

118TH CONGRESS  
1ST SESSION

# H. R. 5202

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

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## 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

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## 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”.

6 **SEC. 2. COVERED ENTITY DEFINED.**

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

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

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

5                   “(A) a State;

6                   “(B) an Indian Tribe; or

7                   “(C) a nonprofit organization.”;

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

11          (3) by inserting after paragraph (6) the fol-  
12          lowing:

13          “(7) NONPROFIT ORGANIZATION.—The term  
14          ‘nonprofit organization’ means an organization  
15          that—

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

20                   “(B) has proven experience (as determined  
21                   by the Commission) addressing swimming pool  
22                   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 EQUIVALENT.—

2                   “(A) IN GENERAL.—The Commission shall  
3 ensure that at least 1 full-time equivalent is  
4 dedicated to carrying out the grant program  
5 under this section.

6                   “(B) CALCULATION.—Any duties per-  
7 formed by the Director of Drowning Prevention  
8 may not be considered in determining whether  
9 the requirement of subparagraph (A) is met.

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

14 **SEC. 4. REAUTHORIZATION OF CPSC EDUCATION AND**  
15 **AWARENESS PROGRAM.**

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

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

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

1           “(1) educational materials designed for swim-  
2           ming pool and spa manufacturers, service compa-  
3           nies, and supply retail outlets, including guidance on  
4           barrier and drain cover inspection, maintenance, and  
5           replacement;

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

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

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

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

20          **SEC. 5. CPSC REPORT.**

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

1 **“SEC. 1408. CPSC REPORT.**

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

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

10 “(1) How many applicants applied for grants  
11 under the program.

12 “(2) For each such applicant—

13 “(A) name;

14 “(B) location;

15 “(C) prior experience in swimming pool or  
16 spa safety; and

17 “(D) such other details as the Commission  
18 considers appropriate.

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

22 “(4) How recipients of grants under the pro-  
23 gram were selected and the purposes for which each  
24 such recipient proposed to use grant funds in the  
25 grant application of the recipient.

1           “(5) Any purposes, other than making grants  
2           under section 1405, for which the Commission used  
3           amounts appropriated under subsection (i) of such  
4           section.

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

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