

AMENDMENT TO
RULES COMMITTEE PRINT 116-54
OFFERED BY MS. MATSUI OF CALIFORNIA

In division G, at the end of subtitle B of title III,
add the following:

1 **CHAPTER 5—TARGETED RESIDENTIAL**
2 **TREE-PLANTING**

3 **SEC. 33261. DEFINITIONS.**

4 As used in this chapter:

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

11 (A) expand urban and residential tree
12 cover;

13 (B) distribute young trees for planting;

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

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

1 (E) carry out any combination of the fore-
2 going activities.

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

7 (3) The term “Secretary” means the Secretary
8 of Energy.

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

12 **SEC. 33262. GRANT PROGRAM.**

13 (a) **AUTHORITY.**—The Secretary shall establish a
14 grant program to provide financial assistance to retail
15 power providers to support the establishment of new, or
16 continued operation of existing, targeted residential tree-
17 planting programs.

18 (b) **COOPERATION.**—In carrying out the grant pro-
19 gram established pursuant to subsection (a), the Secretary
20 may cooperate with, and provide assistance for such co-
21 operation to, State foresters or equivalent State officials
22 or Indian Tribes.

23 (c) **REQUIREMENTS FOR TREE-PLANTING PRO-**
24 **GRAMS.**—In order to qualify for assistance under the
25 grant program established pursuant to subsection (a), a

1 retail power provider shall, in accordance with this chap-
2 ter, establish and operate, or continue operating, a tar-
3 geted residential tree-planting program that meets each
4 of the following requirements:

5 (1) The program shall provide free or dis-
6 counted shade-providing or wind-reducing trees to
7 residential consumers. If providing free and dis-
8 counted trees under the program, priority for free
9 trees shall be given to areas where the average an-
10 nual income is below the regional median.

11 (2) The program shall either provide trees to
12 plant to—

13 (A) provide maximum amounts of shade
14 during summer intervals when residences are
15 exposed to the most sun intensity; or

16 (B) provide maximum amounts of wind
17 protection during fall and winter intervals when
18 residences are exposed to the most wind inten-
19 sity.

20 (3) The program shall use the best available
21 science to create, as needed, and utilize tree-siting
22 guidelines which dictate where the optimum tree spe-
23 cies are best planted in locations that ensure ade-
24 quate root development and that achieve maximum
25 reductions in consumer energy demand while causing

1 the least disruption to public infrastructure, consid-
2 ering overhead and underground facilities. Such
3 guidelines shall—

4 (A) include the species and minimum size
5 of trees that are mostly likely to result in a suc-
6 cessful tree planting; and

7 (B) outline the minimum distance re-
8 quired—

9 (i) between the trees that are being
10 planted; and

11 (ii) between such trees and building
12 foundations, air conditioning units, drive-
13 ways and walkways, property fences, pre-
14 existing utility infrastructure, septic sys-
15 tems, swimming pools, and other infra-
16 structure as determined appropriate; and

17 (C) ensure that trees planted under the
18 tree-planting program near existing power lines
19 will not interfere with energized electricity dis-
20 tribution lines when mature.

21 (4) The program shall provide that no new
22 trees will be planted under or adjacent to high-volt-
23 age electric transmission lines without prior con-
24 sultation with the retail power provider with jurisdic-
25 tion over such transmission lines.

1 (5) The program shall provide tree recipients
2 with tree planting and tree care instruction and edu-
3 cation prior to or in conjunction with delivery of free
4 or discounted trees.

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

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

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

1 tion Agency, to ensure that such criteria are con-
2 sistent with such requirements.

3 (d) NEW PROGRAM FUNDING SHARE.—The Sec-
4 retary shall ensure that no less than 30 percent of the
5 funds made available under this chapter are distributed
6 to retail power providers that—

7 (1) have not previously established or operated
8 a targeted residential tree-planting program that
9 meets the requirements described in subsection (c);
10 or

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

16 (e) AGREEMENTS BETWEEN RETAIL POWER PRO-
17 VIDERS AND NONPROFIT TREE-PLANTING ORGANIZA-
18 TIONS.—

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

1 (2) CONDITIONS OF AGREEMENT.—An agree-
2 ment between a retail power provider and a non-
3 profit tree-planting organization described in para-
4 graph (1) shall set forth conditions under which
5 such nonprofit tree-planting organization shall carry
6 out a targeted residential tree-planting program that
7 is established or operated by the retail power pro-
8 vider. Such conditions—

9 (A) shall require the nonprofit tree-plant-
10 ing organization to participate in a local tech-
11 nical advisory committee in accordance with
12 subsection (f); and

13 (B) may require the nonprofit tree-plant-
14 ing organization to—

15 (i) coordinate volunteer recruitment to
16 assist with the physical act of planting
17 trees in residential locations under the
18 tree-planting program;

19 (ii) support a workforce development
20 program that trains a local workforce and
21 assists with job-placement;

22 (iii) undertake a public awareness
23 campaign to educate local residents about
24 the benefits, cost savings, and availability
25 of free trees;

1 (iv) establish education and informa-
2 tion campaigns to encourage recipients of
3 trees under the tree-planting program to
4 maintain their trees over the long term;

5 (v) serve as the point of contact for
6 existing and potential residential partici-
7 pants who have questions or concerns re-
8 garding the tree-planting program;

9 (vi) require recipients of trees under
10 the tree-planting program to sign agree-
11 ments committing to voluntary stewardship
12 and care of provided trees; and

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

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

1 by such retail power provider and one of the fol-
2 lowing entities:

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

5 (B) A conservation district.

6 (f) TECHNICAL ADVISORY COMMITTEES.—

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

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

1 (A) design and adopt an approved plant
2 list for the tree-planting program that empha-
3 sizes the use of hardy, noninvasive tree species
4 and, where geographically appropriate, the use
5 of native or low water-use shade trees, or both;

6 (B) design and adopt planting, installation,
7 and maintenance specifications and create a
8 process for inspection and quality control for
9 the tree-planting program;

10 (C) assist in developing long-term care and
11 maintenance instructions for recipients of trees
12 under the tree-planting program;

13 (D) assist the retail power provider and
14 nonprofit tree-planting organization, local mu-
15 nicipal government, or conservation district, as
16 appropriate, with public outreach and education
17 regarding the tree-planting program;

18 (E) assist in establishing a procedure for
19 monitoring and collection of data on tree
20 health, tree survival, and energy conservation
21 benefits generated by the tree-planting pro-
22 gram;

23 (F) provide guidelines and recommenda-
24 tions for establishing or supporting existing
25 workforce development programs as part of,

1 and for prioritizing local hiring under, a tree-
2 planting program; and

3 (G) assist the retail power provider in
4 maintaining and compiling information regard-
5 ing the tree-planting program for purposes of
6 the reports described in subsection (i)(1).

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

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

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

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

1 (C) Up to 3 persons representing local
2 nonprofit conservation or environmental organi-
3 zations. Preference shall be given to those orga-
4 nizations which are organized under section
5 501(c)(3) of the Internal Revenue Code of
6 1986, and which have demonstrated expertise
7 engaging the public in energy conservation, en-
8 ergy efficiency, or green building practices or a
9 combination thereof. No single organization
10 may be represented by more than one individual
11 under this subparagraph.

12 (D) Up to 2 persons representing a local
13 affordable housing agency, affordable housing
14 builder, or community development corporation.

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

23 (F) Up to one person representing the
24 local government agency responsible for man-
25 agement of roads, sewers, and infrastructure,

1 including public works departments, transpor-
2 tation agencies, or equivalents.

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

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

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

11 (5) CHAIRPERSON.—

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

18 (B) ELIGIBILITY.—Only committee rep-
19 resentatives under paragraph (4)(A) or para-
20 graph (4)(B) shall be eligible to act as a local
21 technical advisory committee chairperson.

22 (6) CREDENTIALS.—At least one of the mem-
23 bers of each local technical advisory committee shall
24 be certified with one or more of the following creden-
25 tials:

1 (A) Certified Arborist, International Soci-
2 ety of Arboriculture.

3 (B) Certified Forester, Society of Amer-
4 ican Foresters.

5 (C) Certified Arborist Municipal Specialist,
6 International Society of Arboriculture.

7 (D) Certified Arborist Utility Specialist,
8 International Society of Arboriculture.

9 (E) Board Certified Master Arborist,
10 International Society of Arboriculture.

11 (F) Licensed landscape architect, Amer-
12 ican Society of Landscape Architects.

13 (g) COST SHARE PROGRAM.—

14 (1) FEDERAL SHARE.—The Federal share of
15 support for any targeted residential tree-planting
16 program funded under this section shall not exceed
17 50 percent of the cost of such program and shall be
18 provided on a matching basis.

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

24 (h) COMPETITIVE GRANT PROCEDURES.—Not later
25 than 90 days after the date of enactment of this Act, after

1 notice and opportunity for comment, the Secretary shall
2 establish procedures for a public, competitive grants pro-
3 cess through which retail power providers may apply for
4 assistance under this section.

5 (i) REPORTS.—

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

13 (A) the number of trees planted under the
14 applicable targeted residential tree-planting pro-
15 gram;

16 (B) the benefits of the applicable targeted
17 residential tree-planting program to the local
18 community;

19 (C) any barriers to planting trees as part
20 of the applicable targeted residential tree-plant-
21 ing program; and

22 (D) any other information the Secretary
23 considers appropriate.

24 (2) TO CONGRESS.—Not later than 3 years
25 after providing assistance under the grant program

1 established pursuant to subsection (a), and each
2 year after, the Secretary shall submit to Congress a
3 report that includes—

4 (A) the number of applications for assist-
5 ance under the program received and funded,
6 annually;

7 (B) the number of trees planted under the
8 targeted residential tree-planting programs for
9 which assistance is provided under the program;

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

13 (D) any barriers to planting trees in com-
14 munities;

15 (E) recommendations for improving the
16 grant program; and

17 (F) any other information the Secretary
18 considers appropriate.

19 **SEC. 33263. PUBLIC RECOGNITION INITIATIVE.**

20 (a) ARBOR CITY OF AMERICA.—The Secretary shall
21 annually—

22 (1) designate a city, municipality, community,
23 or other area as the Secretary determines appro-
24 priate, as the “Arbor City of America” to recognize
25 superior efforts in increasing tree canopy coverage

1 and assisting residents in reducing energy costs
2 through tree planting; and

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

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

11 **SEC. 33264. NONDUPLICITY.**

12 Nothing in this chapter shall be construed to super-
13 sede, duplicate, cancel, or negate the programs or authori-
14 ties provided under section 9 of the Cooperative Forestry
15 Assistance Act of 1978 (16 U.S.C. 2105).

16 **SEC. 33265. AUTHORIZATION OF APPROPRIATIONS.**

17 For each of fiscal years 2021 through 2025, there
18 are authorized to be appropriated \$5,000,000 to carry out
19 this chapter, of which \$250,000 shall be used to provide
20 funding to the applicable city, municipality, community,
21 or other area designated under section 33263 as the Arbor
22 City of America for such year for projects described in
23 such section.

