

[Committee Print]

[SHOWING THE TEXT OF H.R. 5202, AS FORWARDED BY THE SUBCOMMITTEE
ON INNOVATION, DATA, AND COMMERCE ON NOVEMBER 2, 2023]

118TH CONGRESS
1ST SESSION

H. R. 5202

To reauthorize the Virginia Graeme Baker Pool and Spa Safety Act, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 2023

Ms. WASSERMAN SCHULTZ (for herself, Mr. CARTER of Texas, Mr. ALLRED,
Mr. BURGESS, Ms. CASTOR of Florida, Ms. WILLIAMS of Georgia, Ms.
GARCIA of Texas, Mr. FLOOD, Ms. ROSS, Mr. BACON, and Mr.
GOTTHEIMER) introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To reauthorize the Virginia Graeme Baker Pool and Spa
Safety Act, 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 “Virginia Graeme Baker
5 Pool and Spa Safety Reauthorization Act”.

1 **SEC. 2. COVERED ENTITY DEFINED.**

2 Section 1403 of the Virginia Graeme Baker Pool and
3 Spa Safety Act (15 U.S.C. 8002) is amended—

4 (1) by amending paragraph (4) to read as fol-
5 lows:

6 “(4) COVERED ENTITY.—The term ‘covered en-
7 tity’ means—

8 “(A) a State;

9 “(B) an Indian Tribe; or

10 “(C) a nonprofit organization.”;

11 (2) by redesignating paragraphs (7) through
12 (10) as paragraphs (8) through (11), respectively;
13 and

14 (3) by inserting after paragraph (6) the fol-
15 lowing:

16 “(7) NONPROFIT ORGANIZATION.—The term
17 ‘nonprofit organization’ means an organization
18 that—

19 “(A) is described in section 501(c)(3) of
20 the Internal Revenue Code of 1986 and is ex-
21 empt from taxation under section 501(a) of
22 such Code; and

23 “(B) has proven experience (as determined
24 by the Commission) addressing swimming pool
25 or spa safety and drowning prevention.”.

1 **SEC. 3. SWIMMING POOL SAFETY GRANT PROGRAM.**

2 Section 1405 of the Virginia Graeme Baker Pool and
3 Spa Safety Act (15 U.S.C. 8004) is amended to read as
4 follows:

5 **“SEC. 1405. SWIMMING POOL SAFETY GRANT PROGRAM.**

6 “(a) IN GENERAL.—Subject to the availability of ap-
7 propriations authorized by subsection (i), the Commission
8 shall carry out a grant program to provide assistance to
9 eligible covered entities.

10 “(b) ELIGIBILITY.—To be eligible for a grant under
11 the program, a covered entity shall—

12 “(1) demonstrate to the satisfaction of the
13 Commission that, as of the date on which the cov-
14 ered entity submits an application to the Commis-
15 sion for a grant under this section, the covered enti-
16 ty (if the covered entity is a State or an Indian
17 Tribe), or the State in which or the Indian Tribe in
18 the jurisdiction of which the covered entity is pro-
19 posing to carry out activities using grant funds (if
20 the covered entity is a nonprofit organization), has
21 enacted and provides for the enforcement of a stat-
22 ute that—

23 “(A) except as provided in section
24 1406(a)(1)(A)(i), applies to all swimming pools
25 constructed in the State or in the jurisdiction of

1 the Indian Tribe (as the case may be) on or
2 after such date; and

3 “(B) meets the minimum State law re-
4 quirements of section 1406; and

5 “(2) submit an application to the Commission
6 at such time, in such form, and containing such ad-
7 ditional information as the Commission may require.

8 “(c) SELECTION OF GRANT RECIPIENTS.—

9 “(1) PRIORITY.—In selecting covered entities to
10 receive grants under the program, the Commission
11 shall give priority (in such order as the Commission
12 considers appropriate) based on the following fac-
13 tors:

14 “(A) A covered entity not having pre-
15 viously been awarded a grant under the pro-
16 gram.

17 “(B) A covered entity proposing to use
18 grant funds to expand educational activities de-
19 scribed in paragraph (1)(B)(i) or (2)(A) of sub-
20 section (e) that the covered entity is carrying
21 out at the time when the covered entity submits
22 the application for the grant.

23 “(C) A covered entity proposing to use
24 grant funds to build on prior expertise and ac-
25 tivities aimed at preventing drownings.

1 “(D) A covered entity proposing to use
2 grant funds to carry out activities in a geo-
3 graphic area that has a greater number per
4 capita of drowning or entrapment incidents.

5 “(E) A covered entity proposing to use
6 grant funds in underserved, minority, or rural
7 communities to provide services that address
8 and target racial, ethnic, or rural drowning dis-
9 parities.

10 “(F) Such other factors as the Commission
11 considers appropriate.

12 “(2) GEOGRAPHIC DIVERSITY.—

13 “(A) IN GENERAL.—In selecting covered
14 entities to receive grants under the program,
15 the Commission shall, to the maximum extent
16 practicable, ensure geographic diversity in the
17 areas where activities will be carried out using
18 grant funds.

19 “(B) TECHNICAL ASSISTANCE.—If the
20 Commission awards grants to two or more cov-
21 ered entities that will carry out activities using
22 grant funds in the same geographic area, the
23 Commission shall provide technical assistance to
24 such entities regarding how such entities may
25 collaborate in carrying out such activities.

1 “(d) AMOUNT OF GRANT.—The Commission shall de-
2 termine the amount of a grant awarded under this section,
3 and shall consider—

4 “(1) in the case of a covered entity that is a
5 State or an Indian Tribe—

6 “(A) the population of such State or In-
7 dian Tribe;

8 “(B) the enforcement and implementation
9 needs of such State or Indian Tribe; or

10 “(C) the education needs of such State or
11 Indian Tribe proposing to use grant funds pur-
12 suant to subsection (e)(1)(B)(i);

13 “(2) in the case of a covered entity that is a
14 nonprofit organization, the number of individuals to
15 whom such nonprofit organization is proposing to
16 provide education described in subsection (e)(2)(A)
17 using grant funds, taking into consideration any in-
18 creased costs of providing such education due to the
19 rural or remote nature of the area where such non-
20 profit organization is proposing to provide such edu-
21 cation; and

22 “(3) allocation of grant funds in a manner de-
23 signed to provide the maximum benefit from the
24 program in terms of protecting children from drown-
25 ing or entrapment.

1 “(e) USE OF GRANT FUNDS.—

2 “(1) STATES AND INDIAN TRIBES.—A State or
3 an Indian Tribe receiving a grant under this section
4 shall use—

5 “(A) at least 25 percent of amounts made
6 available—

7 “(i) to hire and train personnel for—

8 “(I) implementation and enforce-
9 ment of standards under the swim-
10 ming pool and spa safety law of the
11 State or Indian Tribe; and

12 “(II) inspecting and repairing or
13 replacing swimming pool and spa
14 drain covers to ensure compliance
15 with applicable Federal, State, and
16 Tribal law; and

17 “(ii) to defray administrative costs as-
18 sociated with the hiring and training pro-
19 grams under clause (i); and

20 “(B) the remainder—

21 “(i) to educate pool owners, pool oper-
22 ators, and other members of the public
23 about the standards under the swimming
24 pool and spa safety law of the State or In-
25 dian Tribe and about the prevention of

1 drowning or entrapment of children using
2 swimming pools and spas; and

3 “(ii) to defray administrative costs as-
4 sociated with the education programs
5 under clause (i).

6 “(2) NONPROFIT ORGANIZATIONS.—A nonprofit
7 organization receiving a grant under this section
8 shall use the amounts made available—

9 “(A) to educate pool owners, pool opera-
10 tors, and other members of the public about the
11 prevention of drowning or entrapment of chil-
12 dren using swimming pools and spas; and

13 “(B) to defray administrative costs associ-
14 ated with the education programs under sub-
15 paragraph (A).

16 “(f) RECIPIENT REPORTING.—Not later than 90
17 days after the end of the pool and spa grant program
18 project period covered by the grants awarded under this
19 section, each covered entity that received such a grant
20 shall submit to the Commission a report that includes the
21 following:

22 “(1) The amount of grant funds received by the
23 covered entity.

1 “(2) The purpose or purposes for which the
2 covered entity proposed to use grant funds in the
3 grant application of the covered entity.

4 “(3) The purpose or purposes for which the
5 covered entity used grant funds.

6 “(4) Whether the purposes identified under
7 paragraphs (2) and (3) were achieved.

8 “(5) Any barriers encountered in carrying out
9 activities using grant funds.

10 “(6) Any best practices or recommendations for
11 future recipients of grant funds.

12 “(7) Any other information requested by the
13 Commission.

14 “(g) GRANT AWARENESS CAMPAIGN.—The Commis-
15 sion shall carry out a campaign to conduct outreach to
16 covered entities to ensure covered entities are aware of the
17 availability and importance of the grants under this sec-
18 tion.

19 “(h) EMPLOYEES.—

20 “(1) DIRECTOR OF DROWNING PREVENTION.—
21 The Commission shall have a Director of Drowning
22 Prevention to coordinate the swimming pool and spa
23 safety and drowning prevention activities at the
24 Commission, including carrying out duties under
25 this title.

1 “(2) FULL-TIME EQUIVALENTS.—The Commis-
2 sion shall ensure that more than 1 full-time equiva-
3 lent is dedicated to carrying out swimming pool and
4 spa safety and drowning prevention activities at the
5 Commission, including the grant program under this
6 section.

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Commission for
9 each of the fiscal years 2024 through 2028 \$5,000,000
10 to carry out this section.”.

11 **SEC. 4. REAUTHORIZATION OF CPSC EDUCATION AND**
12 **AWARENESS PROGRAM.**

13 Section 1407 of the Virginia Graeme Baker Pool and
14 Spa Safety Act (15 U.S.C. 8006) is amended to read as
15 follows:

16 **“SEC. 1407. EDUCATION AND AWARENESS PROGRAM.**

17 “(a) IN GENERAL.—The Commission shall establish
18 and carry out an education and awareness program to in-
19 form the public of methods to prevent drowning and en-
20 trapment in swimming pools and spas. In carrying out the
21 program, the Commission shall develop—

22 “(1) educational materials designed for swim-
23 ming pool and spa manufacturers, service compa-
24 nies, and supply retail outlets, including guidance on

1 barrier and drain cover inspection, maintenance, and
2 replacement;

3 “(2) educational materials designed for swim-
4 ming pool and spa owners and operators, consumers,
5 States, Indian Tribes, and nonprofit organizations;

6 “(3) educational materials designed to reach
7 historically disadvantaged communities that have
8 higher rates of drowning than the nationwide aver-
9 age; and

10 “(4) a national media campaign to promote
11 awareness of swimming pool and spa safety.

12 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Commission for
14 each of the fiscal years 2024 through 2028 \$5,000,000
15 to carry out the education and awareness program author-
16 ized by subsection (a).”.

17 **SEC. 5. CPSC REPORT.**

18 Section 1408 of the Virginia Graeme Baker Pool and
19 Spa Safety Act (15 U.S.C. 8007) is amended to read as
20 follows:

21 **“SEC. 1408. CPSC REPORT.**

22 “(a) IN GENERAL.—Not later than 1 year after the
23 last day of each fiscal year for which grants are made
24 under section 1405, the Commission shall submit to Con-

1 gress a report evaluating the implementation of the grant
2 program authorized by that section.

3 “(b) MATTERS TO BE INCLUDED.—Each report re-
4 quired by subsection (a) shall include, with respect to the
5 fiscal year covered by the report, the following:

6 “(1) How many applicants applied for grants
7 under the program.

8 “(2) For each such applicant—

9 “(A) name;

10 “(B) location;

11 “(C) prior experience in swimming pool or
12 spa safety; and

13 “(D) such other details as the Commission
14 considers appropriate.

15 “(3) How many applicants received grants
16 under the program and the amount of the grant re-
17 ceived by each such applicant.

18 “(4) How recipients of grants under the pro-
19 gram were selected and the purposes for which each
20 such recipient proposed to use grant funds in the
21 grant application of the recipient.

22 “(5) Any purposes, other than making grants
23 under section 1405, for which the Commission used
24 amounts appropriated under subsection (i) of such
25 section.

1 “(6) An evaluation of the effectiveness of the
2 program, including any barriers or gaps, and rec-
3 ommendations for legislative changes, if required to
4 increase the effectiveness of the program.”.