

AMENDMENT # 1

OFFERED BY MS. MATSUI OF CALIFORNIA

After section 204, insert:

205

1 SEC. ~~7~~. TREE PLANTING PROGRAMS.

- 2 (a) FINDINGS.—The Congress finds that—
- 3 (1) the utility sector is the largest single source
- 4 of greenhouse gas emissions in the United States
- 5 today, producing approximately one-third of the
- 6 country's emissions;
- 7 (2) heating and cooling homes accounts for
- 8 nearly 60 percent of residential electricity usage in
- 9 the United States;
- 10 (3) shade trees planted in strategic locations
- 11 can reduce residential cooling costs by as much as
- 12 30 percent;
- 13 (4) shade trees have significant clean-air bene-
- 14 fits associated with them;
- 15 (5) every 100 healthy large trees removes about
- 16 300 pounds of air pollution (including particulate
- 17 matter and ozone) and about 15 tons of carbon diox-
- 18 ide from the air each year;
- 19 (6) tree cover on private property and on newly-
- 20 developed land has declined since the 1970s, even

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1 while emissions from transportation and industry  
2 have been rising; and

3 (7) in over a dozen test cities across the United  
4 States, increasing urban tree cover has generated  
5 between two and five dollars in savings for every dol-  
6 lar invested in such tree planting.

7 (b) DEFINITIONS.—As used in this section:

8 (1) The term “Secretary” refers to the Sec-  
9 retary of Energy.

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

14 (3) The term “tree-planting organization”  
15 means any nonprofit or not-for-profit group which  
16 exists, in whole or in part, to—

17 (A) expand urban and residential tree  
18 cover;

19 (B) distribute trees for planting;

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

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

24 (E) carry out any combination of the fore-  
25 going activities.

1           (4) 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 section, in  
5           addition to the minimum required distance to be  
6           maintained 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 deemed appro-  
15           priate.

16           (5) The terms “small office”, “small office  
17           buildings”, and “small office settings” means non-  
18           residential buildings or structures zoned for business  
19           purposes that are 20,000 square feet or less in total  
20           area.

21           (c) PURPOSES.—The purpose of this section is to es-  
22           tablish a grant program to assist retail power providers  
23           with the establishment and operation of targeted tree-  
24           planting programs in residential and small office settings,  
25           for the following purposes:

1           (1) Reducing the peak-load demand for elec-  
2           tricity from residences and small office buildings  
3           during the summer months through direct shading  
4           of buildings provided by strategically planted trees.

5           (2) Reducing wintertime demand for energy  
6           from residences and small office buildings by block-  
7           ing cold winds from reaching such structures, which  
8           lowers interior temperatures and drives heating de-  
9           mand.

10          (3) Protecting public health by removing harm-  
11          ful pollution from the air.

12          (4) Utilizing the natural photosynthetic and  
13          transpiration process of trees to lower ambient tem-  
14          peratures and absorb carbon dioxide, thus mitigating  
15          the effects of climate change.

16          (5) Lowering electric bills for residential and  
17          small office ratepayers by limiting electricity con-  
18          sumption without reducing benefits.

19          (6) Relieving financial and demand pressure on  
20          retail power providers that stems from large peak-  
21          load energy demand.

22          (7) Protecting water quality and public health  
23          by reducing stormwater runoff and keeping harmful  
24          pollutants from entering waterways.

1           (8) Ensuring that trees are planted in locations  
2           that limit the amount of public money needed to  
3           maintain public and electric infrastructure.

4           (d) GENERAL AUTHORITY.—

5           (1) ASSISTANCE.—The Secretary is authorized  
6           to provide financial, technical, and related assistance  
7           to retail power providers to assist with the establish-  
8           ment of new, or continued operation of existing, tar-  
9           geted tree-planting programs for residences and  
10          small office buildings.

11          (2) PUBLIC RECOGNITION INITIATIVE.—In car-  
12          rying out the authority provided under this section,  
13          the Secretary shall also create a national public rec-  
14          ognition initiative to encourage participation in tree-  
15          planting programs by retail power providers.

16          (3) ELIGIBILITY.—Only those programs which  
17          utilize targeted, strategic tree-siting guidelines to  
18          plant trees in relation to building location, sunlight,  
19          and prevailing wind direction shall be eligible for as-  
20          sistance under this section.

21          (4) REQUIREMENTS.—In order to qualify for  
22          assistance under this section, a tree-planting pro-  
23          gram shall meet each of the following requirements:

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

1 to residential and small office consumers inter-  
2 ested in lowering their home energy costs.

3 (B) The program shall optimize the elec-  
4 tricity-consumption reduction benefit of each  
5 tree by planting in strategic locations around a  
6 given residence or small office.

7 (C) The program shall either—

8 (i) provide maximum amounts of  
9 shade during summer intervals when resi-  
10 dences and small offices are exposed to the  
11 most sun intensity; or

12 (ii) provide maximum amounts of  
13 wind protection during fall and winter in-  
14 tervals when residences and small offices  
15 are exposed to the most wind intensity.

16 (D) The program shall use the best avail-  
17 able science to create tree siting guidelines  
18 which dictate where the optimum tree species  
19 are best planted in locations that achieve max-  
20 imum reductions in consumer energy demand  
21 while causing the least disruption to public in-  
22 frastructure, considering overhead and under-  
23 ground facilities.

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

1           the goals set forth in subparagraphs (A)  
2           through (D). In designating criteria for such  
3           certification, the Secretary shall collaborate  
4           with the United States Forest Service's Urban  
5           and Community Forestry Program to ensure  
6           that certification requirements are consistent  
7           with such above goals.

8           (5) NEW PROGRAM FUNDING SHARE.—The Sec-  
9           retary shall ensure that no less than 30 percent of  
10          the funds made available under this section are dis-  
11          tributed to retail power providers which—

12                   (A) have not previously established or op-  
13                   erated qualified tree-planting programs; or

14                   (B) are operating qualified tree-planting  
15                   programs which were established no more than  
16                   three years prior to the date of enactment of  
17                   this section.

18          (e) AGREEMENTS BETWEEN ELECTRICITY PRO-  
19          VIDERS AND TREE-PLANTING ORGANIZATIONS.—

20                   (1) GRANT AUTHORIZATION.—In providing as-  
21                   sistance under this section, the Secretary is author-  
22                   ized to award grants only to retail power providers  
23                   that have entered into binding legal agreements with  
24                   nonprofit tree-planting organizations.

1           (2) CONDITIONS OF AGREEMENT.—Those  
2           agreements between retail power providers and tree-  
3           planting organizations shall set forth conditions  
4           under which nonprofit tree-planting organizations  
5           shall provide targeted tree-planting programs which  
6           may require these organizations to—

7                   (A) participate in local technical advisory  
8                   committees responsible for drafting general  
9                   tree-siting guidelines and choosing the most ef-  
10                  fective species of trees to plant in given loca-  
11                  tions;

12                  (B) coordinate volunteer recruitment to as-  
13                  sist with the physical act of planting trees in  
14                  residential locations;

15                  (C) undertake public awareness campaigns  
16                  to educate local residents about the benefits,  
17                  cost savings, and availability of free shade  
18                  trees;

19                  (D) establish education and information  
20                  campaigns to encourage recipients to maintain  
21                  their shade trees over the long term;

22                  (E) serve as the point of contact for exist-  
23                  ing and potential residential participants who  
24                  have questions or concerns regarding the tree-  
25                  planting program;



1           (F) require tree recipients to sign agree-  
2           ments committing to voluntary stewardship and  
3           care of provided trees;

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

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

17          (3) LACK OF NONPROFIT ORGANIZATION.—If  
18          qualified nonprofit or not-for-profit tree planting or-  
19          ganizations do not exist or operate within areas  
20          served by retail power providers applying for assist-  
21          ance under this section, the requirements of this sec-  
22          tion shall apply to binding legal agreements entered  
23          into by such retail power providers and one of the  
24          following entities:

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

3 (B) The State Forester for the State in  
4 which the tree-planting program will operate.

5 (C) The United States Forest Service's  
6 Urban and Community Forestry representative  
7 for the State in which the tree-planting pro-  
8 gram will operate.

9 (D) A landscaping services company that  
10 is—

11 (i) identified in consultation with a  
12 national or State nonprofit or not-for-prof-  
13 it tree-planting organization;

14 (ii) licensed to operate in the State in  
15 which the tree-planting program will oper-  
16 ate; and

17 (iii) a business as defined by the  
18 United States Census Bureau's 2007  
19 North American Industry Classification  
20 System Code 561730.

21 (f) TECHNICAL ADVISORY COMMITTEES.—

22 (1) DESCRIPTION.—In order to qualify for as-  
23 sistance under this section, the retail power provider  
24 shall establish and consult with a local technical ad-

1 visory committee which shall provide advice and con-  
2 sultation to the program, and may—

3 (A) design and adopt an approved plant  
4 list that emphasizes the use of hardy,  
5 noninvasive tree species and, where geographi-  
6 cally appropriate, the use of native, or site-  
7 adapted, or low water-use shade trees;

8 (B) design and adopt planting, installation,  
9 and maintenance specifications and create a  
10 process for inspection and quality control;

11 (C) ensure that tree recipients are edu-  
12 cated to care for and maintain their trees over  
13 the long term;

14 (D) help the public become more engaged  
15 and educated in the planting and care of shade  
16 trees;

17 (E) prioritize which sites receive trees, giv-  
18 ing preference to locations with the most poten-  
19 tial for energy conservation and secondary pref-  
20 erence to areas where the average annual in-  
21 come is below the regional median; and

22 (F) assist with monitoring and collection of  
23 data on tree health, tree survival, and energy  
24 conservation benefits generated under this sec-  
25 tion.

1           (2) COMPENSATION.—Individuals serving on  
2           local technical advisory committees shall not receive  
3           compensation for their service.

4           (3) COMPOSITION.—Local technical advisory  
5           committees shall be composed of representatives  
6           from public, private, and nongovernmental agencies  
7           with expertise in demand-side energy efficiency man-  
8           agement, urban forestry, or arboriculture, and shall  
9           be composed of the following:

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

13                   (B) Up to 4 persons, but no less than one  
14                   person, representing the local tree-planting or-  
15                   ganization which will partner with the retail  
16                   power provider to carry out this section.

17                   (C) Up to 3 persons representing local  
18                   nonprofit conservation or environmental organi-  
19                   zations. Preference shall be given to those enti-  
20                   ties which are organized under section  
21                   501(c)(3) of the Internal Revenue Code of  
22                   1986, and which have demonstrated expertise  
23                   engaging the public in energy conservation, en-  
24                   ergy efficiency, or green building practices or a  
25                   combination thereof, such that no single organi-

1 zation is represented by more than one indi-  
2 vidual under this paragraph.

3 (D) Up to 2 persons representing a local  
4 affordable housing agency, affordable housing  
5 builder, or community development corporation.

6 (E) Up to 3, but no less than one, persons  
7 representing local city or county government for  
8 each municipality where a shade tree-planting  
9 program will take place; at least one of these  
10 representatives shall be the city or county for-  
11 ester, city or county arborist, or functional  
12 equivalent.

13 (F) Up to one person representing the  
14 local government agency responsible for man-  
15 agement of roads, sewers, and infrastructure,  
16 including but not limited to public works de-  
17 partments, transportation agencies, or equiva-  
18 lents.

19 (G) Up to 3 persons representing the nurs-  
20 ery and landscaping industry.

21 (H) Up to 3 persons representing the re-  
22 search community or academia with expertise in  
23 natural resources or energy management issues.

24 (4) CHAIRPERSON.—Each local technical advi-  
25 sory committee shall elect a chairperson to preside

1 over Committee meetings, act as a liaison to govern-  
2 mental and other outside entities, and direct the  
3 general operation of the committee; only committee  
4 representatives from paragraph (3)(A) or paragraph  
5 (3)(B) of this subsection shall be eligible to act as  
6 local technical advisory committee chairpersons.

7 (5) CREDENTIALS.—At least one of the mem-  
8 bers of each local technical advisory committee shall  
9 be certified with one or more of the following creden-  
10 tials: International Society of Arboriculture; Cer-  
11 tified Arborist, ISA; Certified Arborist Municipal  
12 Specialist, ISA; Certified Arborist Utility Specialist,  
13 ISA; Board Certified Master Arborist; or Registered  
14 Landscape Architect recommended by the American  
15 Society of Landscape Architects.

16 (g) COST-SHARE PROGRAM.—

17 (1) FEDERAL SHARE.—The Federal share of  
18 support for projects funded under this section shall  
19 not exceed 50 percent of the cost of such project and  
20 shall be provided on a matching basis.

21 (2) NON-FEDERAL SHARE.—The non-Federal  
22 share of such costs may be paid or contributed by  
23 any governmental or nongovernmental entity other  
24 than from funds derived directly or indirectly from  
25 an agency or instrumentality of the United States.

1 (h) RULEMAKING.—

2 (1) RULEMAKING PERIOD.—The Secretary shall  
3 be authorized to solicit comments and initiate a rule-  
4 making period that shall last no more than 6  
5 months after the date of enactment of this section.

6 (2) COMPETITIVE GRANT RULE.—At the conclu-  
7 sion of the rulemaking period under paragraph (1),  
8 the Secretary shall promulgate a rule governing a  
9 public, competitive grants process through which re-  
10 tail power providers may apply for Federal support  
11 under this section.

12 (i) NONDUPLICITY.—Nothing in this section shall be  
13 construed to supersede, duplicate, cancel, or negate the  
14 programs or authorities provided under section 9 of the  
15 Cooperative Forestry Assistance Act of 1978 (92 Stat.  
16 369; Public Law 95-313; 16 U.S.C. 2105).

17 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are hereby authorized to be appropriated such sums as  
19 may be necessary for the implementation of this section.

