

114TH CONGRESS
2D SESSION

S. 2528

To promote the safe manufacture, use, and transportation of lithium batteries and cells, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2016

Mr. NELSON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To promote the safe manufacture, use, and transportation of lithium batteries and cells, 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 “Lithium Battery Safe-
5 ty Act of 2016”.

6 **SEC. 2. RESTRICTIONS ON SHIPMENT OF LITHIUM BAT-**
7 **TERIES IN AIR TRANSPORTATION.**

8 (a) REPEAL.—Section 828 of the FAA Modernization
9 and Reform Act of 2012 (49 U.S.C. 44701 note) and the

1 item relating to that section in section 1(b) of that Act
2 (126 Stat. 14) are repealed.

3 (b) REVIEW.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, the Secretary of
6 Transportation shall—

7 (A) initiate a comprehensive review of the
8 existing regulations under part 171–181 of title
9 49, Code of Federal Regulations, and any appli-
10 cable regulations under title 14, Code of Fed-
11 eral Regulations, regarding the air transpor-
12 tation, including passenger-carrying and cargo
13 aircraft, of lithium batteries and cells; and

14 (B) based on the review under subpara-
15 graph (A), take any additional appropriate ac-
16 tion to sufficiently mitigate risks posed by lith-
17 ium batteries and cells to safe air transport.

18 (2) CONSIDERATIONS.—In conducting the re-
19 view under paragraph (1), the Secretary shall con-
20 sider whether the existing regulations and the Inter-
21 national Civil Aviation Organization’s Technical In-
22 structions for the Safe Transport of Dangerous
23 Goods by Air are sufficient to mitigate the safety
24 risk posed to air transportation by carriage of lith-
25 ium batteries and cells.

1 **SEC. 3. LITHIUM BATTERY SAFETY WORKING GROUP.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of enactment of this Act, the President shall establish
4 a lithium battery safety working group to promote and
5 coordinate efforts related to the promotion of the safe
6 manufacture, use, and transportation of lithium batteries
7 and cells.

8 (b) COMPOSITION.—

9 (1) IN GENERAL.—The working group shall be
10 composed of at least 1 representative from each of
11 the following:

12 (A) Consumer Product Safety Commission.

13 (B) Department of Transportation.

14 (C) National Institute on Standards and
15 Technology.

16 (2) ADDITIONAL MEMBERS.—The working
17 group may include not more than 4 additional mem-
18 bers with expertise in the safe manufacture, use, or
19 transportation of lithium batteries and cells.

20 (3) SUBCOMMITTEES.—The President, or mem-
21 bers of the working group, may—

22 (A) establish working group subcommittees
23 to focus on specific issues related to the safe
24 manufacture, use, or transportation of lithium
25 batteries and cells; and

1 (B) include in a subcommittee the partici-
2 pation of nonmember stakeholders with exper-
3 tise in areas that the President or members
4 consider necessary.

5 (c) REPORT.—Not later than 1 year after the date
6 it is established under subsection (a), the working group
7 shall—

8 (1) research—

9 (A) additional ways to decrease the risk of
10 fires and explosions from lithium batteries and
11 cells;

12 (B) additional ways to ensure uniform
13 transportation requirements for both bulk and
14 individual batteries; and

15 (C) new or existing technologies that could
16 reduce the fire and explosion risk of lithium
17 batteries and cells; and

18 (2) transmit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives a report on the re-
22 search under paragraph (1), including any legislative
23 recommendations to effectuate the safety improve-
24 ments described in subparagraphs (A) through (C)
25 of that paragraph.

1 (d) EXEMPTION FROM FACA.—The Federal Advi-
2 sory Committee Act (5 U.S.C. App.) shall not apply to
3 the working group.

4 (e) TERMINATION.—The working group, and any
5 working group subcommittees, shall terminate 90 days
6 after the date the report is transmitted under subsection
7 (c).

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