

119TH CONGRESS
1ST SESSION

S. 3287

To prohibit the allocation of costs for certain electric transmission facilities to consumers in a State the public officials of which did not expressly consent to the transmission facility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2025

Mr. CRAMER (for himself and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prohibit the allocation of costs for certain electric transmission facilities to consumers in a State the public officials of which did not expressly consent to the transmission facility, 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 “Fair Allocation of
5 Interstate Rates Act”.

6 **SEC. 2. RATES AND CHARGES.**

7 Section 205 of the Federal Power Act (16 U.S.C.
8 824d) is amended by adding at the end the following:

1 “(h) PROHIBITION ON ALLOCATION OF CERTAIN
2 COSTS.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) COVERED POLICY.—The term ‘cov-
5 ered policy’ means a policy of a State, including
6 any policy of a local political entity of a State.

7 “(B) COVERED TRANSMISSION FACILITY.—
8 The term ‘covered transmission facility’ means
9 any facility, line, equipment, or system used for
10 the transmission of electric energy in interstate
11 commerce that is planned, constructed, or oper-
12 ated in whole or in part to implement a covered
13 policy.

14 “(2) PROHIBITION.—Except as provided in
15 paragraph (3), a transmission provider providing
16 electric service to consumers in 2 or more States
17 may not allocate costs for a covered transmission fa-
18 cility to a consumer served by that transmission pro-
19 vider if—

20 “(A) the basis for construction or imple-
21 mentation of the covered transmission facility
22 is, in whole or in part, to implement a covered
23 policy of a State; and

24 “(B) the consumer is not a resident of the
25 State the covered policy of which is the basis

1 for constructing or implementing the covered
2 transmission facility.

3 “(3) EXCEPTION.—A transmission provider
4 providing electric service to consumers in 2 or more
5 States may allocate costs for a covered transmission
6 facility to a consumer described in paragraph (2)(B)
7 if the State in which that consumer is a resident, or
8 a designated public official of that State, expressly
9 consents to such allocation of costs.

10 “(4) PRESUMPTIONS.—It shall be presumed
11 that—

12 “(A) the benefits of a covered transmission
13 facility accrue solely to the cost causers of that
14 covered transmission facility;

15 “(B) any consumer who is a resident of a
16 State that implements a covered policy that is,
17 in whole or in part, the basis for constructing
18 or implementing a covered transmission facility
19 is a cost causer for purposes of subparagraph
20 (A); and

21 “(C) any consumer that does not reside in
22 the State described in subparagraph (B) is not
23 a cost causer for purposes of subparagraph (A).

24 “(5) IMPLEMENTATION.—Not later than 180
25 days after the date of enactment of this subsection,

1 the Commission shall issue such rules and regula-
2 tions as are necessary to implement this sub-
3 section.”.

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