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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

# H. R.

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To establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. MATSUI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, 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 “The Residential En-  
5 ergy and Economic Savings Act” or the “TREES Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1           (1) the utility sector is the largest single source  
2 of greenhouse gas emissions in the United States  
3 today, producing approximately one-third of the  
4 country's emissions;

5           (2) heating and cooling homes accounts for  
6 nearly 60 percent of residential electricity usage in  
7 the United States;

8           (3) shade trees planted in strategic locations  
9 can reduce residential cooling costs by as much as  
10 30 percent;

11          (4) strategically planted shade trees can provide  
12 significant carbon benefits both directly (sequestra-  
13 tion by the growing tree) and indirectly (reductions  
14 in carbon emissions from electricity conservation);

15          (5) trees can reduce the rate and magnitude of  
16 stormwater runoff and improve surface water qual-  
17 ity;

18          (6) trees reduce topsoil erosion, prevent harm-  
19 ful land pollutants contained in soil from getting  
20 into our waterways, slow down water run-off, and  
21 ensure that our groundwater supplies are continually  
22 being replenished; and

23          (7) trees strategically placed on or near residen-  
24 tial property can increase a home's property value.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act:

3 (1) The term “nonprofit tree-planting organiza-  
4 tion” means any organization described in section  
5 501(c)(3) of the Internal Revenue Code of 1986 (26  
6 U.S.C. 501(c)(3)), that is exempt from taxation  
7 under section 501(a) of such Code (26 U.S.C.  
8 501(a)), which exists, in whole or in part, to—

9 (A) expand urban and residential tree  
10 cover;

11 (B) distribute young trees for planting;

12 (C) increase awareness of the environ-  
13 mental and energy-related benefits of trees;

14 (D) educate the public about proper tree  
15 planting, care, and maintenance strategies; or

16 (E) carry out any combination of the fore-  
17 going activities.

18 (2) The term “retail power provider” means  
19 any entity authorized under applicable State or Fed-  
20 eral law to generate, distribute, or provide retail  
21 electricity, natural gas, or fuel oil service.

22 (3) The term “Secretary” means the Secretary  
23 of Energy.

24 (4) The term “State” means each of the several  
25 States, the District of Columbia, and each common-  
26 wealth, territory, or possession of the United States.

1           (5) The term “tree-siting guidelines” means a  
2           comprehensive list of science-based measurements  
3           outlining the species and minimum distance required  
4           between trees planted pursuant to this Act, in addi-  
5           tion to the minimum required distance to be main-  
6           tained between such trees and—

7                   (A) building foundations;

8                   (B) air conditioning units;

9                   (C) driveways and walkways;

10                  (D) property fences;

11                  (E) preexisting utility infrastructure;

12                  (F) septic systems;

13                  (G) swimming pools; and

14                  (H) other infrastructure as determined ap-  
15           propriate.

16 **SEC. 4. PURPOSE.**

17           The purpose of this Act is to assist retail power pro-  
18           viders with the establishment and operation of targeted  
19           residential tree-planting programs, for the following pur-  
20           poses:

21                   (1) Reducing the peak-load demand for elec-  
22           tricity in residential areas during the summer  
23           months through direct shading of residential build-  
24           ings provided by strategically planted trees.

1           (2) Reducing wintertime demand for energy in  
2 residential areas by blocking cold winds from reach-  
3 ing homes, which lowers interior temperatures and  
4 drives heating demand.

5           (3) Protecting air quality and public health by  
6 removing harmful pollution from the air.

7           (4) Utilizing the natural photosynthetic and  
8 transpiration process of trees to lower ambient tem-  
9 peratures and absorb carbon dioxide, thus mitigating  
10 the effects of climate change.

11          (5) Lowering electric bills for residential rate-  
12 payers by limiting electricity consumption without  
13 reducing benefits.

14          (6) Relieving financial and demand pressure on  
15 retail power providers that stems from large peak-  
16 load energy demand.

17          (7) Protecting water quality and public health  
18 by reducing stormwater runoff and keeping harmful  
19 pollutants from entering waterways.

20          (8) Promoting community education, involve-  
21 ment, and stewardship of much-needed tree canopy  
22 coverage in residential communities.

23 **SEC. 5. GENERAL AUTHORITY.**

24          (a) **AUTHORITY.**—The Secretary may establish a  
25 grant program to provide financial, technical, and related

1 assistance to retail power providers to support the estab-  
2 lishment of new, or continued operation of existing, tar-  
3 geted residential tree-planting programs.

4 (b) PUBLIC RECOGNITION INITIATIVE.—In addition  
5 to the authority provided under subsection (a), the Sec-  
6 retary may also create a national public recognition initia-  
7 tive to encourage participation in tree-planting programs  
8 by retail power providers.

9 (c) COOPERATION.—In carrying out the grant pro-  
10 gram established pursuant to subsection (a), the Secretary  
11 may cooperate with, and provide financial, technical, and  
12 related assistance for such cooperation to, State foresters  
13 or equivalent State officials.

14 (d) REQUIREMENTS FOR QUALIFIED TREE-PLANT-  
15 ING PROGRAMS.—In order to qualify for assistance under  
16 this Act, a retail power provider shall, in accordance with  
17 this Act, establish and operate, or continue operating, a  
18 tree-planting program that meets each of the following re-  
19 quirements:

20 (1) The program shall provide free or dis-  
21 counted shade-providing or wind-reducing trees to  
22 residential consumers interested in lowering their  
23 home energy costs.

1           (2) The program shall optimize the electricity-  
2           consumption reduction benefit of each tree by plant-  
3           ing in strategic locations around a given residence.

4           (3) The program shall either—

5                 (A) provide maximum amounts of shade  
6                 during summer intervals when residences are  
7                 exposed to the most sun intensity; or

8                 (B) provide maximum amounts of wind  
9                 protection during fall and winter intervals when  
10                residences are exposed to the most wind inten-  
11                sity.

12           (4) The program shall use the best available  
13           science to create and utilize tree-siting guidelines  
14           which dictate where the optimum tree species are  
15           best planted in locations that ensure adequate root  
16           development and that achieve maximum reductions  
17           in consumer energy demand while causing the least  
18           disruption to public infrastructure, considering over-  
19           head and underground facilities.

20           (5) The program shall provide tree recipients  
21           with tree planting and tree care instruction and edu-  
22           cation prior to or in conjunction with delivery of free  
23           or discounted trees.

24           (6) The program shall receive certification from  
25           the Secretary that it is designed to achieve the goals

1 set forth in paragraphs (1) through (5). In desig-  
2 nating criteria for such certification, the Secretary  
3 shall collaborate with the Forest Service's Urban  
4 and Community Forestry Program to ensure that  
5 certification requirements are consistent with such  
6 goals.

7 (e) NEW PROGRAM FUNDING SHARE.—The Sec-  
8 retary shall ensure that no less than 30 percent of the  
9 funds made available under this Act are distributed to re-  
10 tail power providers which—

11 (1) have not previously established or operated  
12 qualified tree-planting programs; or

13 (2) are operating qualified tree-planting pro-  
14 grams which were established no more than three  
15 years prior to the date of enactment of this Act.

16 **SEC. 6. AGREEMENTS BETWEEN RETAIL POWER PRO-**  
17 **VIDERS AND NONPROFIT TREE-PLANTING**  
18 **ORGANIZATIONS.**

19 (a) GRANT AUTHORIZATION.—In providing assist-  
20 ance under this Act, the Secretary is authorized to award  
21 grants only to retail power providers that have entered  
22 into binding legal agreements with nonprofit tree-planting  
23 organizations.

24 (b) CONDITIONS OF AGREEMENT.—An agreement be-  
25 tween a retail power provider and a nonprofit tree-plant-



1 ing organization under subsection (a) shall set forth condi-  
2 tions under which such nonprofit tree-planting organiza-  
3 tion shall carry out a targeted residential tree-planting  
4 program. Such conditions—

5 (1) shall require the organization to participate  
6 in a local technical advisory committee in accordance  
7 with section 7; and

8 (2) may require the organization to—

9 (A) coordinate volunteer recruitment to as-  
10 sist with the physical act of planting trees in  
11 residential locations;

12 (B) undertake public awareness campaigns  
13 to educate local residents about the benefits,  
14 cost savings, and availability of free shade  
15 trees;

16 (C) establish education and information  
17 campaigns to encourage recipients to maintain  
18 their shade trees over the long term;

19 (D) serve as the point of contact for exist-  
20 ing and potential residential participants who  
21 have questions or concerns regarding the tree-  
22 planting program;

23 (E) require tree recipients to sign agree-  
24 ments committing to voluntary stewardship and  
25 care of provided trees;

1 (F) monitor and report on the survival,  
2 growth, overall health, and estimated energy  
3 savings of provided trees up until the end of  
4 their establishment period which shall be no  
5 less than five years; and

6 (G) ensure that trees planted near existing  
7 power lines will not interfere with energized  
8 electricity distribution lines when mature, and  
9 that no new trees will be planted under or adja-  
10 cent to high-voltage electric transmission lines  
11 without prior consultation with the applicable  
12 retail power provider receiving assistance under  
13 this Act.

14 (c) LACK OF NONPROFIT TREE-PLANTING ORGANI-  
15 ZATION.—

16 (1) IN GENERAL.—If a qualified nonprofit tree-  
17 planting organization does not exist or operate with-  
18 in areas served by retail power providers applying  
19 for assistance under this Act, the requirements of  
20 this section shall apply to binding legal agreements  
21 entered into by such retail power providers and one  
22 of the following entities:

23 (A) Local municipal governments with ju-  
24 risdiction over the urban or suburban forest.

25 (B) Conservation districts.

1           (2) COOPERATIVE AGREEMENTS.—With respect  
2           to an area described in paragraph (1), a local munic-  
3           ipal government or conservation district that enters  
4           into a binding legal agreement with a retail power  
5           provider pursuant to such paragraph may, to fulfill  
6           the conditions of such binding legal agreement, enter  
7           into a cooperative agreement with a not-for-profit  
8           organization in such area that exists in whole, or in  
9           part, to meet the goals and objectives described in  
10          subparagraphs (A) through (E) of section 3(1).

11 **SEC. 7. TECHNICAL ADVISORY COMMITTEES.**

12          (a) DESCRIPTION.—In order to qualify for assistance  
13          under this Act, a retail power provider shall consult with  
14          the nonprofit tree-planting organization with which it has  
15          entered into a binding legal agreement under section 6 and  
16          State foresters or equivalent State officials to establish a  
17          local technical advisory committee which shall provide ad-  
18          vice and consultation to the applicable tree-planting pro-  
19          gram. The advisory committee may—

20                 (1) design and adopt an approved plant list  
21                 that emphasizes the use of hardy, noninvasive tree  
22                 species and, where geographically appropriate, the  
23                 use of native or low water-use shade trees or both;

1           (2) design and adopt planting, installation, and  
2           maintenance specifications and create a process for  
3           inspection and quality control;

4           (3) ensure that tree recipients are educated to  
5           care for and maintain their trees over the long term;

6           (4) help the public become more engaged and  
7           educated in the planting and care of shade trees;

8           (5) prioritize which sites receive trees, giving  
9           preference to locations with the most potential for  
10          energy conservation and secondary preference to  
11          areas where the average annual income is below the  
12          regional median; and

13          (6) assist with monitoring and collection of data  
14          on tree health, tree survival, and energy conservation  
15          benefits generated under this Act.

16          (b) COMPENSATION.—Individuals serving on local  
17          technical advisory committees shall not receive compensa-  
18          tion for their service.

19          (c) COMPOSITION.—Local technical advisory commit-  
20          tees shall be composed of representatives from public, pri-  
21          vate, and nongovernmental organizations with expertise in  
22          demand-side energy efficiency management, urban for-  
23          estry, or arboriculture, and shall be composed of the fol-  
24          lowing:

1           (1) Up to 4 persons, but no less than one per-  
2           son, representing the retail power provider receiving  
3           assistance under this Act.

4           (2) Up to 4 persons, but no less than one per-  
5           son, representing the nonprofit tree-planting organi-  
6           zation which will partner with the retail power pro-  
7           vider to carry out this Act.

8           (3) Up to 3 persons representing local nonprofit  
9           conservation or environmental organizations. Pref-  
10          erence shall be given to those organizations which  
11          are organized under section 501(c)(3) of the Inter-  
12          nal Revenue Code of 1986, and which have dem-  
13          onstrated expertise engaging the public in energy  
14          conservation, energy efficiency, or green building  
15          practices or a combination thereof, such that no sin-  
16          gle organization is represented by more than one in-  
17          dividual under this subsection.

18          (4) Up to 2 persons representing a local afford-  
19          able housing agency, affordable housing builder, or  
20          community development corporation.

21          (5) Up to 3, but no less than one, persons rep-  
22          resenting local city or county government for each  
23          municipality where a shade tree-planting program  
24          will take place and at least one of these representa-  
25          tives shall be the city or county forester, city or

1 county arborist, conservation district forester or  
2 functional equivalent.

3 (6) Up to one person representing the local gov-  
4 ernment agency responsible for management of  
5 roads, sewers, and infrastructure, including public  
6 works departments, transportation agencies, or  
7 equivalents.

8 (7) Up to 2 persons representing the nursery  
9 and landscaping industry.

10 (8) Up to 2 persons, but no less than one per-  
11 son, representing State foresters or equivalent State  
12 officials.

13 (9) Up to 3 persons representing the research  
14 community or academia with expertise in natural re-  
15 sources or energy management issues.

16 (d) CHAIRPERSON.—

17 (1) IN GENERAL.—Each local technical advisory  
18 committee shall elect a chairperson to preside over  
19 Committee meetings, act as a liaison to govern-  
20 mental and other outside entities, and direct the  
21 general operation of the committee.

22 (2) ELIGIBILITY.—Only committee representa-  
23 tives under subsection (c)(1) or subsection (c)(2)  
24 shall be eligible to act as a local technical advisory  
25 committee chairperson.

1 (e) CREDENTIALS.—At least one of the members of  
2 each local technical advisory committee shall be certified  
3 with one or more of the following credentials: Inter-  
4 national Society of Arboriculture; Certified Arborist, ISA;  
5 Society of American Foresters Certified Forester; Cer-  
6 tified Arborist Municipal Specialist, ISA; Certified  
7 Arborist Utility Specialist, ISA; Board Certified Master  
8 Arborist; or Landscape Architect recommended by the  
9 American Society of Landscape Architects.

10 **SEC. 8. COST-SHARE PROGRAM.**

11 (a) FEDERAL SHARE.—The Federal share of support  
12 for any tree-planting program funded under this Act shall  
13 not exceed 50 percent of the cost of such program and  
14 shall be provided on a matching basis.

15 (b) NON-FEDERAL SHARE.—The non-Federal share  
16 of such costs may be paid or contributed by any govern-  
17 mental or nongovernmental entity other than from funds  
18 derived directly or indirectly from an agency or instrumen-  
19 tality of the United States.

20 **SEC. 9. RULEMAKING.**

21 (a) RULEMAKING PERIOD.—The Secretary is author-  
22 ized to solicit comments and initiate a rulemaking period  
23 that shall last no more than 6 months after the date of  
24 enactment of this Act.

1 (b) COMPETITIVE GRANT RULE.—At the conclusion  
2 of the rulemaking period under subsection (a), the Sec-  
3 retary shall promulgate a rule governing a public, competi-  
4 tive grants process through which retail power providers  
5 may apply for Federal assistance under this Act.

6 **SEC. 10. NONDUPLICITY.**

7 Nothing in this Act shall be construed to supersede,  
8 duplicate, cancel, or negate the programs or authorities  
9 provided under section 9 of the Cooperative Forestry As-  
10 sistance Act of 1978 (16 U.S.C. 2105).

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums  
13 as may be necessary to carry out this Act.