

118TH CONGRESS  
1ST SESSION

# H. R. 5281

To require the Secretary of the Interior to prohibit the use of lead ammunition on United States Fish and Wildlife Service lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Mr. LIEU (for himself and Ms. BARRAGÁN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To require the Secretary of the Interior to prohibit the use of lead ammunition on United States Fish and Wildlife Service lands, 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 “Lead Endangers Ani-  
5 mals Daily Act of 2023” or the “LEAD Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 1991, the United States Fish and Wild-  
9 life Service required the use of nontoxic ammunition  
10 for all waterfowl hunting.

1           (2) Research has shown that the presence of  
2           lead in the environment poses a threat to human  
3           and wildlife health.

4           (3) The Environmental Protection Agency has  
5           determined that lead is toxic to both humans and  
6           animals, and can negatively affect nearly every  
7           organ and system in the human body, including the  
8           heart, bones, intestines, kidneys, and reproductive  
9           and nervous systems. Lead exposure interferes with  
10          the development of the nervous system and is there-  
11          fore particularly toxic to children, causing potentially  
12          permanent learning and behavioral disorders.

13          (4) Lead is a potent neurotoxin, for which no  
14          safe exposure level exists for humans. The use of  
15          lead has been outlawed in and removed from paint,  
16          gasoline, children's toys, and many other items to  
17          protect human health and wildlife.

18          (5) Wildlife, including federally listed threat-  
19          ened and endangered species, is at risk of lead toxi-  
20          cosis through the ingestion of lead ammunition, ei-  
21          ther directly by ingesting lead from spent ballistic  
22          materials while foraging, or indirectly by scavenging  
23          carcasses and viscera left by hunters. Lead may also  
24          pollute soil and water around outdoor shooting  
25          ranges.

1           (6) Lead ammunition also endangers human  
2 food supplies. Dairy and beef cattle have developed  
3 lead poisoning after feeding in areas where spent  
4 lead ammunition has accumulated. Spent lead am-  
5 munition can also contaminate crops, vegetation,  
6 and waterways.

7           (7) Humans are at risk of lead toxicosis  
8 through the consumption of game meat harvested  
9 with lead ammunition.

10           (8) Alternatives to lead ammunition are readily  
11 available, and studies have shown that nonlead am-  
12 munition performs just as well as lead-based ammu-  
13 nition.

14           (9) In January 2017, the outgoing Director of  
15 the United States Fish and Wildlife Service issued  
16 Director’s Order 219. In March 2017, the Principal  
17 Deputy Director of the United States Fish and  
18 Wildlife Service repealed this Order.

19 **SEC. 3. NONTOXIC AMMUNITION.**

20           (a) IN GENERAL.—Except as provided in subsection  
21 (c), and not later than 1 year after enactment, the Sec-  
22 retary, acting through the Director, shall issue final regu-  
23 lations prohibiting the discharge of any firearm using am-  
24 munition other than nonlead ammunition certified under  
25 subsection (b) on all lands and waters under the jurisdic-

1 tion and control of the United States Fish and Wildlife  
2 Service.

3 (b) CERTIFICATION.—The Director shall, for the pur-  
4 poses of enforcing this section and in consultation with  
5 State and Tribal governments, establish and annually up-  
6 date a list of nonlead ammunition.

7 (c) EXCEPTIONS.—The prohibition under subsection  
8 (a) shall not apply to—

9 (1) a Government official or agent carrying out  
10 a statutory duty unrelated to the management of  
11 wildlife;

12 (2) a State, local, Tribal, or Federal law en-  
13 forcement officer or the agent of such officer when  
14 carrying out a statutory duty; and

15 (3) an active member of the United States mili-  
16 tary when carrying out official duties.

17 (d) PENALTIES.—A person that knowingly violates  
18 subsection (a) may be assessed a civil penalty by the Sec-  
19 retary of no more than \$500 for the first violation. A sec-  
20 ond or subsequent violation shall be punishable by a fine  
21 of not less than \$1,000 or more than \$5,000.

22 (e) DEFINITIONS.—In this section:

23 (1) AMMUNITION.—The term “ammunition”  
24 means any bullet, ball, sabot, slug, buckshot, shot,

1 pellet, or other projectile that is expelled from a fire-  
2 arm through a barrel by force.

3 (2) DIRECTOR.—The term “Director” means  
4 the Director of the United States Fish and Wildlife  
5 Service.

6 (3) EXPLOSIVE.—The term “explosive” has the  
7 meaning given such term in section 844 of title 18,  
8 United States Code.

9 (4) FIREARM.—The term “firearm” means any  
10 weapon which expels ammunition by the action of an  
11 explosive or compressed air.

12 (5) NONLEAD AMMUNITION.—The term  
13 “nonlead ammunition” means ammunition in which  
14 there is no lead content, excluding the presence of  
15 trace amounts of lead.

16 (6) SECRETARY.—The term “Secretary” means  
17 the Secretary of the Interior.

18 (7) TRACE AMOUNTS.—The term “trace  
19 amounts” means one percent or less by weight of the  
20 total weight of the ammunition.

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