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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

Mr. BURLISON introduced the following bill; which was referred to the Committee on _____

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reliable Grid Act of 2024''.

SEC. 2. REGULATIONS RELATING TO ELECTRIC ENERGY GENERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administrator should be barred from imposing new regulations that may hasten the retirement of reliable power generation until the United States electric grid can reliably meet electricity demand without today's frequent shortages in supply and in capacity safety margins;

(2) NERC has already identified the threats of ''insufficient dispatchable resources'' and ''low capacity reserves'' across the United States as demand increases from electrification and EV adoption and reliable capacity is declining in favor of unreliable solar and wind capacity;

(3) the major regional United States power grid operators have put the Administrator on notice that current energy and environmental policies ''could well exacerbate the disturbing trend and growing risk wherein the pace of retirements of generation with attributes needed to ensure grid reliability is rapidly exceeding the commercialization of new resources capable of providing those reliability attributes'';

(4) the Administrator is the primary cause of increasing electricity shortages challenges to reliable power grid operations by forcing the premature retirement of reliable power generation capacity, primarily from coal and natural gas, via regulations such as the proposed—

(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'' (88 Fed. Reg. 33240 (May 23, 2023));

(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 Electric Power Generating Point Source Category'' (89 Fed. Reg. 40198 (May 9, 2024));

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

not impacted power companies' ability to keep the lights on in communities across the United States'' is clearly false as reliable capacity is being retired due to regulatory actions that have led to major capacity inadequacies in Texas, California, and other areas across the United States and regulations continue to be a threat to the United States grid reliability;

(6) jeopardizing electric grid reliability via regulations that have the potential to prematurely retire reliable power generation capacity immediately endangers the health, human environment, and lives of everyone in the United States, which runs counter to the mission of the Environmental Protection Agency to ''protect human health and the environment'';

(7) the Administrator's desire to rapidly retire more reliable natural gas and coal power generation capacity in favor of unreliable solar and wind will exacerbate the resource inadequacy beyond current alarming projections;

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

(9) the Administrator should, in coordination with utilities and power generators, identify the electric power generation in danger of retiring prematurely from existing regulations and provide waivers where possible to support reliable electricity supply by preventing premature shutdowns of power generators due to these regulations, especially given the warnings from the Commissioner Christie of the Federal Energy Regulatory Commission that the United States is ''heading for a reliability crisis'';

(10) the Federal Energy Regulatory Commission should coordinate with NERC to develop new grid reliability standards for the United States that acknowledge unreliable solar and wind power generators can perform near-zero of their capacity during peak demand and under extreme weather conditions, which has been a major source of misplanning by regional grid operators who assumed a higher level of power generation from solar and wind; and

(11) the Administrator should halt the implementation of regulations and rules currently in development and refrain from proposing new rules related to the electric power sector until the Administrator can—

(A) provide sufficient evidence that these regulations and rules do not lead to further premature retirements of reliable electric generating units; and

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

(b) REGULATIONS RELATING TO ELECTRIC GENERATING UNITS.—The Administrator may not enforce a rule or regulation restricting the continuous, previously-permitted operation of any electric generating unit that provides dispatchable capacity unless and until all areas served by the bulk-power system are assessed to be ''Normal Risk'' by NERC pursuant to the risk report.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

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

(3) NERC.—The term ''NERC'' means the North American Electric Reliability Corporation.

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