

118TH CONGRESS
1ST SESSION

H. R. 4313

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2023

Ms. WASSERMAN SCHULTZ (for herself, Mr. CARTER of Texas, Mr. ALLRED, Ms. WILLIAMS of Georgia, Mr. FLOOD, Ms. GARCIA of Texas, Ms. CASTOR of Florida, Ms. ROSS, Mr. GRIJALVA, 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”.

6 **SEC. 2. FINDINGS.**

7 Section 1402 of the Virginia Graeme Baker Pool and
8 Spa Safety Act (15 U.S.C. 8001) is amended to read as
9 follows:

1 **“SEC. 1402. FINDINGS.**

2 “Congress finds the following:

3 “(1) Drowning is a public health crisis. Drown-
4 ing can happen in seconds, is often silent, and can
5 happen to anyone, anytime there is access to water.

6 “(2) About 11 people die each day from drown-
7 ing in the United States, and drowning kills nearly
8 4,000 people each year in the United States.

9 “(3) Of injury-related deaths, drowning is the
10 leading cause of accidental death in children aged 1
11 to 4 in the United States, and the second most likely
12 cause of accidental death in children aged 1 to 14
13 in the United States.

14 “(4) Drowning death rates for Black people are
15 1.5 times higher than the rates for White people,
16 and drowning death rates for American Indian peo-
17 ple ages 29 and younger are 2 times higher than the
18 rates for White people in the same age range.

19 “(5) People in rural areas of the United States
20 are 26 percent more likely to die by drowning than
21 people in urban areas of the United States.

22 “(6) Research shows that the installation and
23 proper use of barriers or fencing, as well as addi-
24 tional layers of protection, such as swimming les-
25 sons, could substantially reduce the number of child-

1 hood fatal and nonfatal drownings in residential
2 swimming pools.”.

3 **SEC. 3. COVERED ENTITY DEFINED.**

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

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

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

10 “(A) a State;

11 “(B) an Indian Tribe; or

12 “(C) a nonprofit organization.”;

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

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

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

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

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

4 **SEC. 4. SWIMMING POOL SAFETY GRANT PROGRAM.**

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

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

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

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

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

1 “(A) except as provided in section
2 1406(a)(1)(A)(i), applies to all swimming pools
3 constructed in the State or in the jurisdiction of
4 the Indian Tribe (as the case may be) on or
5 after such date; and

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

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

11 “(c) SELECTION OF GRANT RECIPIENTS.—

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

17 “(A) A covered entity not having pre-
18 viously been awarded a grant under the pro-
19 gram.

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
24 out at the time when the covered entity submits
25 the 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
7 capita 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
11 and target racial, ethnic, or rural drowning dis-
12 parities.

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

15 “(2) GEOGRAPHIC DIVERSITY.—

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

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

1 Commission shall provide technical assistance to
2 such entities regarding how such entities may
3 collaborate 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 In-
10 dian 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
17 nonprofit 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
3 program in terms of protecting children from drown-
4 ing 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 swim-
14 ming pool and spa safety law of the
15 State or Indian Tribe; and

16 “(II) inspecting and repairing or
17 replacing swimming pool and spa
18 drain covers to ensure compliance
19 with applicable Federal, State, and
20 Tribal 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 oper-
2 ators, and other members of the public
3 about the standards under the swimming
4 pool and spa safety law of the State or In-
5 dian Tribe and about the prevention of
6 drowning or entrapment of children using
7 swimming pools and spas, which may in-
8 clude the provision of swimming lessons
9 (except that not more than 25 percent of
10 such remainder may be used for the provi-
11 sion of swimming lessons); and

12 “(ii) to defray administrative costs as-
13 sociated with the education programs
14 under clause (i).

15 “(2) NONPROFIT ORGANIZATIONS.—A nonprofit
16 organization receiving a grant under this section
17 shall use the amounts made available—

18 “(A) to educate pool owners, pool opera-
19 tors, and other members of the public about the
20 prevention of drowning or entrapment of chil-
21 dren using swimming pools and spas, which
22 may include the provision of swimming lessons
23 (except that not more than 25 percent of such
24 amounts may be used for the provision of swim-
25 ming lessons); and

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

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

10 “(1) The amount of grant funds received by the
11 covered entity.

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

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

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

19 “(5) Any barriers encountered in carrying out
20 activities using grant funds.

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

23 “(7) Any other information requested by the
24 Commission.

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

6 “(h) EMPLOYEES.—

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

13 “(2) FULL-TIME EQUIVALENT.—

14 “(A) IN GENERAL.—The Commission shall
15 ensure that at least 1 full-time equivalent is
16 dedicated to carrying out the grant program
17 under this section.

18 “(B) CALCULATION.—Any duties per-
19 formed by the Director of Drowning Prevention
20 may not be considered in determining whether
21 the requirement of subparagraph (A) is met.

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

1 **SEC. 5. 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. 6. 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.”.

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