

116TH CONGRESS
2D SESSION

H. R. 5615

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2020

Ms. MATSUI (for herself, Mr. SARBANES, Mr. FORTENBERRY, Ms. HAALAND, Mr. HUFFMAN, Ms. BARRAGÁN, and Ms. BLUNT ROCHESTER) 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 programs, 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 electric power sector is the second larg-
2 est source of greenhouse gas emissions in the United
3 States today, producing approximately 28 percent of
4 the country's emissions;

5 (2) heating and cooling homes accounts for over
6 40 percent of residential electricity usage in the
7 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) low-income neighborhoods are disproportion-
16 ately impacted by the higher costs, poorer air qual-
17 ity, and increased risk of heat-related illnesses re-
18 sulting from higher temperatures;

19 (6) trees can reduce the rate and magnitude of
20 stormwater runoff and improve surface water qual-
21 ity;

22 (7) trees reduce topsoil erosion, prevent harm-
23 ful land pollutants contained in soil from getting
24 into our waterways, slow down water run-off, and

1 ensure that our groundwater supplies are continually
2 being replenished; and

3 (8) trees strategically placed on or near residen-
4 tial property can increase a home’s property value.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act:

7 (1) The term “nonprofit tree-planting organiza-
8 tion” means any organization described in section
9 501(c)(3) of the Internal Revenue Code of 1986 (26
10 U.S.C. 501(c)(3)), that is exempt from taxation
11 under section 501(a) of such Code (26 U.S.C.
12 501(a)), which exists, in whole or in part, to—

13 (A) expand urban and residential tree
14 cover;

15 (B) distribute young trees for planting;

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

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

20 (E) carry out any combination of the fore-
21 going activities.

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

1 (3) The term “Secretary” means the Secretary
2 of Energy.

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

6 **SEC. 4. GRANT PROGRAM.**

7 (a) **AUTHORITY.**—The Secretary shall establish a
8 grant program to provide financial assistance to retail
9 power providers to support the establishment of new, or
10 continued operation of existing, targeted residential tree-
11 planting programs.

12 (b) **COOPERATION.**—In carrying out the grant pro-
13 gram established pursuant to subsection (a), the Secretary
14 may cooperate with, and provide assistance for such co-
15 operation to, State foresters or equivalent State officials
16 or Indian Tribes.

17 (c) **REQUIREMENTS FOR TREE-PLANTING PRO-**
18 **GRAMS.**—In order to qualify for assistance under the
19 grant program established pursuant to subsection (a), a
20 retail power provider shall, in accordance with this Act,
21 establish and operate, or continue operating, a targeted
22 residential tree-planting program that meets each of the
23 following requirements:

24 (1) The program shall provide free or dis-
25 counted shade-providing or wind-reducing trees to

1 residential consumers. If providing free and dis-
2 counted trees under the program, priority for free
3 trees shall be given to areas where the average an-
4 nual income is below the regional median.

5 (2) The program shall either provide trees to
6 plant to—

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

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

14 (3) The program shall use the best available
15 science to create, as needed, and utilize tree-siting
16 guidelines which dictate where the optimum tree spe-
17 cies are best planted in locations that ensure ade-
18 quate root development and that achieve maximum
19 reductions in consumer energy demand while causing
20 the least disruption to public infrastructure, consid-
21 ering overhead and underground facilities. Such
22 guidelines shall—

23 (A) include the species and minimum size
24 of trees that are most likely to result in a suc-
25 cessful tree planting;

1 (B) outline the minimum distance re-
2 quired—

3 (i) between the trees that are being
4 planted; and

5 (ii) between such trees and building
6 foundations, air conditioning units, drive-
7 ways and walkways, property fences, pre-
8 existing utility infrastructure, septic sys-
9 tems, swimming pools, and other infra-
10 structure as determined appropriate; and

11 (C) ensure that trees planted under the
12 tree-planting program near existing power lines
13 will not interfere with energized electricity dis-
14 tribution lines when mature.

15 (4) The program shall provide that no new
16 trees will be planted under or adjacent to high-volt-
17 age electric transmission lines without prior con-
18 sultation with the retail power provider with jurisdic-
19 tion over such transmission lines.

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.

1 (6) The program shall provide for engagement
2 and collaboration with community members that will
3 be affected by the program.

4 (7) The program shall provide tree care assist-
5 ance for trees planted under the program for a pe-
6 riod of time, to be determined by the retail power
7 provider, in consultation with the nonprofit tree-
8 planting organization, local municipal government,
9 or conservation district with which the retail power
10 provider has entered into an agreement described in
11 subsection (e) and the applicable local technical advi-
12 sory committee established pursuant to subsection
13 (f), to ensure long-term survival of the trees.

14 (8) The program has been certified by the Sec-
15 retary that it is designed to achieve the requirements
16 set forth in paragraphs (1) through (7). In desig-
17 nating criteria for such certification, the Secretary
18 shall collaborate with the Forest Service's Urban
19 and Community Forestry Program, and may consult
20 with the Administrator of the Environmental Protec-
21 tion Agency, to ensure that such criteria are con-
22 sistent with such requirements.

23 (d) NEW PROGRAM FUNDING SHARE.—The Sec-
24 retary shall ensure that no less than 30 percent of the

1 funds made available under this Act are distributed to re-
2 tail power providers that—

3 (1) have not previously established or operated
4 a targeted residential tree-planting program that
5 meets the requirements described in subsection (c);
6 or

7 (2) are operating a targeted residential tree-
8 planting program that meets the requirements de-
9 scribed in subsection (c) which was established no
10 more than three years prior to the date of enactment
11 of this Act.

12 (e) AGREEMENTS BETWEEN RETAIL POWER PRO-
13 VIDERS AND NONPROFIT TREE-PLANTING ORGANIZA-
14 TIONS.—

15 (1) GRANT AUTHORIZATION.—The Secretary
16 may provide assistance under the grant program es-
17 tablished pursuant to subsection (a) only to a retail
18 power provider that has entered into a binding legal
19 agreement with a nonprofit tree-planting organiza-
20 tion.

21 (2) CONDITIONS OF AGREEMENT.—An agree-
22 ment between a retail power provider and a non-
23 profit tree-planting organization described in para-
24 graph (1) shall set forth conditions under which
25 such nonprofit tree-planting organization shall carry

1 out a targeted residential tree-planting program that
2 is established or operated by the retail power pro-
3 vider. Such conditions—

4 (A) shall require the nonprofit tree-plant-
5 ing organization to participate in a local tech-
6 nical advisory committee in accordance with
7 subsection (f); and

8 (B) may require the nonprofit tree-plant-
9 ing organization to—

10 (i) coordinate volunteer recruitment to
11 assist with the physical act of planting
12 trees in residential locations under the
13 tree-planting program;

14 (ii) support a workforce development
15 program that trains a local workforce and
16 assists with job placement;

17 (iii) undertake a public awareness
18 campaign to educate local residents about
19 the benefits, cost savings, and availability
20 of free trees;

21 (iv) establish education and informa-
22 tion campaigns to encourage recipients of
23 trees under the tree-planting program to
24 maintain their trees over the long term;

1 (v) serve as the point of contact for
2 existing and potential residential partici-
3 pants who have questions or concerns re-
4 garding the tree-planting program;

5 (vi) require recipients of trees under
6 the tree-planting program to sign agree-
7 ments committing to voluntary stewardship
8 and care of provided trees; and

9 (vii) monitor and report on the sur-
10 vival, growth, overall health, and estimated
11 energy savings of trees provided under the
12 tree-planting program up until the end of
13 their establishment period, which shall be
14 no less than 5 years.

15 (3) LACK OF NONPROFIT TREE-PLANTING OR-
16 GANIZATION.—If a nonprofit tree-planting organiza-
17 tion does not exist or operate within the area served
18 by a retail power provider applying for assistance
19 under this section, the requirements of this section
20 shall apply to binding legal agreements entered into
21 by such retail power provider and one of the fol-
22 lowing entities:

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

25 (B) A conservation district.

1 (f) TECHNICAL ADVISORY COMMITTEES.—

2 (1) CONDITION.—In order to qualify for assist-
3 ance under the grant program established pursuant
4 to subsection (a), a retail power provider shall agree
5 to consult with the nonprofit tree-planting organiza-
6 tion, local municipal government, or conservation
7 district with which the retail power provider has en-
8 tered into an agreement described in subsection (e)
9 and State foresters or equivalent State officials to
10 establish a local technical advisory committee de-
11 scribed in paragraph (2) not later than 30 days
12 after receiving such assistance.

13 (2) DESCRIPTION.—A local technical advisory
14 committee shall provide advice to, and consult with,
15 a retail power provider and nonprofit tree-planting
16 organization, local municipal government, or con-
17 servation district regarding the applicable targeted
18 residential tree-planting program. The advisory com-
19 mittee may—

20 (A) design and adopt an approved plant
21 list for the tree-planting program that empha-
22 sizes the use of hardy, noninvasive tree species
23 and, where geographically appropriate, the use
24 of native or low water-use shade trees, or both;

1 (B) design and adopt planting, installation,
2 and maintenance specifications and create a
3 process for inspection and quality control for
4 the tree-planting program;

5 (C) assist in developing long-term care and
6 maintenance instructions for recipients of trees
7 under the tree-planting program;

8 (D) assist the retail power provider and
9 nonprofit tree-planting organization, local mu-
10 nicipal government, or conservation district, as
11 appropriate, with public outreach and education
12 regarding the tree-planting program;

13 (E) assist in establishing a procedure for
14 monitoring and collection of data on tree
15 health, tree survival, and energy conservation
16 benefits generated by the tree-planting pro-
17 gram;

18 (F) provide guidelines and recommenda-
19 tions for establishing or supporting existing
20 workforce development programs as part of,
21 and for prioritizing local hiring under, a tree-
22 planting program; and

23 (G) assist the retail power provider in
24 maintaining and compiling information regard-

1 ing the tree-planting program for purposes of
2 the reports described in subsection (i)(1).

3 (3) COMPENSATION.—Individuals serving on a
4 local technical advisory committee shall not receive
5 compensation for their service.

6 (4) COMPOSITION.—Local technical advisory
7 committees shall be composed of representatives
8 from public, private, and nongovernmental organiza-
9 tions with expertise in demand-side energy efficiency
10 management, urban forestry, arboriculture, or land-
11 scape architecture, and shall be composed of the fol-
12 lowing:

13 (A) Up to 4 persons, but no less than one
14 person, representing the retail power provider
15 receiving assistance under this section.

16 (B) Up to 4 persons, but no less than one
17 person, representing the nonprofit tree-planting
18 organization that has entered into an agree-
19 ment described in subsection (e) with the retail
20 power provider to carry out the applicable tar-
21 geted residential tree-planting program.

22 (C) Up to 3 persons representing local
23 nonprofit conservation or environmental organi-
24 zations. Preference shall be given to those orga-
25 nizations which are organized under section

1 501(c)(3) of the Internal Revenue Code of
2 1986, and which have demonstrated expertise
3 engaging the public in energy conservation, en-
4 ergy efficiency, or green building practices or a
5 combination thereof. No single organization
6 may be represented by more than one individual
7 under this subparagraph.

8 (D) Up to 2 persons representing a local
9 affordable housing agency, affordable housing
10 builder, or community development corporation.

11 (E) Up to 3, but no less than one, persons
12 representing local city or county government for
13 each municipality where a targeted residential
14 tree-planting program will take place and at
15 least one of these representatives shall be the
16 city or county forester, city or county arborist,
17 conservation district forester or functional
18 equivalent.

19 (F) Up to one person representing the
20 local government agency responsible for man-
21 agement of roads, sewers, and infrastructure,
22 including public works departments, transpor-
23 tation agencies, or equivalents.

24 (G) Up to 2 persons representing the nurs-
25 ery and landscaping industry.

1 (H) Up to 2 persons, but no less than one
2 person, representing State foresters, landscape
3 architects, or equivalent State officials.

4 (I) Up to 3 persons representing the re-
5 search community or academia with expertise in
6 natural resources or energy management issues.

7 (5) CHAIRPERSON.—

8 (A) IN GENERAL.—Each local technical
9 advisory committee shall elect a chairperson to
10 preside over committee meetings, act as a liai-
11 son to governmental and other outside entities,
12 and direct the general operation of the com-
13 mittee.

14 (B) ELIGIBILITY.—Only committee rep-
15 resentatives under paragraph (4)(A) or para-
16 graph (4)(B) shall be eligible to act as a local
17 technical advisory committee chairperson.

18 (6) CREDENTIALS.—At least one of the mem-
19 bers of each local technical advisory committee shall
20 be certified with one or more of the following creden-
21 tials:

22 (A) Certified Arborist, International Soci-
23 ety of Arboriculture.

24 (B) Certified Forester, Society of Amer-
25 ican Foresters.

1 (C) Certified Arborist Municipal Specialist,
2 International Society of Arboriculture.

3 (D) Certified Arborist Utility Specialist,
4 International Society of Arboriculture.

5 (E) Board Certified Master Arborist,
6 International Society of Arboriculture.

7 (F) Licensed landscape architect, Amer-
8 ican Society of Landscape Architects.

9 (g) COST SHARE PROGRAM.—

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

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

20 (h) COMPETITIVE GRANT PROCEDURES.—Not later
21 than 90 days after the date of enactment of this Act, after
22 notice and opportunity for comment, the Secretary shall
23 establish procedures for a public, competitive grants proc-
24 ess through which retail power providers may apply for
25 assistance under this section.

1 (i) REPORTS.—

2 (1) TO THE SECRETARY.—Not later than 1
3 year after receiving assistance under the grant pro-
4 gram established pursuant to subsection (a), and
5 each subsequent year for the duration of the grant,
6 each such recipient shall submit to the Secretary a
7 report describing the results of the activities funded
8 by such assistance, including as applicable—

9 (A) the number of trees planted under the
10 applicable targeted residential tree-planting pro-
11 gram;

12 (B) the benefits of the applicable targeted
13 residential tree-planting program to the local
14 community;

15 (C) any barriers to planting trees as part
16 of the applicable targeted residential tree-plant-
17 ing program; and

18 (D) any other information the Secretary
19 considers appropriate.

20 (2) TO CONGRESS.—Not later than 3 years
21 after providing assistance under the grant program
22 established pursuant to subsection (a), and each
23 year after, the Secretary shall submit to Congress a
24 report that includes—

1 (A) the number of applications for assist-
2 ance under the program received and funded,
3 annually;

4 (B) the number of trees planted under the
5 targeted residential tree-planting programs for
6 which assistance is provided under the program;

7 (C) the benefits of such tree-planting pro-
8 grams, including those related to climate
9 change, energy savings, and stormwater runoff;

10 (D) any barriers to planting trees in com-
11 munities;

12 (E) recommendations for improving the
13 grant program; and

14 (F) any other information the Secretary
15 considers appropriate.

16 **SEC. 5. PUBLIC RECOGNITION INITIATIVE.**

17 (a) ARBOR CITY OF AMERICA.—The Secretary shall
18 annually—

19 (1) designate a city, municipality, community,
20 or other area as the Secretary determines appro-
21 priate, as the “Arbor City of America” to recognize
22 superior efforts in increasing tree canopy coverage
23 and assisting residents in reducing energy costs
24 through tree planting; and

1 (2) provide funding to such city, municipality,
2 community, or other area to carry out projects that
3 increase green infrastructure or green spaces within
4 such city, municipality, community, or other area.

5 (b) PROCEDURES.—Not later than 90 days after the
6 date of enactment of this Act, after notice and opportunity
7 for comment, the Secretary shall establish procedures for
8 carrying out this section.

9 **SEC. 6. NONDUPLICITY.**

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

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 For each of fiscal years 2021 through 2025, there
16 are authorized to be appropriated \$5,000,000 to carry out
17 this Act, of which \$250,000 shall be used to provide fund-
18 ing to the applicable city, municipality, community, or
19 other area designated under section 5 as the Arbor City
20 of America for such year for projects described in such
21 section.

