

113TH CONGRESS
1ST SESSION

H. R. 1807

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Ms. MATSUI (for herself, Mr. BLUMENAUER, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 designating criteria for such certification, the Secretary shall collaborate with the Forest Service's Urban and Community Forestry Program to ensure that certification requirements are consistent with such goals.

2 (e) NEW PROGRAM FUNDING SHARE.—The Secretary shall ensure that no less than 30 percent of the funds made available under this Act are distributed to retail power providers which—

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

4 (2) are operating qualified tree-planting programs which were established no more than three years prior to the date of enactment of this Act.

5 **SEC. 6. AGREEMENTS BETWEEN RETAIL POWER PROVIDERS AND NONPROFIT TREE-PLANTING ORGANIZATIONS.**

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

7 (b) CONDITIONS OF AGREEMENT.—An agreement between 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.

○