

Union Calendar No. 372

118TH CONGRESS
2^D SESSION

H. R. 5202

[Report No. 118-448]

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

APRIL 5, 2024

Additional sponsor: Ms. CRAIG

APRIL 5, 2024

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on August 11, 2023]

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—*

9 *(1) by amending paragraph (4) to read as fol-*
10 *lows:*

11 *“(4) COVERED ENTITY.—The term ‘covered enti-*
12 *ty’ means—*

13 *“(A) a State;*

14 *“(B) an Indian Tribe; or*

15 *“(C) a nonprofit organization.”;*

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

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

20 *“(7) NONPROFIT ORGANIZATION.—The term*
21 *‘nonprofit organization’ means an organization*
22 *that—*

23 *“(A) is described in section 501(c)(3) of the*
24 *Internal Revenue Code of 1986 and is exempt*

1 *from taxation under section 501(a) of such Code;*
2 *and*

3 *“(B) has proven experience (as determined*
4 *by the Commission) addressing swimming pool*
5 *or spa safety and drowning prevention.”.*

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

7 *Section 1405 of the Virginia Graeme Baker Pool and*
8 *Spa Safety Act (15 U.S.C. 8004) is amended to read as*
9 *follows:*

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

11 *“(a) IN GENERAL.—Subject to the availability of ap-*
12 *propriations authorized by subsection (i), the Commission*
13 *shall carry out a grant program to provide assistance to*
14 *eligible covered entities.*

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

17 *“(1) demonstrate to the satisfaction of the Com-*
18 *mission that, as of the date on which the covered enti-*
19 *ty submits an application to the Commission for a*
20 *grant under this section, the covered entity (if the cov-*
21 *ered entity is a State or an Indian Tribe), or the*
22 *State in which or the Indian Tribe in the jurisdiction*
23 *of which the covered entity is proposing to carry out*
24 *activities using grant funds (if the covered entity is*

1 *a nonprofit organization), has enacted and provides*
2 *for the enforcement of a statute that—*

3 *“(A) except as provided in section*
4 *1406(a)(1)(A)(i), applies to all swimming pools*
5 *constructed in the State or in the jurisdiction of*
6 *the Indian Tribe (as the case may be) on or after*
7 *such date; and*

8 *“(B) meets the minimum State law require-*
9 *ments of section 1406; and*

10 *“(2) submit an application to the Commission at*
11 *such time, in such form, and containing such addi-*
12 *tional information as the Commission may require.*

13 *“(c) SELECTION OF GRANT RECIPIENTS.—*

14 *“(1) PRIORITY.—In selecting covered entities to*
15 *receive grants under the program, the Commission*
16 *shall give priority (in such order as the Commission*
17 *considers appropriate) based on the following factors:*

18 *“(A) A covered entity not having previously*
19 *been awarded a grant under the program.*

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

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

4 “(D) A covered entity proposing to use
5 grant funds to carry out activities in a geo-
6 graphic area that has a greater number per cap-
7 ita of drowning or entrapment incidents.

8 “(E) A covered entity proposing to use
9 grant funds in underserved, minority, or rural
10 communities to provide services that address and
11 target racial, ethnic, or rural drowning dispari-
12 ties.

13 “(F) Such other factors as the Commission
14 considers appropriate.

15 “(2) GEOGRAPHIC DIVERSITY.—

16 “(A) IN GENERAL.—In selecting covered en-
17 tities to receive grants under the program, the
18 Commission shall, to the maximum extent prac-
19 ticable, ensure geographic diversity in the areas
20 where activities will be carried out using grant
21 funds.

22 “(B) TECHNICAL ASSISTANCE.—If the Com-
23 mission awards grants to two or more covered
24 entities that will carry out activities using grant
25 funds in the same geographic area, the Commis-

1 *sion shall provide technical assistance to such*
2 *entities regarding how such entities may collabo-*
3 *rate in carrying out such activities.*

4 “(d) *AMOUNT OF GRANT.*—*The Commission shall de-*
5 *termine the amount of a grant awarded under this section,*
6 *and shall consider—*

7 “(1) *in the case of a covered entity that is a*
8 *State or an Indian Tribe—*

9 “(A) *the population of such State or Indian*
10 *Tribe;*

11 “(B) *the enforcement and implementation*
12 *needs of such State or Indian Tribe; or*

13 “(C) *the education needs of such State or*
14 *Indian Tribe proposing to use grant funds pur-*
15 *suant to subsection (e)(1)(B)(i);*

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

1 “(3) *allocation of grant funds in a manner de-*
2 *signed to provide the maximum benefit from the pro-*
3 *gram in terms of protecting children from drowning*
4 *or entrapment.*

5 “(e) *USE OF GRANT FUNDS.—*

6 “(1) *STATES AND INDIAN TRIBES.—A State or*
7 *an Indian Tribe receiving a grant under this section*
8 *shall use—*

9 “(A) *at least 25 percent of amounts made*
10 *available—*

11 “(i) *to hire and train personnel for—*

12 “(I) *implementation and enforce-*
13 *ment of standards under the swimming*
14 *pool and spa safety law of the State or*
15 *Indian Tribe; and*

16 “(II) *inspecting and repairing or*
17 *replacing swimming pool and spa*
18 *drain covers to ensure compliance with*
19 *applicable Federal, State, and Tribal*
20 *law; and*

21 “(ii) *to defray administrative costs as-*
22 *sociated with the hiring and training pro-*
23 *grams under clause (i); and*

24 “(B) *the remainder—*

1 “(i) to educate pool owners, pool opera-
2 tors, and other members of the public about
3 the standards under the swimming pool and
4 spa safety law of the State or Indian Tribe
5 and about the prevention of drowning or
6 entrapment of children using swimming
7 pools and spas; and

8 “(ii) to defray administrative costs as-
9 sociated with the education programs under
10 clause (i).

11 “(2) *NONPROFIT ORGANIZATIONS.*—A nonprofit
12 organization receiving a grant under this section
13 shall use the amounts made available—

14 “(A) to educate pool owners, pool operators,
15 and other members of the public about the pre-
16 vention of drowning or entrapment of children
17 using swimming pools and spas; and

18 “(B) to defray administrative costs associ-
19 ated with the education programs under sub-
20 paragraph (A).

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

1 “(1) *The amount of grant funds received by the*
2 *covered entity.*

3 “(2) *The purpose or purposes for which the cov-*
4 *ered entity proposed to use grant funds in the grant*
5 *application of the covered entity.*

6 “(3) *The purpose or purposes for which the cov-*
7 *ered entity used grant funds.*

8 “(4) *Whether the purposes identified under para-*
9 *graphs (2) and (3) were achieved.*

10 “(5) *Any barriers encountered in carrying out*
11 *activities using grant funds.*

12 “(6) *Any best practices or recommendations for*
13 *future recipients of grant funds.*

14 “(7) *Any other information requested by the*
15 *Commission.*

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

21 “(h) *EMPLOYEES.—*

22 “(1) *DIRECTOR OF DROWNING PREVENTION.—*
23 *The Commission shall have a Director of Drowning*
24 *Prevention to coordinate the swimming pool and spa*
25 *safety and drowning prevention activities at the Com-*

1 mission, including carrying out duties under this
2 title.

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

9 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—There are
10 authorized to be appropriated to the Commission for each
11 of the fiscal years 2024 through 2028 \$2,500,000 to carry
12 out this section.”.

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

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

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

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

24 “(1) educational materials designed for swim-
25 ming pool and spa manufacturers, service companies,

1 *and supply retail outlets, including guidance on barrier and drain cover inspection, maintenance, and replacement;*

2 *“(2) educational materials designed for swimming pool and spa owners and operators, consumers, States, Indian Tribes, and nonprofit organizations;*

3 *“(3) educational materials designed to reach historically disadvantaged communities that have higher rates of drowning than the nationwide average; and*

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

5 **“(b) AUTHORIZATION OF APPROPRIATIONS.—***There are authorized to be appropriated to the Commission for each of the fiscal years 2024 through 2028 \$2,500,000 to carry out the education and awareness program authorized by subsection (a).”.*

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

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

8 **“SEC. 1408. CPSC REPORT.**

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

1 *report evaluating the implementation of the grant program*
2 *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 program*
19 *were selected and the purposes for which each such re-*
20 *recipient proposed to use grant funds in the grant ap-*
21 *plication 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 pro-*
2 *gram, including any barriers or gaps, and rec-*
3 *ommendations for legislative changes, if required to*
4 *increase the effectiveness of the program.*”.

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