de-
16 fense critical electric infrastructure
17 vulnerabilities, or plans, procedures, or meas-
18 ures to address such threats or vulnerabilities;
19 and

20 “(C) the unauthorized disclosure of which
21 could be used in a malicious manner to impair
22 the reliability of the bulk-power system or of
23 defense critical electric infrastructure.

24 “(10) SECRETARY.—The term ‘Secretary’
25 means the Secretary of Energy.

1 “(11) SECURITY.—The definition of ‘security’
2 in section 3(16) shall not apply to the provisions in
3 this section.

4 “(b) EMERGENCY RESPONSE MEASURES.—

5 “(1) AUTHORITY TO ADDRESS GRID SECURITY
6 THREATS.—Whenever the President issues and pro-
7 vides to the Commission (either directly or through
8 the Secretary) a written directive or determination
9 identifying an imminent grid security threat, the
10 Commission may, with or without notice, hearing, or
11 report, issue such orders for emergency measures as
12 are necessary in its judgment to protect the reli-
13 ability of the bulk-power system or of defense critical
14 electric infrastructure against such threat. As soon
15 as practicable, but not later than 180 days after the
16 date of enactment of this section, the Commission
17 shall, after notice and opportunity for comment, es-
18 tablish rules of procedure that ensure that such au-
19 thority can be exercised expeditiously.

20 “(2) NOTIFICATION OF CONGRESS.—Whenever
21 the President issues and provides to the Commission
22 (either directly or through the Secretary) a written
23 directive or determination under paragraph (1), the
24 President (or the Secretary, as the case may be)
25 shall promptly notify congressional committees of

1 relevant jurisdiction, including the Committee on
2 Energy and Commerce of the House of Representa-
3 tives and the Committee on Energy and Natural Re-
4 sources of the Senate, of the contents of, and jus-
5 tification for, such directive or determination.

6 “(3) CONSULTATION.—Before issuing an order
7 for emergency measures under paragraph (1), the
8 Commission shall, to the extent practicable in light
9 of the nature of the grid security threat and the ur-
10 gency of the need for such emergency measures, con-
11 sult with the Secretary, other appropriate Federal
12 agencies, appropriate governmental authorities in
13 Canada and Mexico, the Electric Reliability Organi-
14 zation, and entities described in paragraph (4).

15 “(4) APPLICATION.—An order for emergency
16 measures under this subsection may apply to—

17 “(A) a regional entity; or

18 “(B) any owner, user, or operator of the
19 bulk-power system or of defense critical electric
20 infrastructure within the United States.

21 “(5) DISCONTINUANCE.—The Commission shall
22 issue an order discontinuing any emergency meas-
23 ures ordered under this subsection, effective not
24 later than 30 days after the earliest of the following:

1 “(A) The date upon which the President
2 issues and provides to the Commission (either
3 directly or through the Secretary) a written di-
4 rective or determination that the grid security
5 threat identified under paragraph (1) no longer
6 exists.

7 “(B) The date upon which the Commission
8 issues a written determination that the emer-
9 gency measures are no longer needed to address
10 the grid security threat identified under para-
11 graph (1), including by means of Commission
12 approval of a reliability standard under section
13 215 that the Commission determines adequately
14 addresses such threat.

15 “(C) The date that is 1 year after the
16 issuance of an order under paragraph (1).

17 “(6) COST RECOVERY.—If the Commission de-
18 termines that owners, operators, or users of the
19 bulk-power system or of defense critical electric in-
20 frastructure have incurred substantial costs to com-
21 ply with an order under this subsection or subsection
22 (c) and that such costs were prudently incurred and
23 cannot reasonably be recovered through regulated
24 rates or market prices for the electric energy or
25 services sold by such owners, operators, or users, the

1 Commission shall, after notice and an opportunity
2 for comment, establish a mechanism that permits
3 such owners, operators, or users to recover such
4 costs.

5 “(c) MEASURES TO ADDRESS GRID SECURITY
6 VULNERABILITIES.—

7 “(1) COMMISSION AUTHORITY.—

8 “(A) RELIABILITY STANDARDS.—If the
9 Commission, in consultation with appropriate
10 Federal agencies, identifies a grid security vul-
11 nerability that the Commission determines has
12 not adequately been addressed through a reli-
13 ability standard developed and approved under
14 section 215, the Commission shall, after notice
15 and opportunity for comment and after con-
16 sultation with the Secretary, other appropriate
17 Federal agencies, and appropriate governmental
18 authorities in Canada and Mexico, issue an
19 order directing the Electric Reliability Organi-
20 zation to submit to the Commission for ap-
21 proval under section 215, not later than 30
22 days after the issuance of such order, a reli-
23 ability standard requiring implementation, by
24 any owner, operator, or user of the bulk-power
25 system in the United States, of measures to

1 protect the bulk-power system against such vul-
2 nerability. Any such standard shall include a
3 protection plan, including automated hardware-
4 based solutions. The Commission shall approve
5 a reliability standard submitted pursuant to
6 this subparagraph, unless the Commission de-
7 termines that such reliability standard does not
8 adequately protect against such vulnerability or
9 otherwise does not satisfy the requirements of
10 section 215.

11 “(B) MEASURES TO ADDRESS GRID SECUR-
12 RITY VULNERABILITIES.—If the Commission,
13 after notice and opportunity for comment and
14 after consultation with the Secretary, other ap-
15 propriate Federal agencies, and appropriate
16 governmental authorities in Canada and Mex-
17 ico, determines that the reliability standard
18 submitted by the Electric Reliability Organiza-
19 tion to address a grid security vulnerability
20 identified under subparagraph (A) does not
21 adequately protect the bulk-power system
22 against such vulnerability, the Commission shall
23 promulgate a rule or issue an order requiring
24 implementation, by any owner, operator, or user
25 of the bulk-power system in the United States,

1 of measures to protect the bulk-power system
2 against such vulnerability. Any such rule or
3 order shall include a protection plan, including
4 automated hardware-based solutions. Before
5 promulgating a rule or issuing an order under
6 this subparagraph, the Commission shall, to the
7 extent practicable in light of the urgency of the
8 need for action to address the grid security vul-
9 nerability, request and consider recommenda-
10 tions from the Electric Reliability Organization
11 regarding such rule or order. The Commission
12 may establish an appropriate deadline for the
13 submission of such recommendations.

14 “(2) RESCISSION.—The Commission shall ap-
15 prove a reliability standard developed under section
16 215 that addresses a grid security vulnerability that
17 is the subject of a rule or order under paragraph
18 (1)(B), unless the Commission determines that such
19 reliability standard does not adequately protect
20 against such vulnerability or otherwise does not sat-
21 isfy the requirements of section 215. Upon such ap-
22 proval, the Commission shall rescind the rule pro-
23 mulgated or order issued under paragraph (1)(B)
24 addressing such vulnerability, effective upon the ef-

1 fective date of the newly approved reliability stand-
2 ard.

3 “(3) GEOMAGNETIC STORMS AND ELECTRO-
4 MAGNETIC PULSE.—Not later than 6 months after
5 the date of enactment of this section, the Commis-
6 sion shall, after notice and an opportunity for com-
7 ment and after consultation with the Secretary and
8 other appropriate Federal agencies, issue an order
9 directing the Electric Reliability Organization to
10 submit to the Commission for approval under section
11 215, not later than 6 months after the issuance of
12 such order, reliability standards adequate to protect
13 the bulk-power system from any reasonably foresee-
14 able geomagnetic storm or electromagnetic pulse
15 event. The Commission’s order shall specify the na-
16 ture and magnitude of the reasonably foreseeable
17 events against which such standards must protect.
18 Such standards shall appropriately balance the risks
19 to the bulk-power system associated with such
20 events, including any regional variation in such
21 risks, the costs of mitigating such risks, and the pri-
22 orities and timing associated with implementation. If
23 the Commission determines that the reliability
24 standards submitted by the Electric Reliability Or-
25 ganization pursuant to this paragraph are inad-

1 equate, the Commission shall promulgate a rule or
2 issue an order adequate to protect the bulk-power
3 system from geomagnetic storms or electromagnetic
4 pulse as required under paragraph (1)(B).

5 “(4) LARGE TRANSFORMER AVAILABILITY.—
6 Not later than 1 year after the date of enactment
7 of this section, the Commission shall, after notice
8 and an opportunity for comment and after consulta-
9 tion with the Secretary and other appropriate Fed-
10 eral agencies, issue an order directing the Electric
11 Reliability Organization to submit to the Commis-
12 sion for approval under section 215, not later than
13 1 year after the issuance of such order, reliability
14 standards addressing availability of large trans-
15 formers. Such standards shall require entities that
16 own or operate large transformers to ensure, individ-
17 ually or jointly, adequate availability of large trans-
18 formers to promptly restore the reliable operation of
19 the bulk-power system in the event that any such
20 transformer is destroyed or disabled as a result of
21 a geomagnetic storm event or electromagnetic pulse
22 event. The Commission’s order shall specify the na-
23 ture and magnitude of the reasonably foreseeable
24 events that shall provide the basis for such stand-
25 ards. Such standards shall—

1 “(A) provide entities subject to the stand-
2 ards with the option of meeting such standards
3 individually or jointly; and

4 “(B) appropriately balance the risks asso-
5 ciated with a reasonably foreseeable event, in-
6 cluding any regional variation in such risks, and
7 the costs of ensuring adequate availability of
8 spare transformers.

9 “(d) CRITICAL DEFENSE FACILITIES.—

10 “(1) DESIGNATION.—Not later than 180 days
11 after the date of enactment of this section, the
12 President shall designate, in a written directive or
13 determination provided to the Commission, facilities
14 located in the United States (including the terri-
15 tories) that are—

16 “(A) critical to the defense of the United
17 States; and

18 “(B) vulnerable to a disruption of the sup-
19 ply of electric energy provided to such facility
20 by an external provider.

21 The number of facilities designated by such directive
22 or determination shall not exceed 100. The Presi-
23 dent may periodically revise the list of designated fa-
24 cilities through a subsequent written directive or de-
25 termination provided to the Commission, provided

1 that the total number of designated facilities at any
2 time shall not exceed 100.

3 “(2) COMMISSION AUTHORITY.—If the Commis-
4 sion identifies a defense critical electric infrastruc-
5 ture vulnerability that the Commission, in consulta-
6 tion with owners and operators of any facility or fa-
7 cilities designated by the President pursuant to
8 paragraph (1), determines has not adequately been
9 addressed through measures undertaken by owners
10 or operators of defense critical electric infrastruc-
11 ture, the Commission shall, after notice and an op-
12 portunity for comment and after consultation with
13 the Secretary and other appropriate Federal agen-
14 cies, promulgate a rule or issue an order requiring
15 implementation, by any owner or operator of defense
16 critical electric infrastructure, of measures to protect
17 the defense critical electric infrastructure against
18 such vulnerability. The Commission shall exempt
19 from any such rule or order any specific defense
20 critical electric infrastructure that the Commission
21 determines already has been adequately protected
22 against the identified vulnerability. The Commission
23 shall make any such determination in consultation
24 with the owner or operator of the facility designated

1 by the President pursuant to paragraph (1) that re-
2 lies upon such defense critical electric infrastructure.

3 “(3) COST RECOVERY.—An owner or operator
4 of defense critical electric infrastructure shall be re-
5 quired to take measures under paragraph (2) only to
6 the extent that the owners or operators of a facility
7 or facilities designated by the President pursuant to
8 paragraph (1) that rely upon such infrastructure
9 agree to bear the full incremental costs of compli-
10 ance with a rule promulgated or order issued under
11 paragraph (2).

12 “(e) PROTECTION OF INFORMATION.—

13 “(1) PROHIBITION OF PUBLIC DISCLOSURE OF
14 PROTECTED INFORMATION.—Protected information
15 shall—

16 “(A) be exempt from disclosure under sec-
17 tion 552(b)(3) of title 5, United States Code;
18 and

19 “(B) not be made available pursuant to
20 any State, local, or tribal law requiring disclo-
21 sure of information or records.

22 “(2) INFORMATION SHARING.—

23 “(A) IN GENERAL.—Consistent with the
24 Controlled Unclassified Information framework
25 established by the President, the Commission

1 shall promulgate such regulations and issue
2 such orders as necessary to designate protected
3 information and to prohibit the unauthorized
4 disclosure of such protected information.

5 “(B) SHARING OF PROTECTED INFORMA-
6 TION.—The regulations promulgated and orders
7 issued pursuant to subparagraph (A) shall pro-
8 vide standards for and facilitate the appropriate
9 sharing of protected information with, between,
10 and by Federal, State, local, and tribal authori-
11 ties, the Electric Reliability Organization, re-
12 gional entities, and owners, operators, and
13 users of the bulk-power system in the United
14 States and of defense critical electric infrastruc-
15 ture. In promulgating such regulations and
16 issuing such orders, the Commission shall take
17 account of the role of State commissions in re-
18 viewing the prudence and cost of investments
19 within their respective jurisdictions. The Com-
20 mission shall consult with appropriate Canadian
21 and Mexican authorities to develop protocols for
22 the sharing of protected information with, be-
23 tween, and by appropriate Canadian and Mexi-
24 can authorities and owners, operators, and

1 users of the bulk-power system outside the
2 United States.

3 “(3) SUBMISSION OF INFORMATION TO CON-
4 GRESS.—Nothing in this section shall permit or au-
5 thorize the withholding of information from Con-
6 gress, any committee or subcommittee thereof, or
7 the Comptroller General.

8 “(4) DISCLOSURE OF NONPROTECTED INFOR-
9 MATION.—In implementing this section, the Com-
10 mission shall protect from disclosure only the min-
11 imum amount of information necessary to protect
12 the reliability of the bulk-power system and of de-
13 fense critical electric infrastructure. The Commission
14 shall segregate protected information within docu-
15 ments and electronic communications, wherever fea-
16 sible, to facilitate disclosure of information that is
17 not designated as protected information.

18 “(5) DURATION OF DESIGNATION.—Informa-
19 tion may not be designated as protected information
20 for longer than 5 years, unless specifically redesign-
21 nated by the Commission.

22 “(6) REMOVAL OF DESIGNATION.—The Com-
23 mission may remove the designation of protected in-
24 formation, in whole or in part, from a document or
25 electronic communication if the unauthorized disclo-

1 sure of such information could no longer be used to
2 impair the reliability of the bulk-power system or of
3 defense critical electric infrastructure.

4 “(7) JUDICIAL REVIEW OF DESIGNATIONS.—
5 Notwithstanding subsection (f) of this section or sec-
6 tion 313, a person or entity may seek judicial review
7 of a determination by the Commission concerning
8 the designation of protected information under this
9 subsection exclusively in the district court of the
10 United States in the district in which the complain-
11 ant resides, or has his principal place of business, or
12 in the District of Columbia. In such a case the court
13 shall determine the matter de novo, and may exam-
14 ine the contents of documents or electronic commu-
15 nications designated as protected information in
16 camera to determine whether such documents or any
17 part thereof were improperly designated as protected
18 information. The burden is on the Commission to
19 sustain its designation.

20 “(f) JUDICIAL REVIEW.—The Commission shall act
21 expeditiously to resolve all applications for rehearing of
22 orders issued pursuant to this section that are filed under
23 section 313(a). Any party seeking judicial review pursuant
24 to section 313 of an order issued under this section may

1 obtain such review only in the United States Court of Ap-
2 peals for the District of Columbia Circuit.

3 “(g) PROVISION OF ASSISTANCE TO INDUSTRY IN
4 MEETING GRID SECURITY PROTECTION NEEDS.—

5 “(1) EXPERTISE AND RESOURCES.—The Sec-
6 retary shall establish a program, in consultation with
7 other appropriate Federal agencies, to develop tech-
8 nical expertise in the protection of systems for the
9 generation, transmission, and distribution of electric
10 energy against geomagnetic storms or malicious acts
11 using electromagnetic pulse that would pose a sub-
12 stantial risk of disruption to the operation of those
13 electronic devices or communications networks, in-
14 cluding hardware, software, and data, that are es-
15 sential to the reliability of such systems. Such pro-
16 gram shall include the identification and develop-
17 ment of appropriate technical and electronic re-
18 sources, including hardware, software, and system
19 equipment.

20 “(2) SHARING EXPERTISE.—As appropriate,
21 the Secretary shall offer to share technical expertise
22 developed under the program under paragraph (1),
23 through consultation and assistance, with owners,
24 operators, or users of systems for the generation,
25 transmission, or distribution of electric energy lo-

1 cated in the United States and with State commis-
2 sions. In offering such support, the Secretary shall
3 assign higher priority to systems serving facilities
4 designated by the President pursuant to subsection
5 (d)(1) and other critical-infrastructure facilities,
6 which the Secretary shall identify in consultation
7 with the Commission and other appropriate Federal
8 agencies.

9 “(3) SECURITY CLEARANCES AND COMMUNICA-
10 TION.—The Secretary shall facilitate and, to the ex-
11 tent practicable, expedite the acquisition of adequate
12 security clearances by key personnel of any entity
13 subject to the requirements of this section to enable
14 optimum communication with Federal agencies re-
15 garding grid security threats, grid security
16 vulnerabilities, and defense critical electric infra-
17 structure vulnerabilities. The Secretary, the Com-
18 mission, and other appropriate Federal agencies
19 shall, to the extent practicable and consistent with
20 their obligations to protect classified and protected
21 information, share timely actionable information re-
22 garding grid security threats, grid security
23 vulnerabilities, and defense critical electric infra-
24 structure vulnerabilities with appropriate key per-
25 sonnel of owners, operators, and users of the bulk-

1 power system and of defense critical electric infra-
2 structure.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) JURISDICTION.—Section 201(b)(2) of the
5 Federal Power Act (16 U.S.C. 824(b)(2)) is amend-
6 ed by inserting “215A,” after “215,” each place it
7 appears.

8 (2) PUBLIC UTILITY.—Section 201(e) of the
9 Federal Power Act (16 U.S.C. 824(e)) is amended
10 by inserting “215A,” after “215,”.

11 **SEC. 4. BUDGETARY COMPLIANCE.**

12 The budgetary effects of this Act, for the purpose of
13 complying with the Statutory Pay-As-You-Go Act of 2010,
14 shall be determined by reference to the latest statement
15 titled “Budgetary Effects of PAYGO Legislation” for this
16 Act, submitted for printing in the Congressional Record
17 by the Chairman of the House Budget Committee, pro-
18 vided that such statement has been submitted prior to the
19 vote on passage.