

112TH CONGRESS  
1ST SESSION

# H. R. 1967

To encourage water efficiency.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2011

Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mrs. CAPPS, Mr. OLVER, Mrs. CHRISTENSEN, Mr. MCNERNEY, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To encourage water efficiency.

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 “Water Advanced Tech-  
5 nologies for Efficient Resource Use Act of 2011”.

6 **SEC. 2. WATERSENSE.**

7 (a) IN GENERAL.—There is established within the  
8 Environmental Protection Agency a WaterSense program

1 to identify and promote water efficient products, buildings  
2 and landscapes, and services in order—

3 (1) to reduce water use;

4 (2) to reduce the strain on water, wastewater,  
5 and stormwater infrastructure;

6 (3) to conserve energy used to pump, heat,  
7 transport, and treat water; and

8 (4) to preserve water resources for future gen-  
9 erations,

10 through voluntary labeling of, or other forms of commu-  
11 nications about, products, buildings and landscapes, and  
12 services that meet the highest water efficiency and per-  
13 formance standards.

14 (b) DUTIES.—The Administrator of the Environ-  
15 mental Protection Agency shall—

16 (1) promote WaterSense labeled products,  
17 buildings and landscapes, and services in the market  
18 place as the preferred technologies and services  
19 for—

20 (A) reducing water use; and

21 (B) ensuring product and service perform-  
22 ance;

23 (2) work to enhance public awareness of the  
24 WaterSense label through public outreach, edu-

1 cation, water recycling and reuse technology re-  
2 search and development, and other means;

3 (3) establish and maintain performance stand-  
4 ards so that products, buildings and landscapes, and  
5 services labeled with the WaterSense label perform  
6 as well or better than their less efficient counter-  
7 parts;

8 (4) publicize the importance of proper installa-  
9 tion of WaterSense plumbing products by a  
10 WaterSense-certified or, if WaterSense certification  
11 guidelines do not exist, licensed plumber or mechan-  
12 ical contractor, and the installation, maintenance,  
13 and audit of WaterSense irrigation systems by a  
14 WaterSense-certified irrigation professional to en-  
15 sure optimal performance;

16 (5) preserve the integrity of the WaterSense  
17 label;

18 (6) regularly review and, when appropriate, up-  
19 date WaterSense criteria for categories of products,  
20 buildings and landscapes, and services, at least once  
21 every four years;

22 (7) regularly collect and make available to the  
23 public summary data on the production and relative  
24 market shares of WaterSense labeled products,

1 buildings and landscapes, and services, at least an-  
2 nually;

3 (8) regularly estimate and make available to the  
4 public the water and energy savings attributable to  
5 the use of WaterSense labeled products, buildings  
6 and landscapes, and services, at least annually;

7 (9) solicit comments from interested parties and  
8 the public prior to establishing or revising a  
9 WaterSense category, specification, installation cri-  
10 terion, or other criterion (or prior to effective dates  
11 for any such category, specification, installation cri-  
12 terion, or other criterion);

13 (10) provide reasonable notice to interested par-  
14 ties and the public of any changes (including effec-  
15 tive dates), on the adoption of a new or revised cat-  
16 egory, specification, installation criterion, or other  
17 criterion, along with—

18 (A) an explanation of changes; and

19 (B) as appropriate, responses to comments  
20 submitted by interested parties;

21 (11) provide appropriate lead time (as deter-  
22 mined by the Administrator) prior to the applicable  
23 effective date for a new or significant revision to a  
24 category, specification, installation criterion, or other  
25 criterion, taking into account the timing require-

1       ments of the manufacturing, marketing, training,  
2       and distribution process for the specific product,  
3       building and landscape, or service category ad-  
4       dressed; and

5               (12) identify and, where appropriate, implement  
6       other voluntary approaches, such as labeling water-  
7       less devices that perform the same function as a  
8       water consuming product or encouraging reuse, rec-  
9       lamation, and recycling technologies, in commercial,  
10      institutional, residential, municipal, and industrial  
11      sectors to improve water efficiency or lower water  
12      use while meeting the performance standards estab-  
13      lished under paragraph (3).

14      (c) AUTHORIZATION OF APPROPRIATIONS.—There  
15      are authorized to be appropriated \$7,500,000 for fiscal  
16      year 2012, \$10,000,000 for fiscal year 2013, \$20,000,000  
17      for fiscal year 2014, and \$50,000,000 for fiscal year 2015  
18      and each year thereafter, adjusted for inflation, to carry  
19      out this section.

20      **SEC. 3. FEDERAL PROCUREMENT OF WATER EFFICIENT**  
21                                      **PRODUCTS.**

22      (a) DEFINITIONS.—In this section:

23               (1) AGENCY.—The term “agency” has the  
24      meaning given that term in section 7902(a) of title  
25      5, United States Code.

1           (2) WATERSENSE PRODUCT OR SERVICE.—The  
2 term “WaterSense product or service” means a  
3 product or service that is rated for water efficiency  
4 under the WaterSense program.

5           (3) WATERSENSE PROGRAM.—The term  
6 “WaterSense program” means the program estab-  
7 lished by section 2 of this Act.

8           (4) FEMP DESIGNATED PRODUCT.—The term  
9 “FEMP designated product” means a product that  
10 is designated under the Federal Energy Manage-  
11 ment Program of the Department of Energy as  
12 being among the highest 25 percent of equivalent  
13 products for efficiency.

14           (5) PRODUCT AND SERVICE.—The terms “prod-  
15 uct” and “service” do not include any water con-  
16 suming product or service designed or procured for  
17 combat or combat-related missions. The terms also  
18 exclude products or services already covered by the  
19 Federal procurement regulations established under  
20 section 553 of the National Energy Conservation  
21 Policy Act (42 U.S.C. 8259b).

22           (b) PROCUREMENT OF WATER EFFICIENT PROD-  
23 UCTS.—

24           (1) REQUIREMENT.—To meet the requirements  
25 of an agency for a water consuming product or serv-

1 ice, the head of the agency shall, except as provided  
2 in paragraph (2), procure—

3 (A) a WaterSense product or service; or

4 (B) a FEMP designated product.

5 A WaterSense plumbing product should preferably,  
6 when possible, be installed by a WaterSense-certified  
7 or, if WaterSense certification guidelines do not  
8 exist, licensed plumber or mechanical contractor,  
9 and a WaterSense irrigation system should pref-  
10 erably, when possible, be installed, maintained, and  
11 audited by a WaterSense-certified irrigation profes-  
12 sional to ensure optimal performance.

13 (2) EXCEPTIONS.—The head of an agency is  
14 not required to procure a WaterSense product or  
15 service or FEMP designated product under para-  
16 graph (1) if the head of the agency finds in writing  
17 that—

18 (A) a WaterSense product or service or  
19 FEMP designated product is not cost-effective  
20 over the life of the product, taking current and  
21 future energy, water, and wastewater cost sav-  
22 ings into account; or

23 (B) no WaterSense product or service or  
24 FEMP designated product is reasonably avail-

1           able that meets the functional requirements of  
2           the agency.

3           (3) PROCUREMENT PLANNING.—The head of an  
4           agency shall incorporate into the specifications for  
5           all procurements involving water consuming products  
6           and systems, including guide specifications, project  
7           specifications, and construction, renovation, and  
8           services contracts that include provision of water  
9           consuming products and systems, and into the fac-  
10          tors for the evaluation of offers received for the pro-  
11          curement, criteria used for rating WaterSense prod-  
12          ucts and services and FEMP designated products.  
13          The head of an agency shall consider, to the max-  
14          imum extent practicable, additional measures for re-  
15          ducing agency water consumption, including water  
16          reuse, reclamation, and recycling technologies, leak  
17          detection and repair, and use of waterless products  
18          that perform similar functions to existing water-con-  
19          suming products.

20          (c) LISTING OF WATER EFFICIENT PRODUCTS IN  
21          FEDERAL CATALOGS.—WaterSense products and services  
22          and FEMP designated products shall be clearly identified  
23          and prominently displayed in any inventory or listing of  
24          products by the General Services Administration or the  
25          Defense Logistics Agency. The General Services Adminis-



1 tration and the Defense Logistics Agency shall supply only  
2 WaterSense products or FEMP designated products for  
3 all product categories covered by the WaterSense program  
4 or the Federal Energy Management Program, except in  
5 cases where the agency ordering a product specifies in  
6 writing that no WaterSense product or FEMP designated  
7 product is available to meet the buyer’s functional require-  
8 ments, or that no WaterSense product or FEMP des-  
9 ignated product is cost-effective for the intended applica-  
10 tion over the life of the product, taking energy, water, and  
11 wastewater cost savings into account.

12 (d) REGULATIONS.—Not later than 180 days after  
13 the date of enactment of this Act, the Administrator of  
14 the Environmental Protection Agency shall issue regula-  
15 tions to carry out this section.

16 **SEC. 4. EARLY ADOPTER WATER EFFICIENT PRODUCTS IN-**  
17 **CENTIVE PROGRAMS.**

18 (a) DEFINITIONS.—In this section:

19 (1) ADMINISTRATOR.—The term “Adminis-  
20 trator” means the Administrator of the Environ-  
21 mental Protection Agency.

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
23 ty” means a State government, local or county gov-  
24 ernment, tribal government, wastewater or sewage  
25 utility, municipal water authority, energy utility,

1 water utility, or nonprofit organization that meets  
2 the requirements of subsection (b).

3 (3) INCENTIVE PROGRAM.—The term “incentive  
4 program” means a program for administering finan-  
5 cial incentives for consumer purchase and installa-  
6 tion of residential water efficient products and serv-  
7 ices as described in subsection (b)(1).

8 (4) RESIDENTIAL WATER EFFICIENT PRODUCT  
9 OR SERVICE.—The term “residential water efficient  
10 product or service” means a product or service for  
11 a single-family or multifamily residence or its land-  
12 scape that is rated for water efficiency and perform-  
13 ance—

14 (A) by the WaterSense program; or

15 (B) by an incentive program and approved  
16 by the Administrator.

17 Categories of water efficient products and services  
18 may include faucets, irrigation technologies and  
19 services, point-of-use water treatment devices, reuse,  
20 reclamation, and recycling technologies, toilets, and  
21 showerheads.

22 (5) STATE.—The term “State” means each of  
23 the several States of the United States, the District  
24 of Columbia, Puerto Rico, the United States Virgin

1 Islands, Guam, American Samoa, and the Common-  
2 wealth of the Northern Mariana Islands.

3 (6) WATERSENSE PROGRAM.—The term  
4 “WaterSense program” means the program estab-  
5 lished by section 2 of this Act.

6 (b) ELIGIBLE ENTITIES.—An entity shall be eligible  
7 to receive an allocation under subsection (c) if the entity—

8 (1) establishes (or has established) an incentive  
9 program to provide rebates, vouchers, other financial  
10 incentives, or direct installs to consumers for the  
11 purchase and installation of residential water effi-  
12 cient products or services;

13 (2) submits an application for the allocation at  
14 such time, in such form, and containing such infor-  
15 mation as the Administrator may require; and

16 (3) provides assurances satisfactory to the Ad-  
17 ministrator that the entity will use the allocation to  
18 supplement, but not supplant, funds made available  
19 to carry out the incentive program.

20 (c) AMOUNT OF ALLOCATIONS.—For each fiscal year,  
21 the Administrator shall determine the amount to allocate  
22 to each eligible entity to carry out subsection (d) taking  
23 into consideration—

1           (1) the population served by the eligible entity  
2           in the most recent calendar year for which data are  
3           available;

4           (2) the targeted population of the eligible enti-  
5           ty's incentive program, such as general households,  
6           low-income households, or first-time homeowners,  
7           and the probable effectiveness of the incentive pro-  
8           gram for that population;

9           (3) for existing programs, the effectiveness of  
10          the incentive program in encouraging the adoption  
11          of water efficient products and services; and

12          (4) any prior year's allocation to the eligible en-  
13          tity that remains unused.

14          (d) USE OF ALLOCATED FUNDS.—Funds allocated to  
15          an entity under subsection (c) may be used to pay up to  
16          50 percent of the cost of establishing and carrying out  
17          an incentive program.

18          (e) FIXTURE RECYCLING.—Entities are encouraged  
19          to promote or implement fixture recycling programs to  
20          manage the disposal of older fixtures replaced due to the  
21          incentive program under this section.

22          (f) ISSUANCE OF REBATES.—Financial incentives  
23          may be provided to consumers that meet the requirements  
24          of the incentive program. The entity may issue all finan-  
25          cial incentives directly to consumers or, with approval of

1 the Administrator, delegate some or all financial incentive  
2 administration to other organizations including, but not  
3 limited to, local governments, municipal water authorities,  
4 and water utilities. The amount of a financial incentive  
5 shall be determined by the entity, taking into consider-  
6 ation—

7 (1) the amount of the allocation to the entity  
8 under subsection (c);

9 (2) the amount of any Federal, State, or other  
10 organization's tax or financial incentive available for  
11 the purchase of the residential water efficient prod-  
12 uct or service;

13 (3) the amount necessary to change consumer  
14 behavior to purchase water efficient products and  
15 services; and

16 (4) the consumer expenditures for onsite prepa-  
17 ration, assembly, and original installation of the  
18 product.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Administrator to  
21 carry out this section \$50,000,000 for fiscal year 2012,  
22 \$100,000,000 for fiscal year 2013, \$150,000,000 for fis-  
23 cal year 2014, \$100,000,000 for fiscal year 2015, and  
24 \$50,000,000 for fiscal year 2016.

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