

117TH CONGRESS
2D SESSION

S. 4157

To require the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to promulgate regulations prohibiting the use of lead ammunition on all land and water under the jurisdiction and control of the United States Fish and Wildlife Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2022

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to promulgate regulations prohibiting the use of lead ammunition on all land and water under the jurisdiction and control of the United States Fish and Wildlife Service, 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 2022” or the “LEAD Act of 2022”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) in 1991, the United States Fish and Wild-
4 life Service required the use of nontoxic ammunition
5 for all waterfowl hunting;

6 (2) research has shown that the presence of
7 lead in the environment poses a threat to human
8 and wildlife health;

9 (3) the Environmental Protection Agency has
10 determined that lead—

11 (A) is toxic to humans and animals; and

12 (B) can negatively affect nearly every
13 organ and system in the human body, including
14 the heart, bones, intestines, kidneys, and repro-
15 ductive and nervous systems;

16 (4) lead exposure interferes with the develop-
17 ment of the nervous system and is therefore particu-
18 larly toxic to children, causing potentially permanent
19 learning and behavioral disorders;

20 (5) lead is a potent neurotoxin, for which no
21 safe exposure level exists for humans;

22 (6) the use of lead has been outlawed in, and
23 removed from, paint, gasoline, children's toys, and
24 many other items for the purpose of protecting
25 human health and wildlife;

1 (7) wildlife, including species listed as threat-
2 ened or endangered under the Endangered Species
3 Act of 1973 (16 U.S.C. 1531 et seq.), is at risk of
4 lead toxicosis through the ingestion of lead ammuni-
5 tion either—

6 (A) directly, by ingesting lead from spent
7 ballistic materials while foraging; or

8 (B) indirectly, by scavenging carcasses and
9 viscera left by hunters;

10 (8) lead may pollute soil and water around out-
11 door shooting ranges;

12 (9) lead ammunition endangers human food
13 supplies;

14 (10) dairy and beef cattle have developed lead
15 poisoning after feeding in areas where spent lead
16 ammunition has accumulated;

17 (11) in addition to contaminating dairy and
18 beef cattle, spent lead ammunition can also contami-
19 nate crops, vegetation, and waterways;

20 (12) humans are at risk of lead toxicosis
21 through the consumption of game meat harvested
22 with lead ammunition;

23 (13) alternatives to lead ammunition are readily
24 available, and studies have shown that nonlead am-

1 munition performs just as well as lead-based ammu-
2 nition; and

3 (14) in January 2017, the outgoing Director of
4 the United States Fish and Wildlife Service issued
5 Director’s Order 219, which was repealed in March
6 2017 by the Principal Deputy Director of the United
7 States Fish and Wildlife Service.

8 **SEC. 3. LEAD AMMUNITION PROHIBITION.**

9 (a) DEFINITIONS.—In this section:

10 (1) AMMUNITION.—The term “ammunition”
11 means any bullet, ball, sabot, slug, buckshot, shot,
12 pellet, or other projectile that is expelled from a fire-
13 arm through a barrel by force.

14 (2) DIRECTOR.—The term “Director” means
15 the Director of the United States Fish and Wildlife
16 Service.

17 (3) EXPLOSIVE.—The term “explosive” has the
18 meaning given the term in section 844(j) of title 18,
19 United States Code.

20 (4) FIREARM.—The term “firearm” means a
21 weapon that expels ammunition by way of an explo-
22 sive or compressed air.

23 (5) NONLEAD AMMUNITION.—

24 (A) IN GENERAL.—The term “nonlead am-
25 munition” means ammunition in which there is

1 no lead content, excluding the presence of trace
2 amounts of lead.

3 (B) TRACE AMOUNTS.—For purposes of
4 subparagraph (A), the term “trace amounts”
5 means 1 percent or less by weight of the total
6 weight of the ammunition.

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (b) PROHIBITION.—Not later than 1 year after the
10 date of enactment of this Act, and in accordance with sub-
11 sections (c) through (e), the Secretary, acting through the
12 Director, shall promulgate regulations prohibiting the dis-
13 charge of a firearm that uses ammunition, other than
14 nonlead ammunition included on the list developed and up-
15 dated in accordance with subsection (c), on all land and
16 water under the jurisdiction and control of the United
17 States Fish and Wildlife Service.

18 (c) ACCEPTABLE NONLEAD AMMUNITION.—The Di-
19 rector, in consultation with State and Tribal governments,
20 shall develop and annually update a list of nonlead ammu-
21 nition.

22 (d) EXCEPTIONS.—The regulations promulgated
23 under subsection (b) shall provide that the prohibition de-
24 scribed in that subsection shall not apply—

1 (1) to a government official or agent carrying
2 out a statutory duty unrelated to the management
3 of wildlife;

4 (2) to a State, local, Tribal, or Federal law en-
5 forcement officer, or an agent of such officer, when
6 carrying out a statutory duty; and

7 (3) to an active member of the United States
8 military when carrying out official duties.

9 (e) PENALTIES.—The regulations promulgated under
10 subsection (b) shall provide that any person that know-
11 ingly violates those regulations may be assessed a civil
12 penalty by the Secretary of—

13 (1) in the case of a first violation, not more
14 than \$500; and

15 (2) in the case of each subsequent violation, not
16 less than \$1,000 and not more than \$5,000.

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