

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5202
OFFERED BY MR. BURGESS OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Virginia Graeme Baker
3 Pool and Spa Safety Reauthorization Act”.

4 SEC. 2. COVERED ENTITY DEFINED.

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

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

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

11 “(A) a State;

12 “(B) an Indian Tribe; or

13 “(C) a nonprofit organization.”;

14 (2) by redesignating paragraphs (7) through
15 (10) as paragraphs (8) through (11), respectively;
16 and

17 (3) by inserting after paragraph (6) the fol-
18 lowing:

1 “(7) NONPROFIT ORGANIZATION.—The term
2 ‘nonprofit organization’ means an organization
3 that—

4 “(A) is described in section 501(c)(3) of
5 the Internal Revenue Code of 1986 and is ex-
6 empt from taxation under section 501(a) of
7 such Code; and

8 “(B) has proven experience (as determined
9 by the Commission) addressing swimming pool
10 or spa safety and drowning prevention.”.

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

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

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

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

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

22 “(1) demonstrate to the satisfaction of the
23 Commission that, as of the date on which the cov-
24 ered entity submits an application to the Commis-
25 sion for a grant under this section, the covered enti-

1 ty (if the covered entity is a State or an Indian
2 Tribe), or the State in which or the Indian Tribe in
3 the jurisdiction of which the covered entity is pro-
4 posing to carry out activities using grant funds (if
5 the covered entity is a nonprofit organization), has
6 enacted and provides for the enforcement of a stat-
7 ute that—

8 “(A) except as provided in section
9 1406(a)(1)(A)(i), applies to all swimming pools
10 constructed in the State or in the jurisdiction of
11 the Indian Tribe (as the case may be) on or
12 after such date; and

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

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

18 “(c) SELECTION OF GRANT RECIPIENTS.—

19 “(1) PRIORITY.—In selecting covered entities to
20 receive grants under the program, the Commission
21 shall give priority (in such order as the Commission
22 considers appropriate) based on the following fac-
23 tors:

1 “(A) A covered entity not having pre-
2 viously been awarded a grant under the pro-
3 gram.

4 “(B) A covered entity proposing to use
5 grant funds to expand educational activities de-
6 scribed in paragraph (1)(B)(i) or (2)(A) of sub-
7 section (e) that the covered entity is carrying
8 out at the time when the covered entity submits
9 the application for the grant.

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

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

17 “(E) A covered entity proposing to use
18 grant funds in underserved, minority, or rural
19 communities to provide services that address
20 and target racial, ethnic, or rural drowning dis-
21 parities.

22 “(F) Such other factors as the Commission
23 considers appropriate.

24 “(2) GEOGRAPHIC DIVERSITY.—

1 “(A) IN GENERAL.—In selecting covered
2 entities to receive grants under the program,
3 the Commission shall, to the maximum extent
4 practicable, ensure geographic diversity in the
5 areas where activities will be carried out using
6 grant funds.

7 “(B) TECHNICAL ASSISTANCE.—If the
8 Commission awards grants to two or more cov-
9 ered entities that will carry out activities using
10 grant funds in the same geographic area, the
11 Commission shall provide technical assistance to
12 such entities regarding how such entities may
13 collaborate in carrying out such activities.

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

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

19 “(A) the population of such State or In-
20 dian Tribe;

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

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

1 “(2) in the case of a covered entity that is a
2 nonprofit organization, the number of individuals to
3 whom such nonprofit organization is proposing to
4 provide education described in subsection (e)(2)(A)
5 using grant funds, taking into consideration any in-
6 creased costs of providing such education due to the
7 rural or remote nature of the area where such non-
8 profit organization is proposing to provide such edu-
9 cation; and

10 “(3) allocation of grant funds in a manner de-
11 signed to provide the maximum benefit from the
12 program in terms of protecting children from drown-
13 ing or entrapment.

14 “(e) USE OF GRANT FUNDS.—

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

18 “(A) at least 25 percent of amounts made
19 available—

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

21 “(I) implementation and enforce-
22 ment of standards under the swim-
23 ming pool and spa safety law of the
24 State or Indian Tribe; and

1 “(II) inspecting and repairing or
2 replacing swimming pool and spa
3 drain covers to ensure compliance
4 with applicable Federal, State, and
5 Tribal law; and

6 “(ii) to defray administrative costs as-
7 sociated with the hiring and training pro-
8 grams under clause (i); and

9 “(B) the remainder—

10 “(i) to educate pool owners, pool oper-
11 ators, and other members of the public
12 about the standards under the swimming
13 pool and spa safety law of the State or In-
14 dian Tribe and about the prevention of
15 drowning or entrapment of children using
16 swimming pools and spas; and

17 “(ii) to defray administrative costs as-
18 sociated with the education programs
19 under clause (i).

20 “(2) NONPROFIT ORGANIZATIONS.—A nonprofit
21 organization receiving a grant under this section
22 shall use the amounts made available—

23 “(A) to educate pool owners, pool opera-
24 tors, and other members of the public about the

1 prevention of drowning or entrapment of chil-
2 dren using swimming pools and spas; and

3 “(B) to defray administrative costs associ-
4 ated with the education programs under sub-
5 paragraph (A).

6 “(f) RECIPIENT REPORTING.—Not later than 90
7 days after the end of the pool and spa grant program
8 project period covered by the grants awarded under this
9 section, each covered entity that received such a grant
10 shall submit to the Commission a report that includes the
11 following:

12 “(1) The amount of grant funds received by the
13 covered entity.

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

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

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

21 “(5) Any barriers encountered in carrying out
22 activities using grant funds.

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

1 “(7) Any other information requested by the
2 Commission.

3 “(g) GRANT AWARENESS CAMPAIGN.—The Commis-
4 sion shall carry out a campaign to conduct outreach to
5 covered entities to ensure covered entities are aware of the
6 availability and importance of the grants under this sec-
7 tion.

8 “(h) EMPLOYEES.—

9 “(1) DIRECTOR OF DROWNING PREVENTION.—
10 The Commission shall have a Director of Drowning
11 Prevention to coordinate the swimming pool and spa
12 safety and drowning prevention activities at the
13 Commission, including carrying out duties under
14 this title.

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

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

1 **SEC. 4. REAUTHORIZATION OF CPSC EDUCATION AND**
2 **AWARENESS PROGRAM.**

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

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

7 “(a) IN GENERAL.—The Commission shall establish
8 and carry out an education and awareness program to in-
9 form the public of methods to prevent drowning and en-
10 trapment in swimming pools and spas. In carrying out the
11 program, the Commission shall develop—

12 “(1) educational materials designed for swim-
13 ming pool and spa manufacturers, service compa-
14 nies, and supply retail outlets, including guidance on
15 barrier and drain cover inspection, maintenance, and
16 replacement;

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

20 “(3) educational materials designed to reach
21 historically disadvantaged communities that have
22 higher rates of drowning than the nationwide aver-
23 age; and

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

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

6 **SEC. 5. CPSC REPORT.**

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

10 **“SEC. 1408. CPSC REPORT.**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 last day of each fiscal year for which grants are made
13 under section 1405, the Commission shall submit to Con-
14 gress a report evaluating the implementation of the grant
15 program authorized by that section.

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

19 “(1) How many applicants applied for grants
20 under the program.

21 “(2) For each such applicant—

22 “(A) name;

23 “(B) location;

24 “(C) prior experience in swimming pool or
25 spa safety; and

1 “(D) such other details as the Commission
2 considers appropriate.

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

6 “(4) How recipients of grants under the pro-
7 gram were selected and the purposes for which each
8 such recipient proposed to use grant funds in the
9 grant application of the recipient.

10 “(5) Any purposes, other than making grants
11 under section 1405, for which the Commission used
12 amounts appropriated under subsection (i) of such
13 section.

14 “(6) An evaluation of the effectiveness of the
15 program, including any barriers or gaps, and rec-
16 ommendations for legislative changes, if required to
17 increase the effectiveness of the program.”.

