

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.

(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.)

AMENDMENTS

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.”

**§ 8006. Education program**

**(a) In general**

The Commission shall establish and carry out an education 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 pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

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

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

(Pub. L. 110-140, title XIV, §1407, Dec. 19, 2007, 121 Stat. 1799.)

**§ 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.)

**§ 8008. Applicability**

This chapter<sup>1</sup> 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.)

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.

<sup>1</sup> See References in Text note below.

**§ 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.)

## 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.

## 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 and Welfare, amending sections 1116 and 1117 of this title, sections 109, 111, 115, 119, 122, 411, 412, 503, 506, 601, and 602 of Title 17, Copyrights, sections 1834 and 2318 to 2320 of Title 18, section 1595a of Title 19, Customs Duties, and section 3713 of Title 42, and repealing section 1128 of this title and section 509 of Title 17] may be cited as the ‘Prioritizing Resources and Organization for Intellectual Property Act of 2008’.”

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

**§ 8111. Intellectual Property Enforcement Coordinator****(a) Intellectual Property Enforcement Coordinator**

The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this subchapter referred to as the “IPEC”) to serve within the Executive Office of the President. As an exercise of the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

**(b) Duties of IPEC****(1) In general**

The IPEC shall—

- (A) chair the interagency intellectual property enforcement advisory committee established under subsection (b)(3)(A);
- (B) coordinate the development of the Joint Strategic Plan against counterfeiting and infringement by the advisory committee under section 8113 of this title;

(C) assist, at the request of the departments and agencies listed in subsection (b)(3)(A), in the implementation of the Joint Strategic Plan;

(D) facilitate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with other law;

(E) report to the President and report to Congress, to the extent consistent with law, regarding domestic and international intellectual property enforcement programs;

(F) report to Congress, as provided in section 8114 of this title, on the implementation of the Joint Strategic Plan, and make recommendations, if any and as appropriate, to Congress for improvements in Federal intellectual property laws and enforcement efforts; and

(G) carry out such other functions as the President may direct.

**(2) Limitation on authority**

The IPEC may not control or direct any law enforcement agency, including the Department of Justice, in the exercise of its investigative or prosecutorial authority.

**(3) Advisory committee****(A) Establishment**

There is established an interagency intellectual property enforcement advisory committee composed of the IPEC, who shall chair the committee, and the following members:

- (i) Senate-confirmed representatives of the following departments and agencies who are involved in intellectual property enforcement, and who are, or are appointed by, the respective heads of those departments and agencies:

(I) The Office of Management and Budget.

(II) Relevant units within the Department of Justice, including the Federal Bureau of Investigation and the Criminal Division.

(III) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(IV) The Office of the United States Trade Representative.

(V) The Department of State, the United States Agency for International Development, and the Bureau of International Narcotics Law Enforcement.

(VI) The Department of Homeland Security, United States Customs and Border Protection, and United States Immigration and Customs Enforcement.

(VII) The Food and Drug Administration of the Department of Health and Human Services.

(VIII) The Department of Agriculture.

(IX) Any such other agencies as the President determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and infringement.