

tion as it relates to the use of a qualified product.

(Pub. L. 109-92, § 4, Oct. 26, 2005, 119 Stat. 2097.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-92, Oct. 26, 2005, 119 Stat. 2095, known as the Protection of Lawful Commerce in Arms Act. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of this title and Tables.

CHAPTER 106—POOL AND SPA SAFETY

Sec.	
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§ 8001. Findings

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

(Pub. L. 110-140, title XIV, § 1402, Dec. 19, 2007, 121 Stat. 1794.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

SHORT TITLE

Pub. L. 110-140, title XIV, § 1401, Dec. 19, 2007, 121 Stat. 1794, provided that: “This title [enacting this chapter] may be cited as the ‘Virginia Graeme Baker Pool and Spa Safety Act.’”

§ 8002. Definitions

In this chapter:

(1) ASME/ANSI

The term “ASME/ANSI” as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) Barrier

The term “barrier” includes a natural or constructed topographical feature that prevents unpermitted access by children to a

swimming pool, and, with respect to a hot tub, a lockable cover.

(3) Commission

The term “Commission” means the Consumer Product Safety Commission.

(4) Covered entity

The term “covered entity” means—

- (A) a State; or
- (B) an Indian Tribe.

(5) Indian Tribe

The term “Indian Tribe” has the meaning given that term in section 5304(e) of title 25.

(6) Main drain

The term “main drain” means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a recirculating pump.

(7) Safety vacuum release system

The term “safety vacuum release system” means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(8) Swimming pool; spa

The term “swimming pool” or “spa” means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(9) Unblockable drain

The term “unblockable drain” means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(10) State

The term “State” has the meaning given such term in section 2052(a) of this title, and includes the Northern Mariana Islands. For purposes of eligibility for the grants authorized under section 8004 of this title, such term shall also include any political subdivision of a State.

(Pub. L. 110-140, title XIV, § 1403, Dec. 19, 2007, 121 Stat. 1795; Pub. L. 110-314, title II, § 238(1), Aug. 14, 2008, 122 Stat. 3076; Pub. L. 112-10, div. B, title V, § 1576(a), Apr. 15, 2011, 125 Stat. 139; Pub. L. 117-328, div. BB, title IV, § 401, Dec. 29, 2022, 136 Stat. 5562.)

Editorial Notes

AMENDMENTS

2022—Pars. (4) to (9). Pub. L. 117-328, § 401(a), added par. (4) and redesignated former pars. (4) to (8) as (6) to (9), respectively. Former par. (9) redesignated (10).

Par. (10). Pub. L. 117-328, § 401(a)(1), (b), redesignated par. (9) as (10) and substituted “section 2052(a) of this title” for “section 2052(10) of this title”.

2011—Par. (8). Pub. L. 112-10 inserted at end “For purposes of eligibility for the grants authorized under section 8004 of this title, such term shall also include any political subdivision of a State.”

2008—Par. (8). Pub. L. 110-314 added par. (8).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 8003. Federal swimming pool and spa drain cover standard**(a) Consumer product safety rule**

The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) Drain cover standard

Effective 1 year after December 19, 2007, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover. If a successor standard is proposed, the American Society of Mechanical Engineers shall notify the Commission of the proposed revision. If the Commission determines that the proposed revision is in the public interest, it shall incorporate the revision into the standard after providing 30 days notice to the public.

(c) Public pools**(1) Required equipment****(A) In general**

Beginning 1 year after December 19, 2007—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) Safety vacuum release system

A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) Suction-limiting vent system

A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) Gravity drainage system

A gravity drainage system that utilizes a collector tank.

(IV) Automatic pump shut-off system

An automatic pump shut-off system.

(V) Drain disablement

A device or system that disables the drain.

(VI) Other systems

Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) Applicable standards

Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) Public pool and spa defined

In this subsection, the term “public pool and spa” means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge;

(B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multifamily residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) Enforcement

Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

(Pub. L. 110-140, title XIV, §1404, Dec. 19, 2007, 121 Stat. 1795; Pub. L. 110-314, title II, §238(2), Aug. 14, 2008, 122 Stat. 3076.)

Editorial Notes**REFERENCES IN TEXT**

The Consumer Product Safety Act, referred to in subsec. (a), is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, which is classified generally to chapter 47 (§2051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-314 inserted at end “If a successor standard is proposed, the American Society of Mechanical Engineers shall notify the Commission of the proposed revision. If the Commission determines that the proposed revision is in the public interest, it shall incorporate the revision into the standard after providing 30 days notice to the public.”

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 8004. Swimming pool safety grant program**(a) In general**

Subject to the availability of appropriations authorized by subsection (e), the Commission shall carry out a grant program to provide assistance to eligible covered entities.

(b) Eligibility

To be eligible for a grant under the program, a covered entity shall—

(1) demonstrate to the satisfaction of the Commission that, as of the date on which the covered entity submits an application to the Commission for a grant under this section, the covered entity has enacted and provides for the enforcement of a statute that—

(A) except as provided in section 8005(a)(1)(A)(i) of this title, applies to all swimming pools constructed in the State or in the jurisdiction of the Indian Tribe (as the case may be) on or after such date; and

(B) meets the minimum State law requirements of section 8005 of this title; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) Amount of grant

The Commission shall determine the amount of a grant awarded under this section, and shall consider—

(1) the population of the covered entity;

(2) the relative enforcement and implementation needs of the covered entity; and

(3) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment.

(d) Use of grant funds

A State or an Indian Tribe receiving a grant under this section shall use—

(1) at least 25 percent of amounts made available—

(A) to hire and train personnel for implementation and enforcement of standards under the swimming pool and spa safety law of the State or Indian Tribe; and

(B) to defray administrative costs associated with the hiring and training programs under subparagraph (A); and

(2) the remainder—

(A) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law of the State or Indian Tribe and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(B) to defray administrative costs associated with the education programs under subparagraph (A).

(e) Authorization of appropriations

There are authorized to be appropriated to the Commission for fiscal year 2023 \$2,500,000 to carry out this section.

(Pub. L. 110-140, title XIV, §1405, Dec. 19, 2007, 121 Stat. 1796; Pub. L. 112-10, div. B, title V,

§1576(b), Apr. 15, 2011, 125 Stat. 139; Pub. L. 112-74, div. C, title V, §502, Dec. 23, 2011, 125 Stat. 908; Pub. L. 113-76, div. E, title V, §501(1), Jan. 17, 2014, 128 Stat. 208; Pub. L. 117-328, div. BB, title IV, §402(a), Dec. 29, 2022, 136 Stat. 5562.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328 amended section generally. Prior to amendment, section related to State swimming pool safety grant program.

2014—Subsec. (b)(1)(A). Pub. L. 113-76, §501(1)(A), substituted “all swimming pools constructed in the State after the date the State submits an application to the Commission for a grant under this section” for “all swimming pools constructed after the date that is 6 months after December 23, 2011, in the State”.

Subsec. (e). Pub. L. 113-76, §501(1)(B), substituted “There is authorized to be appropriated to the Commission such sums as may be necessary to carry out this section through fiscal year 2016.” for “There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 \$2,000,000 to carry out this section, such sums to remain available until expended.” and “the end of fiscal year 2016” for “the end of fiscal year 2012”.

2011—Subsec. (b)(1)(A). Pub. L. 112-74, §502(b), inserted “constructed after the date that is 6 months after December 23, 2011,” after “swimming pools”.

Subsec. (e). Pub. L. 112-74, §502(a), substituted “2012” for “2011”.

Pub. L. 112-10, which directed substitution of “2011” for “2010”, was executed by making the substitution for “2010” the second place appearing to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 8005. Minimum State law requirements**(a) In general****(1) Safety standards**

A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa; and

(ii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) Use of minimum State law requirements

The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a covered entity for a grant under section 8004 of this title; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a covered entity for a grant under section 8004 of this title.

(3) Requirements to reflect national performance standards and Commission guidelines

In establishing minimum State law requirements under paragraph (1)(B), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) Standards

Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) Basic access-related safety devices and equipment requirements to be considered

In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) Covers

A safety pool cover.

(2) Gates

A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) Doors

Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) Pool alarm

A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) Entrapment, entanglement, and evisceration prevention standards to be required

(1) In general

In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) Safety vacuum release system

A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or

ASTM standard F2387, or any successor standard.

(B) Suction-limiting vent system

A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) Gravity drainage system

A gravity drainage system that utilizes a collector tank.

(D) Automatic pump shut-off system

An automatic pump shut-off system.

(E) Drain disablement

A device or system that disables the drain.

(F) Other systems

Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) Applicable standards

Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(e) State defined

In this section, the term "State" includes an Indian Tribe.

(Pub. L. 110-140, title XIV, §1406, Dec. 19, 2007, 121 Stat. 1797; Pub. L. 113-76, div. E, title V, §501(2), Jan. 17, 2014, 128 Stat. 209; Pub. L. 117-328, div. BB, title IV, §402(b), Dec. 29, 2022, 136 Stat. 5563.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117-328, §402(b)(1), substituted "the eligibility of a covered entity" for "the eligibility of a State" in subpars. (A) and (B).

Subsec. (e). Pub. L. 117-328, §402(b)(2), added subsec. (e).

2014—Subsec. (a)(1)(A). Pub. L. 113-76, §501(2)(A), inserted "and" at end of cl. (i), redesignated cl. (iii) as (ii) and inserted "and" at end, and struck out former cl. (ii) and cls. (iv) and (v) which read as follows:

"(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

"(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 8003 of this title; and

"(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and".

Subsec. (a)(2) to (4). Pub. L. 113-76, §501(2)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, substituted "paragraph (1)(B)" for "paragraph (1)" in introductory provisions of par. (3), and struck out former par. (2) which read as follows: "The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement."

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 8006. Education and awareness program**(a) In general**

The Commission shall establish and carry out an education and awareness program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

- (1) educational materials designed for swimming pool and spa manufacturers, service companies, and supply retail outlets, including guidance on barrier and drain cover inspection, maintenance, and replacement;
- (2) educational materials designed for swimming pool and spa owners and operators, consumers, States, and Indian Tribes; and
- (3) a national media campaign to promote awareness of swimming pool and spa safety.

(b) Authorization of appropriations

There are authorized to be appropriated to the Commission for fiscal year 2023 \$2,500,000 to carry out the education and awareness program authorized by subsection (a).

(Pub. L. 110-140, title XIV, §1407, Dec. 19, 2007, 121 Stat. 1799; Pub. L. 117-328, div. BB, title IV, § 403, Dec. 29, 2022, 136 Stat. 5563.)

Editorial Notes**AMENDMENTS**

2022—Pub. L. 117-328 amended section generally. Prior to amendment, section related to establishment of a pool and spa safety education program.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 8007. CPSC report

Not later than 1 year after the last day of each fiscal year for which grants are made under section 8004 of this title, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

(Pub. L. 110-140, title XIV, §1408, Dec. 19, 2007, 121 Stat. 1800.)

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 8008. Applicability

This chapter¹ is applicable to the United States and its territories, including American

Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(Pub. L. 110-140, title XIV, §1409, as added Pub. L. 110-314, title II, §238(3), Aug. 14, 2008, 122 Stat. 3076.)

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this title”, meaning title XIV of Pub. L. 110-140, known as the Virginia Graeme Baker Pool and Spa Safety Act, to reflect the probable intent of Congress.

CHAPTER 107—PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**Sec.**

8101. Definition.

SUBCHAPTER I—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

- 8111. Intellectual Property Enforcement Coordinator.
- 8112. Definition.
- 8113. Joint Strategic Plan.
- 8114. Reporting.
- 8115. Savings and repeals.
- 8116. Authorization of appropriations.

SUBCHAPTER II—CYBERSQUATTING PROTECTION

- 8131. Cyberpiracy protections for individuals.

§ 8101. Definition

In this Act, the term “United States person” means—

- (1) any United States resident or national,
- (2) any domestic concern (including any permanent domestic establishment of any foreign concern), and
- (3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

(Pub. L. 110-403, §3, Oct. 13, 2008, 122 Stat. 4257.)

Editorial Notes**REFERENCES IN TEXT**

This Act, referred to in text, is Pub. L. 110-403, Oct. 13, 2008, 122 Stat. 4256, known as the Prioritizing Resources and Organization for Intellectual Property Act of 2008, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note below and Tables.

Statutory Notes and Related Subsidiaries**SHORT TITLE**

Pub. L. 110-403, §1(a), Oct. 13, 2008, 122 Stat. 4256, provided that: “This Act [enacting this chapter, section 2323 of Title 18, Crimes and Criminal Procedure, and sections 3713a to 3713d of Title 42, The Public Health

¹ See References in Text note below.