

117TH CONGRESS  
2D SESSION

# S. 4296

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

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2022

Ms. KLOBUCHAR (for herself and Mr. BLUNT) introduced the following bill;  
which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

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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) Rural Americans are 26 percent more like-  
20 ly to die by drowning than urban Americans.

21 “(6) Research shows that the installation and  
22 proper use of barriers or fencing, as well as addi-  
23 tional layers of protection, such as swimming les-  
24 sons, could substantially reduce the number of child-  
25 hood fatal and nonfatal drownings in residential  
26 swimming pools.”.

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

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

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

8 (2) by inserting after paragraph (3) the fol-  
9 lowing:

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

12 “(A) a State;

13 “(B) an Indian Tribe; or

14 “(C) a nonprofit organization.

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

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

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

24 “(A) is described in section 501(c)(3) of  
25 the Internal Revenue Code of 1986 and is ex-

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

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

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

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

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

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

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

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

23                   “(1) demonstrate to the satisfaction of the  
24                   Commission that, as of the date on which the cov-  
25                   ered entity submits an application to the Commis-

1 sion for a grant under this section, the covered enti-  
2 ty (if the covered entity is a State or an Indian  
3 Tribe), or the State in which or the Indian Tribe in  
4 the jurisdiction of which the covered entity is pro-  
5 posing to carry out activities using grant funds (if  
6 the covered entity is a nonprofit organization), has  
7 enacted and provides for the enforcement of a stat-  
8 ute that—

9 “(A) except as provided in section  
10 1406(a)(1)(A)(i), applies to all swimming pools  
11 constructed in the State or in the jurisdiction of  
12 the Indian Tribe (as the case may be) on or  
13 after such date; and

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

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

19 “(c) SELECTION OF GRANT RECIPIENTS.—

20 “(1) PRIORITY.—In selecting covered entities to  
21 receive grants under the program, the Commission  
22 shall give priority (in such order as the Commission  
23 considers appropriate) based on the following fac-  
24 tors:

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

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

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

11          “(D) A covered entity proposing to use  
12          grant funds to carry out activities in a geo-  
13          graphic area that has a greater number per  
14          capita of drowning or entrapment incidents.

15          “(E) A covered entity proposing to use  
16          grant funds in underserved, minority, or rural  
17          communities to provide services that address  
18          and target racial, ethnic, or rural drowning dis-  
19          parities.

20          “(F) Such other factors as the Commission  
21          considers appropriate.

22          “(2) GEOGRAPHIC DIVERSITY.—

23                 “(A) IN GENERAL.—In selecting covered  
24                 entities to receive grants under the program,  
25                 the Commission shall, to the maximum extent

1 practicable, ensure geographic diversity in the  
2 areas where activities will be carried out using  
3 grant funds.

4 “(B) TECHNICAL ASSISTANCE.—If the  
5 Commission awards grants to two or more cov-  
6 ered entities that will carry out activities using  
7 grant funds in the same geographic area, the  
8 Commission shall provide technical assistance to  
9 such entities regarding how such entities may  
10 collaborate in carrying out such activities.

11 “(d) AMOUNT OF GRANT.—The Commission shall de-  
12 termine the amount of a grant awarded under this section,  
13 and shall consider—

14 “(1) in the case of a covered entity that is a  
15 State or an Indian Tribe—

16 “(A) the population of such State or In-  
17 dian Tribe;

18 “(B) the relative enforcement and imple-  
19 mentation needs of such State or Indian Tribe;  
20 or

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

24 “(2) in the case of a covered entity that is a  
25 nonprofit organization, the number of individuals to

1 whom such nonprofit organization is proposing to  
2 provide education described in subsection (f)(2)(A)  
3 using grant funds, taking into account any increased  
4 costs of providing education due to rurality or re-  
5 moteness in the area the nonprofit organization is  
6 proposing to serve; and

7 “(3) allocation of grant funds in a manner de-  
8 signed to provide the maximum benefit from the  
9 program in terms of protecting children from drown-  
10 ing or entrapment.

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

13 “(f) USE OF GRANT FUNDS.—

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

17 “(A) at least 25 percent of amounts made  
18 available—

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

20 “(I) implementation and enforce-  
21 ment of standards under the swim-  
22 ming pool and spa safety law of the  
23 State or Indian Tribe; and

24 “(II) inspecting and repairing or  
25 replacing swimming pool and spa



1 drain covers to ensure compliance  
2 with applicable Federal, State, and  
3 Tribal law; and

4 “(ii) to defray administrative costs as-  
5 sociated with the hiring and training pro-  
6 grams under clause (i); and

7 “(B) the remainder—

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

19 “(ii) to defray administrative costs as-  
20 sociated with the education programs  
21 under clause (i).

22 “(2) NONPROFIT ORGANIZATIONS.—A nonprofit  
23 organization receiving a grant under this section  
24 shall use the amounts made available—

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

9           “(B) to defray administrative costs associ-  
10          ated with the education programs under sub-  
11          paragraph (A).

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

17                 “(1) The amount of grant funds received by the  
18                 covered entity.

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

22                 “(3) The purposes for which the covered entity  
23                 used grant funds.

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

1           “(5) Any barriers encountered in carrying out  
2 activities using grant funds.

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

5           “(h) GRANT AWARENESS CAMPAIGN.—The Commis-  
6 sion shall carry out a campaign to conduct outreach to  
7 covered entities to ensure covered entities are aware of the  
8 availability and importance of the grants under this sec-  
9 tion.

10          “(i) EMPLOYEES.—

11           “(1) DIRECTOR.—The Commission shall have a  
12 Director of Drowning Prevention to coordinate the  
13 swimming pool and spa safety and drowning preven-  
14 tion activities at the Commission, including carrying  
15 out duties under this title.

16           “(2) FULL-TIME EQUIVALENT.—

17           “(A) REQUIREMENT.—The Commission  
18 shall ensure that at least 1 full-time equivalent  
19 employee is dedicated to carrying out the grant  
20 program under this section.

21           “(B) CALCULATION.—Any duties per-  
22 formed by the Director of Drowning Prevention  
23 may not be considered in determining whether  
24 the requirement of subparagraph (A) is com-  
25 plied with.

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

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

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

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

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

14 **SEC. 5. 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           and

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

12           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
13           are authorized to be appropriated to the Commission for  
14           each of the fiscal years 2022 through 2027 \$5,000,000  
15           to carry out the education and awareness program author-  
16           ized by subsection (a).”.

17           **SEC. 6. CPSC REPORT.**

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

21           **“SEC. 1408. CPSC REPORT.**

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

1 gress a report evaluating the implementation of the grant  
2 program 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 pro-  
19 gram were selected and the purposes for which each  
20 such recipient proposed to use grant funds in the  
21 grant application 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 (j) of such  
25 section.

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

○