

117TH CONGRESS  
2D SESSION

# H. R. 7877

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2022

Ms. WASSERMAN SCHULTZ (for herself, Mr. CARTER of Texas, Mr. ALLRED,  
and Mr. BURGESS) 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 of 2022”.

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 first leading cause of accidental death in children  
11 aged 1 to 4 in the United States, and the second  
12 leading cause of accidental death in children aged 1  
13 to 14 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        (a) IN GENERAL.—Section 1403 of the Virginia  
5    Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8002)  
6    is amended—

7            (1) by redesignating paragraphs (4), (5), (6),  
8            (7), and (8) as paragraphs (6), (8), (9), (10), and  
9            (11), respectively;

10          (2) by inserting after paragraph (3) the fol-  
11        lowing:

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

14            “(A) a State;

15            “(B) an Indian Tribe; or

16            “(C) a nonprofit organization.

17            “(5) INDIAN TRIBE.—The term ‘Indian Tribe’  
18        has the meaning given the term ‘Indian tribe’ in sec-  
19        tion 102 of the Federally Recognized Indian Tribe  
20        List Act of 1994 (25 U.S.C. 5130).”; and

21            (3) by inserting after paragraph (6) (as so re-  
22        designated) the following:

23            “(7) NONPROFIT ORGANIZATION.—The term  
24        ‘nonprofit organization’ means an organization  
25        that—

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

5           “(B) has proven experience (as determined  
 6           by the Commission) dealing in swimming pool  
 7           or spa safety and drowning prevention.”.

8           (b) TECHNICAL CORRECTION.—Paragraph (11) of  
 9           section 1403 of the Virginia Graeme Baker Pool and Spa  
 10          Safety Act (as so redesignated) is amended by striking  
 11          “section 3(10) of the Consumer Product Safety Act (15  
 12          U.S.C. 2052(10))” and inserting “section 3(a) of the Con-  
 13          sumer Product Safety Act (15 U.S.C. 2052(a))”.

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

15          (a) IN GENERAL.—Section 1405 of the Virginia  
 16          Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004)  
 17          is amended to read as follows:

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

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

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

1           “(1) demonstrate to the satisfaction of the  
2           Commission that, as of the date on which the cov-  
3           ered entity submits an application to the Commis-  
4           sion for a grant under this section, the covered enti-  
5           ty (if the covered entity is a State or an Indian  
6           Tribe), or the State in which or the Indian Tribe in  
7           the jurisdiction of which the covered entity is pro-  
8           posing to carry out activities using grant funds (if  
9           the covered entity is a nonprofit organization), has  
10          enacted and provides for the enforcement of a stat-  
11          ute that—

12                 “(A) except as provided in section  
13                 1406(a)(1)(A)(i), applies to all swimming pools  
14                 constructed in the State or in the jurisdiction of  
15                 the Indian Tribe (as the case may be) on or  
16                 after such date; and

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

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

22          “(c) SELECTION OF GRANT RECIPIENTS.—

23                 “(1) PRIORITY.—In selecting covered entities to  
24                 receive grants under the program, the Commission  
25                 shall give priority (in such order as the Commission

1 considers appropriate) based on the following fac-  
2 tors:

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

6 “(B) A covered entity proposing to use  
7 grant funds to provide education described in  
8 paragraph (1)(B)(i) or (2)(A) of subsection (f)  
9 to a greater number of individuals.

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 relative enforcement and imple-  
22          mentation needs of such State or Indian Tribe;  
23          or

1           “(C) relative education needs of such State  
2           or Indian Tribe proposing to use grant funds  
3           pursuant to subsection (f)(1)(B)(i);

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

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

17          “(e) LENGTH OF GRANT.—A grant under this section  
18          shall be awarded over 3 fiscal years.

19          “(f) USE OF GRANT FUNDS.—

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

23                         “(A) at least 25 percent of amounts made  
24                         available—

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



1 “(I) implementation and enforce-  
2 ment of standards under the swim-  
3 ming pool and spa safety law of the  
4 State or Indian Tribe; and

5 “(II) inspecting and repairing or  
6 replacing swimming pool and spa  
7 drain covers to ensure compliance  
8 with applicable Federal, State, and  
9 Tribal law; and

10 “(ii) to defray administrative costs as-  
11 sociated with the hiring and training pro-  
12 grams under clause (i); and

13 “(B) the remainder—

14 “(i) to educate pool owners, pool oper-  
15 ators, and other members of the public  
16 about the standards under the swimming  
17 pool and spa safety law of the State or In-  
18 dian Tribe and about the prevention of  
19 drowning or entrapment of children using  
20 swimming pools and spas, which may in-  
21 clude the provision of swimming lessons  
22 (except that not more than 25 percent of  
23 such remainder may be used for the provi-  
24 sion of swimming lessons); and

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

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

7 “(A) to educate pool owners, pool opera-  
8 tors, and other members of the public about the  
9 prevention of drowning or entrapment of chil-  
10 dren using swimming pools and spas, which  
11 may include the provision of swimming lessons  
12 (except that not more than 25 percent of such  
13 amounts may be used for the provision of swim-  
14 ming lessons); and

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

18 “(g) RECIPIENT REPORTING.—Not later than 60  
19 days after the end of the 3 fiscal year period over which  
20 a grant is awarded to a covered entity under this section,  
21 the covered entity shall submit to the Commission a report  
22 on the following:

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

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

4           “(3) The purposes for which the covered entity  
5           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          “(h) GRANT AWARENESS CAMPAIGN.—The Commis-  
13          sion shall carry out a campaign to conduct outreach to  
14          covered entities to ensure covered entities are aware of the  
15          availability and importance of the grants under this sec-  
16          tion.

17          “(i) EMPLOYEES.—

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

24                 “(2) FULL-TIME EQUIVALENT.—

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

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

9           “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
10          are authorized to be appropriated to the Commission for  
11          each of the fiscal years 2022 through 2027 \$5,000,000  
12          to carry out this section.”.

13          (b) CONFORMING AMENDMENTS.—Section 1406 of  
14          the Virginia Graeme Baker Pool and Spa Safety Act (15  
15          U.S.C. 8005) is amended—

16                 (1) in subsection (a)(2), by striking “the eligi-  
17                 bility of a State” each place it appears and inserting  
18                 “the eligibility of a covered entity”; and

19                 (2) by adding at the end the following:

20                 “(e) STATE DEFINED.—In this section, the term  
21          ‘State’ includes an Indian Tribe.”.

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 and

21 “(3) a national media campaign to promote  
22 awareness of swimming pool and spa safety.

23 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Commission for  
25 each of the fiscal years 2022 through 2027 \$5,000,000

1 to carry out the education and awareness program author-  
2 ized by subsection (a).”.

3 **SEC. 6. CPSC REPORT.**

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

7 **“SEC. 1408. CPSC REPORT.**

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

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

16 “(1) How many applicants applied for grants  
17 under the program.

18 “(2) For each such applicant—

19 “(A) name;

20 “(B) location;

21 “(C) prior experience in swimming pool or  
22 spa safety; and

23 “(D) such other details as the Commission  
24 considers appropriate.

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

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

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

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

○