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

An Equal Opportunity Employer
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,

THOMAS J. VILSACK  
Secretary
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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Sincerely,

THOMAS J. VILSACK  
Secretary

An Equal Opportunity Employer
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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Sincerely,  

THOMAS J. VILSACK  
Secretary  

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