

118TH CONGRESS
2D SESSION

H. R. 10519

To strengthen the reliability of the United States power grids by preventing the premature retirement of essential electric generating units by the Administrator of the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2024

Mr. BURLISON introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To strengthen the reliability of the United States power grids by preventing the premature retirement of essential electric generating units by the Administrator of the Environmental Protection Agency, 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 of
5 2024”.

1 **SEC. 2. REGULATIONS RELATING TO ELECTRIC ENERGY**
2 **GENERATION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the Administrator should be barred from
6 imposing new regulations that may hasten the re-
7 tirement of reliable power generation until the
8 United States electric grid can reliably meet elec-
9 tricity demand without today’s frequent shortages in
10 supply and in capacity safety margins;

11 (2) NERC has already identified the threats of
12 “insufficient dispatchable resources” and “low ca-
13 pacity reserves” across the United States as demand
14 increases from electrification and EV adoption and
15 reliable capacity is declining in favor of unreliable
16 solar and wind capacity;

17 (3) the major regional United States power grid
18 operators have put the Administrator on notice that
19 current energy and environmental policies “could
20 well exacerbate the disturbing trend and growing
21 risk wherein the pace of retirements of generation
22 with attributes needed to ensure grid reliability is
23 rapidly exceeding the commercialization of new re-
24 sources capable of providing those reliability at-
25 tributes”;

1 (4) the Administrator is the primary cause of
2 increasing electricity shortages challenges to reliable
3 power grid operations by forcing the premature re-
4 irement of reliable power generation capacity, pri-
5 marily from coal and natural gas, via regulations
6 such as the proposed—

7 (A) “New Source Performance Standards
8 for Greenhouse Gas Emissions From New,
9 Modified, and Reconstructed Fossil Fuel-Fired
10 Electric Generating Units; Emission Guidelines
11 for Greenhouse Gas Emissions From Existing
12 Fossil Fuel-Fired Electric Generating Units;
13 and Repeal of the Affordable Clean Energy
14 Rule” (88 Fed. Reg. 33240 (May 23, 2023));

15 (B) “National Emission Standards for
16 Hazardous Air Pollutants: Coal- and Oil-Fired
17 Electric Utility Steam Generating Units Review
18 of the Residual Risk and Technology Review”
19 (89 Fed. Reg. 38508 (May 7, 2024)); and

20 (C) “Supplemental Effluent Limitations
21 Guidelines and Standards for the Steam Elec-
22 tric Power Generating Point Source Category”
23 (89 Fed. Reg. 40198 (May 9, 2024));

24 (5) the public statement by the Administrator
25 that in its “40-year history, the Clean Air Act has

1 not impacted power companies' ability to keep the
2 lights on in communities across the United States"
3 is clearly false as reliable capacity is being retired
4 due to regulatory actions that have led to major ca-
5 pacity inadequacies in Texas, California, and other
6 areas across the United States and regulations con-
7 tinue to be a threat to the United States grid reli-
8 ability;

9 (6) jeopardizing electric grid reliability via regu-
10 lations that have the potential to prematurely retire
11 reliable power generation capacity immediately en-
12 dangers the health, human environment, and lives of
13 everyone in the United States, which runs counter to
14 the mission of the Environmental Protection Agency
15 to "protect human health and the environment";

16 (7) the Administrator's desire to rapidly retire
17 more reliable natural gas and coal power generation
18 capacity in favor of unreliable solar and wind will ex-
19 acerbate the resource inadequacy beyond current
20 alarming projections;

21 (8) the Administrator's desire to electrify many
22 energy uses from cooking and heating to transpor-
23 tation across the United States will exacerbate the
24 threat of capacity inadequacy and thereby reduce
25 power grid reliability during peak demand periods;

1 (9) the Administrator should, in coordination
2 with utilities and power generators, identify the elec-
3 tric power generation in danger of retiring pre-
4 maturely from existing regulations and provide waiv-
5 ers where possible to support reliable electricity sup-
6 ply by preventing premature shutdowns of power
7 generators due to these regulations, especially given
8 the warnings from the Commissioner Christie of the
9 Federal Energy Regulatory Commission that the
10 United States is “heading for a reliability crisis”;

11 (10) the Federal Energy Regulatory Commis-
12 sion should coordinate with NERC to develop new
13 grid reliability standards for the United States that
14 acknowledge unreliable solar and wind power genera-
15 tors can perform near-zero of their capacity during
16 peak demand and under extreme weather conditions,
17 which has been a major source of misplanning by re-
18 gional grid operators who assumed a higher level of
19 power generation from solar and wind; and

20 (11) the Administrator should halt the imple-
21 mentation of regulations and rules currently in de-
22 velopment and refrain from proposing new rules re-
23 lated to the electric power sector until the Adminis-
24 trator can—

1 (A) provide sufficient evidence that these
2 regulations and rules do not lead to further pre-
3 mature retirements of reliable electric gener-
4 ating units; and

5 (B) provide sufficient evidence that the
6 United States electric grid can reliably meet
7 electricity demand without frequent shortages
8 in supply and in capacity safety margins.

9 (b) REGULATIONS RELATING TO ELECTRIC GENER-
10 ATING UNITS.—The Administrator may not enforce a rule
11 or regulation restricting the continuous, previously-per-
12 mitted operation of any electric generating unit that pro-
13 vides dispatchable capacity unless and until all areas
14 served by the bulk-power system are assessed to be “Nor-
15 mal Risk” by NERC pursuant to the risk report.

16 (c) DEFINITIONS.—In this section:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Environ-
19 mental Protection Agency.

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

24 (3) NERC.—The term “NERC” means the
25 North American Electric Reliability Corporation.

1 (4) RISK REPORT.—The term “risk report”
2 means the assessment 2023 Long-Term Reliability
3 Assessment, published by NERC in December 2023.

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