

**§ 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