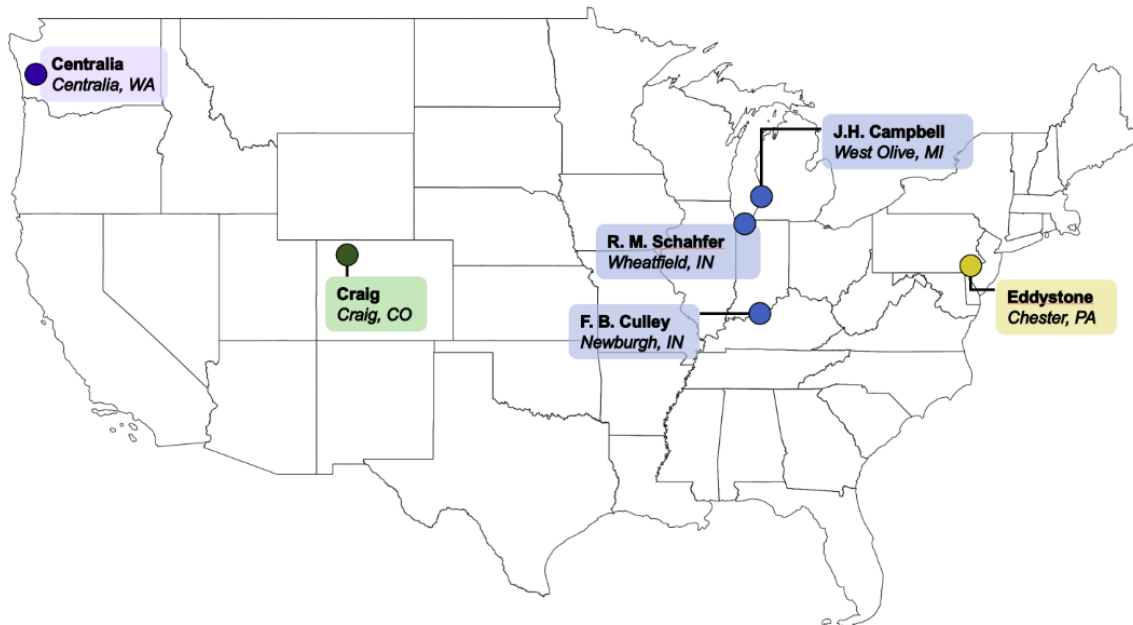


Senator Markey's *No Big Fossil Bailouts on Your Power Bill Act*

As a result of the Trump administration's abuse of energy emergency authority under section 202(c) of the Federal Power Act, Americans have paid **more than \$273 million** to keep six dirty, expensive power facilities from retiring, as of April 2026. If the Trump administration uses this authority for more retiring plants, it's estimated that Americans could pay up to **\$6 billion per year**.



The six power facilities kept from retiring as of April 2026. Image Source: [Sierra Club](#)

Trump has invoked this energy emergency authority—intended for short-term, emergency interventions during sudden disruptions to electricity supply—for five coal plants and one oil and gas plant to date. While the Trump administration's arguments hinge upon claims of reliability, multiple power plant owners and state officials say their plants are not actually needed for reliability. Further, coal-fired power is not reliable: coal plants break down more frequently and have the highest equipment-related outage rate compared to other generation sources—which is especially true of old coal plants ready to retire. By contrast, clean energy sources are typically lower cost and more reliable under certain conditions. The Trump administration has also used this emergency authority to allow power plants to ignore pollution standards, which leads to increased health costs for surrounding communities.

This bill would prevent the abuse of 202(c) emergency authority and resulting electricity bill spikes and pollution—while not inhibiting the ability to respond to real emergencies—by:

1. Requiring that, prior to an order, the Department of Energy (DOE) considers alternatives to emergency orders—especially those that minimize environmental impacts.
2. Limiting all emergency orders to 90 days—instead of the current situation where only a subset of emergency orders are limited to 90 days.
3. Requiring that, prior to any extension of an emergency order, the DOE holds a hearing open to the public.
4. Requiring that, prior to any extension of an emergency order, the DOE determines whether and how the order will raise rates for ratepayers and/or conflict with any environmental laws or regulations, and consult with relevant federal, state and local environmental agencies and regulators to minimize those impacts.
5. Disallowing the use of 202(c) to prevent or delay power plants from retiring, unless the emergency cannot be met with any other tool.
6. Requiring that the DOE create a public docket for the order, accessible online, that includes a report of the causes of the emergency, analysis of alternatives considered, and potential impacts of the order including additional electrical system costs and environmental impacts.
7. Requiring that each utility affected by an emergency order provide its customers with notice regarding how they will be impacted by the order within 60 days.