

119TH CONGRESS  
1ST SESSION

# H. R. 3843

To amend the Federal Power Act to prohibit retirements of baseload electric generating units in any area that is served by a Regional Transmission Organization or an Independent System Operator and that the North American Electric Reliability Corporation categorizes as at elevated risk or high risk of electricity supply shortfalls, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2025

Ms. FEDORCHAK (for herself, Mr. WEBER of Texas, Mr. GOLDMAN of Texas, Mr. PFLUGER, Mr. RULLI, Mrs. MILLER of West Virginia, and Mr. BALDERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Power Act to prohibit retirements of baseload electric generating units in any area that is served by a Regional Transmission Organization or an Independent System Operator and that the North American Electric Reliability Corporation categorizes as at elevated risk or high risk of electricity supply shortfalls, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Baseload Reliability  
3 Protection Act”.

4 **SEC. 2. PROHIBITION ON RETIREMENTS AND CONVERSION**  
5 **OF FUEL SOURCE FOR ELECTRIC GENER-**  
6 **ATING UNITS IN AREAS AT HIGH RISK OR**  
7 **ELEVATED RISK OF ELECTRICITY SUPPLY**  
8 **SHORTFALLS.**

9 (a) IN GENERAL.—Part II of the Federal Power Act  
10 (16 U.S.C. 824 et seq.) is amended by adding after section  
11 215A the following:

12 **“SEC. 215B. PROHIBITION ON RETIREMENTS AND CONVER-**  
13 **SION OF FUEL SOURCE FOR ELECTRIC GEN-**  
14 **ERATING UNITS IN AREAS AT HIGH RISK OR**  
15 **ELEVATED RISK OF ELECTRICITY SUPPLY**  
16 **SHORTFALLS.**

17 “(a) PROHIBITION.—No operator or partial or sole  
18 owner of a covered electric generating unit that is located  
19 in a covered area may—

20 “(1) retire such covered electric generating  
21 unit; or

22 “(2) convert the fuel source for such covered  
23 electric generating unit.

24 “(b) EXEMPTIONS.—

25 “(1) OPERATOR OR OWNER PETITION.—Not  
26 later than 90 days after the publication of the most

1 recent long-term reliability assessment categorizing  
2 the relevant covered area as at high risk or elevated  
3 risk of electricity supply shortfalls, an operator or  
4 owner of a covered electric generating unit located in  
5 such covered area may submit to the Commission a  
6 petition for an exemption from a prohibition under  
7 subsection (a) with respect to such covered electric  
8 generating unit.

9 “(2) FINAL DETERMINATION.—

10 “(A) DEADLINE.—

11 “(i) IN GENERAL.—Except as other-  
12 wise provided in this paragraph, not later  
13 than 90 days after a petition for an ex-  
14 emption is submitted to the Commission  
15 under paragraph (1), the Commission shall  
16 issue a final determination granting such  
17 exemption or denying the petition for such  
18 exemption.

19 “(ii) PETITIONS BASED ON  
20 UNPROFITABILITY OR FINANCIAL  
21 LOSSES.—Subject to subparagraph (C),  
22 with respect to a petition for an exemption  
23 under this subsection for a covered electric  
24 generating unit that is based on  
25 unprofitability or sustained financial

1 losses, if the Commission determines that  
2 retirement of, or converting the fuel source  
3 for, such covered electric generating unit  
4 would hinder the reliable operation of the  
5 bulk-power system, the Commission shall,  
6 not later than 180 days after such petition  
7 is submitted to the Commission under  
8 paragraph (1), issue a final determination  
9 granting such exemption or denying the  
10 petition for such exemption.

11 “(B) CRITERIA.—Subject to subparagraph  
12 (C), the Commission shall issue a final deter-  
13 mination granting an exemption under this sub-  
14 section if the Commission determines—

15 “(i) that the applicable operator or  
16 owner of a covered electric generating unit  
17 has demonstrated in a petition submitted  
18 under paragraph (1) of this subsection  
19 that compliance with the relevant prohibi-  
20 tion under subsection (a) will result in—

21 “(I) unprofitability of such cov-  
22 ered electric generating unit;

23 “(II) sustained financial losses  
24 for such operator or owner; or

1                   “(III) elevated risk to the safety  
2                   of workers or public safety; or

3                   “(ii) in consultation with the relevant  
4                   Regional Transmission Organization or  
5                   Independent System Operator—

6                   “(I) that the applicable operator  
7                   or owner of a covered electric gener-  
8                   ating unit has demonstrated in a peti-  
9                   tion submitted under paragraph (1) of  
10                  this subsection for an exemption from  
11                  the prohibition under subsection  
12                  (a)(1) that retirement of the covered  
13                  electric generating unit will not hinder  
14                  the reliable operation of the bulk-  
15                  power system;

16                  “(II) that the applicable operator  
17                  or owner of a covered electric gener-  
18                  ating unit has demonstrated in a peti-  
19                  tion submitted under paragraph (1) of  
20                  this subsection for an exemption from  
21                  the prohibition under subsection  
22                  (a)(1), and subject to paragraph (3),  
23                  that such operator or owner will re-  
24                  place such covered electric generating  
25                  unit through the construction or ac-

1           quisition of one or more covered elec-  
2           tric generating units with comparable  
3           or greater reliability attributes, con-  
4           sidering, at a minimum, the  
5           dispatchability and availability during  
6           peak system demand of the covered  
7           electric generating unit that will be  
8           retired; or

9           “(III) that the applicable oper-  
10          ator or owner of a covered electric  
11          generating unit has demonstrated in a  
12          petition submitted under paragraph  
13          (1) of this subsection for an exemp-  
14          tion from the prohibition under sub-  
15          section (a)(2) that converting the fuel  
16          source for such covered electric gener-  
17          ating unit will not diminish the cov-  
18          ered electric generating unit’s  
19          dispatchability or availability during  
20          peak system demand, or otherwise  
21          hinder the reliable operation of the  
22          bulk-power system.

23                   “(C) DOE GRANT OR LOAN FOR CONTIN-  
24                   UED OPERATION.—

1           “(i) REFERRAL.—With respect to a  
2           petition for an exemption under this sub-  
3           section from the prohibition under sub-  
4           section (a)(1) for a covered electric gener-  
5           ating unit that is based on unprofitability  
6           or sustained financial losses, if the Com-  
7           mission determines that retirement of such  
8           covered electric generating unit would  
9           hinder the reliable operation of the bulk-  
10          power system, the Commission shall refer  
11          the petition to the Secretary of Energy.

12          “(ii) LOAN OR GRANT.—With respect  
13          to any petition referred to the Secretary of  
14          Energy under clause (i), the Secretary  
15          shall use funds made available to carry out  
16          this clause to make a grant or loan to the  
17          applicable operator or owner of the covered  
18          electric generating unit in accordance with  
19          paragraph (4).

20          “(iii) TREATMENT OF PETITION.—If  
21          an operator or owner of a covered electric  
22          generating unit receives, not later than  
23          180 days after the relevant petition for an  
24          exemption is submitted to the Commission  
25          under paragraph (1), a grant or loan pur-

1           suant to clause (ii) of this subparagraph,  
2           such petition shall be deemed denied for  
3           purposes of this subsection.

4           “(3) REPLACEMENT.—An operator or owner of  
5           a covered electric generating unit for which an ex-  
6           emption is granted under this subsection based on a  
7           demonstration that such operator or owner will re-  
8           place the covered electric generating unit through  
9           the construction or acquisition of one or more other  
10          covered electric generating units with comparable or  
11          greater reliability attributes may not retire such cov-  
12          ered electric generating unit until such covered elec-  
13          tric generating unit has been so replaced and such  
14          one or more other covered electric generating units  
15          have been placed in service.

16          “(4) DOE GRANT OR LOAN TERMS AND FUND-  
17          ING.—

18                 “(A) FUNDS.—The Secretary of Energy  
19                 may use unobligated amounts made available to  
20                 the Secretary under the Infrastructure Invest-  
21                 ment and Jobs Act (Public Law 117–58) or  
22                 Public Law 117–169 to make grants and loans  
23                 under paragraph (2)(C)(ii) and subparagraph  
24                 (D) of this paragraph.

1           “(B) GRANTS.—The Secretary of Energy,  
2           in consultation with other agencies as the Sec-  
3           retary determines appropriate, may, if the Sec-  
4           retary determines it to be necessary and appro-  
5           priate, make a grant to an operator or owner  
6           of a covered electric generating unit under  
7           paragraph (2)(C)(ii) of this subsection in order  
8           to provide for the prudent costs for the oper-  
9           ation of such covered electric generating unit  
10          during any time the prohibition under sub-  
11          section (a)(1) is in effect with respect to such  
12          covered electric generating unit.

13           “(C) LOANS.—

14           “(i) USE OF LOAN FUNDS.—A loan  
15          made under paragraph (2)(C)(ii)—

16                   “(I) shall be made for purposes  
17                   of—

18                           “(aa) keeping the relevant  
19                           covered electric generating unit  
20                           operating; and

21                           “(bb) providing for the min-  
22                           imum costs for the operation of  
23                           such covered electric generating  
24                           unit during any time the prohibi-  
25                           tion under subsection (a)(1) is in

1 effect with respect to such cov-  
2 ered electric generating unit; and

3 “(II) may be made for the addi-  
4 tional purposes of—

5 “(aa) providing for the costs  
6 of upgrading the capacity of the  
7 relevant covered electric gener-  
8 ating unit;

9 “(bb) if the relevant covered  
10 electric generating unit is a nu-  
11 clear power plant, upgrading such  
12 covered electric generating unit;  
13 or

14 “(cc) modernizing the rel-  
15 evant covered electric generating  
16 unit for purposes of extending its  
17 lifespan.

18 “(ii) TERMS AND CONDITIONS.—Any  
19 loan under paragraph (2)(C)(ii) or sub-  
20 paragraph (D) of this paragraph shall be  
21 made on such terms and conditions as the  
22 Secretary of Energy determines appro-  
23 priate.

24 “(iii) REVENUE.—Any payments of  
25 interest on loans made under paragraph

1           (2)(C)(ii) or subparagraph (D) of this  
2           paragraph shall be deposited in the general  
3           fund of the Treasury for the sole purpose  
4           of deficit reduction.

5           “(D) OTHER LOANS AND GRANTS.—The  
6           Secretary of Energy may make a loan or grant  
7           to an operator or owner of a covered electric  
8           generating unit that is subject to an order  
9           under section 202(c) in order to provide for the  
10          prudent costs for the operation of such covered  
11          electric generating unit during any time such  
12          order in effect with respect to such covered elec-  
13          tric generating unit.

14          “(5) OTHER CONSIDERATIONS.—In making a  
15          final determination under paragraph (2)—

16                 “(A) the Commission may not consider the  
17                 greenhouse gas emissions of a covered electric  
18                 generating unit, including any impacts of such  
19                 emissions on atmospheric temperatures or  
20                 weather systems; and

21                 “(B) with respect to a petition for an ex-  
22                 emption under this subsection for a covered  
23                 electric generating unit that is based on  
24                 unprofitability or sustained financial losses, the  
25                 Commission shall take into consideration any

1 costs alleviated by the protection from penalties  
2 under subsection (c).

3 “(6) JUDICIAL REVIEW.—Notwithstanding sec-  
4 tion 313, an operator or owner of an electric gener-  
5 ating unit who is adversely affected or aggrieved by  
6 a final determination issued by the Commission  
7 under paragraph (2) may, not later than 60 days  
8 after the final determination is issued, file a petition  
9 for review of the final determination in the United  
10 States Court of Appeals for the District of Columbia  
11 Circuit or in the court of appeals for the United  
12 States for the circuit in which the party resides or  
13 has its principal place of business. Upon the filing  
14 of such petition such court shall have jurisdiction to  
15 affirm, set aside, or overturn such final determina-  
16 tion.

17 “(c) PROTECTION FROM PENALTIES.—An action or  
18 omission taken by an operator or owner of a covered elec-  
19 tric generating unit to comply with a prohibition under  
20 subsection (a) shall be treated as an action or omission  
21 taken to comply with an order issued under section 202(c)  
22 for purposes of such section. No operator or owner or a  
23 covered electric generating unit shall be required to under-  
24 take an expenditure in furtherance of a Federal, State,  
25 or local environmental law or regulation, performance for

1 which is excused due to the existence of a prohibition  
2 under subsection (a).

3 “(d) STANDARDIZED CRITERIA FOR CATEGORIZA-  
4 TION OF RISK.—Not later than 60 days after the date  
5 of enactment of this section, the Electric Reliability Orga-  
6 nization shall determine and publish a standardized prob-  
7 abilistic assessment methodology and standardized criteria  
8 for categorizing areas as being at high risk, elevated risk,  
9 or normal risk of electricity supply shortfalls to be used  
10 in each long-term reliability assessment. Such standard-  
11 ized methodology and criteria shall be at least as rigorous  
12 as the methodology and criteria used in the 2024 long-  
13 term reliability assessment.

14 “(e) DEFINITIONS.—In this section:

15 “(1) BULK-POWER SYSTEM.—The term ‘bulk-  
16 power system’ has the meaning given such term in  
17 section 215(a).

18 “(2) COVERED AREA.—The term ‘covered area’  
19 means an area that—

20 “(A) is served by a Regional Transmission  
21 Organization or an Independent System Oper-  
22 ator; and

23 “(B) the Electric Reliability Organization  
24 categorizes, in the most recent long-term reli-

1 ability assessment, as at elevated risk or high  
2 risk of electricity supply shortfalls.

3 “(3) COVERED ELECTRIC GENERATING UNIT.—

4 The term ‘covered electric generating unit’ means a  
5 dispatchable electric generating unit that—

6 “(A) has greater than or equal to 25  
7 megawatts of nameplate capacity;

8 “(B) is interconnected to the bulk-power  
9 system; and

10 “(C) does not derive its primary energy  
11 input from intermittent renewable sources, with  
12 or without energy storage.

13 “(4) ELECTRIC RELIABILITY ORGANIZATION.—

14 The term ‘Electric Reliability Organization’ has the  
15 meaning given such term in section 215(a).

16 “(5) LONG-TERM RELIABILITY ASSESSMENT.—

17 The term ‘long-term reliability assessment’ means  
18 an annual assessment, conducted by the Electric Re-  
19 liability Organization pursuant to section 215(g), of  
20 the reliability and adequacy of the bulk-power sys-  
21 tem in North America over a 10-year period.

22 “(6) RELIABLE OPERATION.—The term ‘reli-  
23 able operation’ has the meaning given such term in  
24 section 215(a).”.

1           (b) ENFORCEMENT.—Not later than 1 year after the  
2 date of enactment of this Act, the Federal Energy Regu-  
3 latory Commission shall submit to Congress a report on  
4 whether existing oversight and enforcement mechanisms  
5 for section 215B of the Federal Power Act, as added by  
6 subsection (a) of this section, are sufficient, including any  
7 recommendations to improve such mechanisms.

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