



Office of the Secretary  
Washington, DC 20250

September 22, 2023

THE HONORABLE RAÚL M. GRIJALVA  
*Ranking Member*  
*Committee on Energy and Natural Resources*  
*U.S. House of Representatives*  
*1324 Longworth House Office Building*  
*Washington, DC 20510*

Dear Ranking Member Grijalva:

As required by the Consolidated Appropriations Act, 2018 (P.L. 115-141), we are reporting on the effects to the Treasury of the strict liability limitation established in the Federal Land Policy and Management Act, Section 512 - Management, Facility Inspection, and Operation and Maintenance Related to Electric Transmission and Distribution Facility Rights of Way.

Section 512 limits, until the year 2028, strict liability on powerline facilities on National Forest System lands to \$500,000 per incident for damages or injury resulting from activities conducted by an owner or operator of a powerline facility under an approved operating agreement. Operating agreements are issued to owners or operators of powerline facilities that are not subject to the mandatory reliability standards established by the Electric Reliability Organization or that sold less than or equal to 1,000,000 megawatt hours of electric energy for purposes other than resale from 2015-2017.

The Forest Service updated its regulations (36 CFR 251 Subpart B) and directives (Forest Service Handbook 2709.11 Chapter 80) to implement section 512 and to date have had no incidents identified by Agency staff or reported by powerline operators where strict liability was applied.

Forest Service staff continues to work with all powerline operators to add or update operating plans and agreements to their powerline authorizations. The Agency is also collaborating with the Bureau of Land Management, the Department of Energy and powerline operators to achieve greater efficiencies for approving powerline vegetation management and maintenance work.

In compliance with Public Law 117-328 Section 7016, after 45 days, this report will be posted to the Forest Service website <https://www.fs.usda.gov/about-agency/budget-performance>.

If you have any questions, please have a member of your staff contact the Office of Congressional Relations at (202) 720-7095. A similar letter is being sent to Chairman Bruce Westerman.

Sincerely,

THOMAS J. VILSACK  
*Secretary*



Office of the Secretary  
Washington, DC 20250

September 22, 2023

THE HONORABLE JOE MANCHIN  
*Chairman*  
*Committee on Energy and Natural Resources*  
*United States Senate*  
*304 Dirksen Senate Office Building*  
*Washington, DC 20510*

Dear Chairman Manchin:

As required by the Consolidated Appropriations Act of 2018 (P.L.115-141), we are reporting on the effects to the Treasury of the strict liability limitation established under Section 512 of the Federal Land Policy and Management Act of 1976, as amended.

Section 512 limits, until the year 2028, strict liability on powerline facilities on National Forest System lands to \$500,000 per incident for damages or injury resulting from activities conducted by an owner or operator of a powerline facility under an approved operating agreement. Operating agreements are issued to owners or operators of powerline facilities that are not subject to the mandatory reliability standards established by the Electric Reliability Organization or that sold less than or equal to 1,000,000 megawatt hours of electric energy for purposes other than resale from 2015-2017.

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If you have any questions, please have a member of your staff contact the Office of Congressional Relations at (202) 720-7095. A similar letter is being sent to Ranking Member John Barrasso.

Sincerely,

A handwritten signature in blue ink, reading "Tom J. Vilsack", is positioned above the printed name of the Secretary.

THOMAS J. VILSACK  
*Secretary*



Office of the Secretary  
Washington, DC 20250

September 22, 2023

THE HONORABLE BRUCE WESTERMAN  
*Chairman*  
*Committee on Energy and Natural Resources*  
*U.S. House of Representatives*  
*1324 Longworth House Office Building*  
*Washington, DC 20510*

Dear Chairman Westerman:

As required by the Consolidated Appropriations Act, 2018 (P.L.115-141), we are reporting on the effects to the Treasury of the strict liability limitation established in the Federal Land Policy and Management Act, Section 512 - Management, Facility Inspection, and Operation and Maintenance Related to Electric Transmission and Distribution Facility Rights of Way.

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If you have any questions, please have a member of your staff contact the Office of Congressional Relations at (202) 720-7095. A similar letter is being sent to Ranking Member Raul Grijalva.

Sincerely,

THOMAS J. VILSACK  
*Secretary*



Office of the Secretary  
Washington, DC 20250

September 22, 2023

THE HONORABLE JOHN BARRASSO  
*Ranking Member*  
*Committee on Energy and Natural Resources*  
*United States Senate*  
*304 Dirksen Senate Office Building*  
*Washington, DC 20510*

Dear Ranking Member Barrasso:

As required by the Consolidated Appropriations Act, 2018 (P.L. 115-141), we are reporting on the effects to the Treasury of the strict liability limitation established in the Federal Land Policy and Management Act, Section 512 - Management, Facility Inspection, and Operation and Maintenance Related to Electric Transmission and Distribution Facility Rights of Way.

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If you have any questions, please have a member of your staff contact the Office of Congressional Relations at (202) 720-7095. A similar letter is being sent to Chairman Joe Manchin.

Sincerely,

A handwritten signature in blue ink, reading "Tom J. Vilsack", is positioned below the word "Sincerely,".

THOMAS J. VILSACK  
*Secretary*