

119TH CONGRESS  
1ST SESSION

# H. R. 3751

To prohibit the Administrator of the Environmental Protection Agency from enforcing a rule or regulation that restricts certain operations of certain electric generating units, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2025

Mr. BURLISON (for himself, Mr. GILL of Texas, and Ms. HAGEMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit the Administrator of the Environmental Protection Agency from enforcing a rule or regulation that restricts certain operations of certain electric generating units, and for other purposes.

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 Grid Act”.

5       **SEC. 2. SENSE OF CONGRESS.**

6       It is the sense of Congress that—

7               (1) reliable, affordable electricity is a funda-  
8       mental prerequisite for a healthy human environ-

1       ment and must be a central consideration in all reg-  
2       ulations;

3           (2) the Administrator should prioritize the reli-  
4       ability of the electric grid when considering new reg-  
5       ulations and avoid imposing any regulations that  
6       may compromise such reliability by prematurely re-  
7       tiring essential electric generating units;

8           (3) NERC has already identified the threats of  
9       “insufficient dispatchable resources” and “low ca-  
10      pacity reserves” across the United States, at the  
11      same time as demand increases from electrification,  
12      including the forced adoption of electric vehicles and  
13      the decline of reliable capacity such as natural gas,  
14      coal, petroleum, nuclear, and geothermal energy in  
15      favor of unreliable solar and wind capacity;

16          (4) the operators of major regional power grids  
17      in the United States notified former Administrator  
18      Regan in August 2023, in response to proposed rule-  
19      making, that energy and environmental policies  
20      “could well exacerbate the disturbing trends and  
21      growing risk wherein the pace of retirements of gen-  
22      eration with attributes needed to ensure grid reli-  
23      ability is rapidly exceeding the commercialization of  
24      new resources capable of providing those reliability  
25      attributes”;

(5) administrators under the Biden administration and certain administrations preceding the Biden administration imposed regulations that forced the premature retirement of reliable power generation capacity, which was not replaced with adequate new reliable capacity, primarily from coal and natural gas electric generating units, causing increased shortages of electricity and challenges to the reliable operation of the power grid;

(6) such regulations included the—

(A) “New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule” (89 Fed. Reg. 39798 (May 9, 2024));

(B) “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review” (89 Fed. Reg. 38508 (May 7, 2024)); and

(C) “Supplemental Effluent Limitations Guidelines and Standards for the Steam Elec-

1           tric Power Generating Point Source Category”  
2           (89 Fed. Reg. 40198 (May 9, 2024));

3           (7) such regulations have led to the retirement  
4           of reliable electric generating units and major capac-  
5           ity inadequacies in Texas, California, and other  
6           areas across the United States, and regulations con-  
7           tinue to threaten the reliability of the grid in the  
8           United States;

9           (8) jeopardizing the reliability of the electric  
10          grid through regulations that have the potential to  
11          prematurely retire reliable electric generating units  
12          immediately endangers the human environment,  
13          health, and life of all individuals in the United  
14          States;

15          (9) such jeopardization runs counter to the mis-  
16          sion of the Environmental Protection Agency to  
17          “protect human health and the environment”;

18          (10) the desire of former Administrator Regan  
19          to rapidly retire reliable coal and natural gas electric  
20          generating units in favor of unreliable solar and  
21          wind electric generating units has exacerbated the  
22          shortfall of reliable capacity beyond the alarming  
23          projections noted by industry in 2023;

24          (11) the desire of former Administrator Regan  
25          to electrify many energy uses, from cooking and

1 heating to transportation, across the United States  
2 has exacerbated the threat of capacity inadequacy  
3 and reduced the reliability of the electric grid during  
4 peak demand periods;

5 (12) the Administrator should, in coordination  
6 with public utilities and operators of electric gener-  
7 ating units—

8 (A) identify the electric generating units in  
9 danger of premature retirement because of ex-  
10 isting regulations; and

11 (B) provide waivers, to the extent possible,  
12 to prevent the premature shutdown of such  
13 electric generating units due to such regulations  
14 and support the supply of reliable electricity, es-  
15 pecially given the warnings from Chairman  
16 Christie of the Federal Energy Regulatory  
17 Commission that the United States is “heading  
18 for a reliability crisis”;

19 (13) the Federal Energy Regulatory Commis-  
20 sion should coordinate with NERC to develop new  
21 standards relating to the reliability of the grid in the  
22 United States that acknowledge that unreliable solar  
23 and wind electric generating units can perform at  
24 near-zero capacity during peak demand and under  
25 extreme weather conditions;

1           (14) the operators of regional power grids have  
2           assumed a higher level of power generation from  
3           such solar and wind electric generating units, which  
4           has caused such operators to plan the electric gen-  
5           eration resources and dispatchable reserves of such  
6           operators poorly; and

7           (15) the Administrator should halt the imple-  
8           mentation of rules and regulations from former Ad-  
9           ministrator Regan related to the electric power sec-  
10          tor and ensure that any future rules related to the  
11          electric power sector are proposed concurrently with  
12          sufficient evidence that—

13                 (A) such rules and regulations do not lead  
14                 to any further premature retirement of a reli-  
15                 able electric generating unit; and

16                 (B) the bulk-power system across all re-  
17                 gional transmission organizations and inde-  
18                 pendent system operators in the United States  
19                 can reliably meet the demand for electricity  
20                 without frequent outages and inadequately low  
21                 capacity safety margins.

1 **SEC. 3. PROHIBITION ON ENFORCEMENT OF RULES AND**  
2 **REGULATIONS RELATING TO CERTAIN ELEC-**  
3 **TRIC GENERATING UNITS.**

4 The Administrator may not enforce a rule or regula-  
5 tion that restricts the continuous, previously permitted op-  
6 eration of any dispatchable electric generating unit unless  
7 and until NERC categorizes all areas served by the bulk-  
8 power system as “normal risk”, pursuant to the assess-  
9 ment published by NERC in December 2023 entitled the  
10 “2023 Long-Term Reliability Assessment”.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

13 (1) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the Environ-  
15 mental Protection Agency.

16 (2) BULK-POWER SYSTEM.—The term “bulk-  
17 power system” has the meaning given such term in  
18 section 215(a)(1) of the Federal Power Act (16  
19 U.S.C. 824o(a)(1)).

20 (3) DISPATCHABLE ELECTRIC GENERATING  
21 UNIT.—The term “dispatchable electric generating  
22 unit” means any steam generating unit, integrated  
23 gasification combined cycle unit, stationary combus-  
24 tion turbine, or other type of unit that generates  
25 electricity that—

1           (A) is connected to the bulk-power system  
2           and subject to rules and regulations of the En-  
3           vironmental Protection Agency; and

4           (B) can, on demand, adjust the generation  
5           of such generating unit, combined cycle unit,  
6           combustion turbine, or other unit with precision  
7           to meet the requirements of the bulk-power sys-  
8           tem.

9           (4) NERC.—The term “NERC” means the  
10          North American Electric Reliability Corporation.

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