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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Wild Free-Roaming Horses and Burros Act to protect horses and burros from slaughter and ensure their humane management, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Wild Free-Roaming Horses and Burros Act to protect horses and burros from slaughter and ensure their humane management, 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 “Wild Free-Roaming
5 Horses and Burros Protection Act of 2022”.

1 **SEC. 2. AMENDMENTS TO THE WILD FREE-ROAMING**
2 **HORSES AND BURROS ACT.**

3 (a) CONGRESSIONAL FINDINGS AND DECLARATION
4 OF POLICY.—Section 1 of the Wild Free-Roaming Horses
5 and Burros Act (16 U.S.C. 1331) is amended by striking
6 “in the area where presently found, as”.

7 (b) DEFINITIONS.—Section 2 of the Wild Free-
8 Roaming Horses and Burros Act (16 U.S.C. 1332) is
9 amended—

10 (1) in subsection (a), by striking “by him” in
11 each place it occurs;

12 (2) in subsection (b), by striking “‘wild free-
13 roaming horses and burros’” and inserting “‘wild
14 free-roaming horses and burros’ or ‘wild free-roam-
15 ing horses or burros’”;

16 (3) by amending subsection (d) to read as fol-
17 lows:

18 “(d) ‘population’ means all wild free-roaming horses
19 and burros existing within the boundaries of a herd man-
20 agement area or range;”;

21 (4) in subsection (e), by striking “Service.” and
22 inserting “Service;”

23 (5) in subsection (f)—

24 (A) by striking “or burros” and all that
25 follows through “must be removed” and insert-
26 ing “and burros that must be removed”; and

1 (B) by striking “in that area.” and insert-
2 ing “in that area;”; and

3 (6) by adding at the end the following:

4 “(g) ‘minimal feasible level’ means a level that is least
5 invasive and disruptive to the natural behaviors of wild
6 free-roaming horses and burros and their ability to live
7 on public lands;

8 “(h) ‘surgically sterilize’ means to make an animal
9 permanently incapable of producing offspring as a result
10 of a procedure involving an incision and either—

11 “(1) the removal of reproductive organ(s); or

12 “(2) the alteration of reproductive organ(s) or
13 surrounding tissue;

14 “(i) ‘fatally injured or terminally ill’ means exhibiting
15 an acute or chronic illness, injury, physical condition, or
16 lameness that, as determined by a licensed veterinarian—

17 “(1) precludes an acceptable quality of life due
18 to pain or suffering; or

19 “(2) has a minimal chance of recovery;

20 “(j) ‘appropriate management level’ means the level
21 at which the number of wild free-roaming horses and bur-
22 ros in a population are able to—

23 “(1) sustain themselves in a healthy condition;

24 “(2) produce healthy foals;

25 “(3) maintain healthy genetic diversity; and

1 “(4) sustain a thriving natural ecological bal-
2 ance;

3 “(k) ‘animal welfare or wild horse organization’
4 means an organization—

5 “(1) described in section 501(c)(3) of the Inter-
6 nal Revenue Code of 1986 (26 U.S.C. 501(c)(3));

7 “(2) exempt from taxation under section 501(a)
8 of such Code; and

9 “(3) the mission and practice of which includes
10 the humane treatment of wild horses and burros;
11 and

12 “(l) ‘herd management area’ means a designated area
13 of public lands established for the maintenance and pres-
14 ervation of wild free-roaming horse and burro popu-
15 lations.”.

16 (c) POWERS AND DUTIES OF SECRETARY.—Section
17 3 of the Wild Free-Roaming Horses and Burros Act (16
18 U.S.C. 1333) is amended—

19 (1) in subsection (a)—

20 (A) by striking “All wild free-roaming
21 horses and burros are hereby” and inserting the
22 following:

23 “(1) All wild free-roaming horses and burros
24 are hereby”;

1 (B) by striking “he may designate and
2 maintain specific ranges on public lands as
3 sanctuaries for their protection and preserva-
4 tion, where the Secretary after consultation”
5 and inserting “the Secretary may designate and
6 maintain specific ranges on public lands as
7 sanctuaries for the protection and preservation
8 of wild free-roaming horses and burros, after
9 consultation”;

10 (C) by striking “He shall consider” and in-
11 serting “The Secretary shall consider”;

12 (D) by inserting “wild free-roaming horses
13 and burros as well as” before “the natural eco-
14 logical balance”;

15 (E) by inserting “wild free-roaming horses
16 and burros and” before “other wildlife species”;
17 and

18 (F) by adding at the end the following:

19 “(2) The Secretary shall provide for the welfare
20 of wild free-roaming horses and burros during han-
21 dling, management activities, removals, euthanasia,
22 short-term holding, long-term holding, and all other
23 activities conducted under this Act by—

24 “(A) establishing regulations, consistent
25 with this Act, that—

1 “(i) require, and describe conditions
2 for, humane treatment of the animals dur-
3 ing such activities; and

4 “(ii) ensure measures are in place for
5 violations of the requirements or conditions
6 under clause (i) to be corrected as expedi-
7 tiously as practicable; and

8 “(B) taking action as expeditiously as
9 practicable to correct, prevent the recurrence of,
10 and record violations of such regulations.”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by striking “should be taken to re-
14 move excess animals” and inserting
15 “should be taken to manage excess ani-
16 mals”;

17 (ii) by striking “determine whether
18 appropriate management levels should be
19 achieved by the removal or destruction of
20 excess animals, or other options (such as
21 sterilization, or natural controls on popu-
22 lation levels)” and inserting “determine
23 how the Secretary can achieve appropriate
24 management levels using the most humane
25 approaches available”; and

1 (iii) by striking “whom he deter-
2 mines” and inserting “whom the Secretary
3 determines”;

4 (B) by redesignating paragraphs (2) and
5 (3) as paragraphs (3) and (4), respectively;

6 (C) by inserting after paragraph (1) the
7 following:

8 “(2)(A) In order to better manage and protect
9 wild free-roaming horses and burros, and to achieve
10 and maintain a thriving natural ecological balance,
11 the Secretary shall implement the most humane,
12 minimally invasive, scientifically proven fertility con-
13 trol methods, such as reversible
14 immunocontraception vaccines, to achieve on-range
15 management goals.

16 “(B) In carrying out this paragraph, the Sec-
17 retary may contract with or enter into partnerships
18 with nonprofit organizations (with preference given
19 to veterans organizations and animal welfare or wild
20 horse organizations trained or otherwise certified in
21 the humane management or population control of
22 wild horses and burros).

23 “(C) Nothing in this Act authorizes the Sec-
24 retary to surgically sterilize any wild free-roaming

1 horse or burro for the purposes of on-range popu-
2 lation management.”;

3 (D) by amending paragraph (3), as so re-
4 designated, to read as follows:

5 “(3)(A) The Secretary shall exhaust all prac-
6 ticable options for maintaining a thriving natural ec-
7 ological balance on public lands before removing wild
8 free-roaming horses and burros, including reallo-
9 cating forage within the herd management area or
10 range, the use of reversible immunocontraceptives,
11 or relocating excess animals to herd management
12 areas or ranges.

13 “(B) A determination to remove excess animals
14 from public lands must be made on the basis of—

15 “(i) the current inventory of lands under
16 the jurisdiction of the Secretary;

17 “(ii) information contained in any land use
18 planning completed pursuant to section 202 of
19 the Federal Land Policy and Management Act
20 of 1976 (43 U.S.C. 1712);

21 “(iii) information contained in court-or-
22 dered environmental impact statements, as de-
23 fined in section 3 of the Public Rangelands Im-
24 provement Act of 1978 (43 U.S.C. 1902);

25 “(iv) the best available science; and

1 “(v) such additional information as be-
2 comes available to the Secretary from time to
3 time, including that information developed in
4 the research study mandated by this section.

5 “(C) In the absence of the information con-
6 tained in clauses (i) through (v) of subparagraph
7 (B), a determination to remove excess animals from
8 public lands must be made on the basis of all infor-
9 mation currently available to the Secretary that such
10 removal is necessary.

11 “(D) After publishing in the Federal Register a
12 determination to remove excess animals from public
13 land, the Secretary may cause excess animals to be
14 humanely captured and removed for private mainte-
15 nance and care for which the Secretary determines
16 an adoption demand exists by qualified individuals
17 prior to removal, except in the case of a removal
18 pursuant to subsection (j).

19 “(E) The Secretary must ensure humane treat-
20 ment and care of the animals (including proper
21 transportation, feeding, and handling), including by
22 requiring that—

23 “(i) not more than four animals may be
24 adopted per year by any individual; and

1 “(ii) each individual adopter execute an ap-
2 propriate attestation, pursuant to section 1001
3 of title 18, United States Code, affirming that
4 the adopter will not cause or allow an adopted
5 animal or its remains to be processed into a
6 commercial product, including by any action de-
7 scribed in section 8(a)(4).”; and

8 (E) in paragraph (4), as so redesignated,
9 by striking “assisting him in making his” and
10 inserting “assisting the Secretary in making a”;
11 (3) in subsection (c)—

12 (A) by striking “Where excess animals
13 have” and inserting “When a wild free-roaming
14 horse or burro has”; and

15 (B) by striking “one-year period” and in-
16 serting “one-year period only after the Sec-
17 retary or a trained representative completes a
18 compliance inspection and it is determined that
19 there are no violations of applicable laws, regu-
20 lations, or contract terms”;

21 (4) in subsection (d)—

22 (A) in paragraph (1), by striking “except
23 for the limitation of subsection (c)(1)”;

24 (B) by amending paragraph (3) to read as
25 follows:

1 “(3) upon destruction by the Secretary or a
2 designee of the Secretary pursuant to subsection (h)
3 of this section.”; and

4 (C) by striking paragraphs (4) and (5);

5 (5) by amending subsection (e) to read as fol-
6 lows:

7 “(e) Funds generated from the adoption of excess
8 animals under this subsection shall be—

9 “(1) credited as an offsetting collection to the
10 Management of Lands and Resources appropriation
11 for the Bureau of Land Management; and

12 “(2) used for the costs relating to the adoption
13 of wild free-roaming horses and burros, including
14 the costs of marketing such adoption.”; and

15 (6) by adding at the end the following:

16 “(f) For the purposes of carrying out a successful
17 wild free-roaming horse and burro adoption program, the
18 Secretary shall—

19 “(1) work with animal welfare or wild horse or-
20 ganizations to secure safe placement of wild free-
21 roaming horses and burros;

22 “(2) screen potential adopters;

23 “(3) educate adopters in humane care;

1 “(4) maintain adoption records, including
2 records of violations, in a centralized database sys-
3 tem; and

4 “(5) pursue agreements with organizations that
5 use horses for rehabilitation, therapy, prison train-
6 ing, or veteran programs.

7 “(g) The Secretary may not administer a program
8 through which potential adopters may be offered a cash
9 or monetary incentive for successful completion of the
10 adoption process.

11 “(h) The Secretary may not destroy or authorize the
12 destruction of wild free-roaming horses or burros unless
13 the Secretary—

14 “(1) determines, based on the evaluation of a li-
15 censed veterinarian, that the wild free-roaming horse
16 or burro is fatally injured or terminally ill; and

17 “(2) ensures that the wild free-roaming horse
18 or burro is euthanized in the most humane manner
19 available.

20 “(i) The Secretary may not—

21 “(1) process, authorize to be processed, or ship,
22 move, deliver, receive, possess, purchase, sell, donate,
23 or transport for processing any animal that is or
24 was at any point during its life a wild free-roaming

1 horse or burro, or the remains thereof, into commer-
2 cial products; or

3 “(2) carry out any activity described in para-
4 graph (1) if the Secretary has reason to believe the
5 animal will be processed into commercial products as
6 a result.

7 “(j) The Secretary may temporarily remove wild free-
8 roaming horses and burros from public lands if the imme-
9 diate health or safety of those wild free-roaming horses
10 or burros is threatened.

11 “(k) Except in cases of removal under subsection (j),
12 if the Secretary removes wild free-roaming horses or bur-
13 ros, the Secretary shall provide a public notice on a public
14 website of the Secretary’s department at least 30 days be-
15 fore the planned removal.

16 “(l) The Secretary shall—

17 “(1) track the number of wild free-roaming
18 horses and burros injured or killed during gathering
19 and holding, along with a brief description of the in-
20 jury or cause of death, in a centralized database sys-
21 tem; and

22 “(2) publish such information on a public
23 website of the Secretary’s department.”.

24 (d) PRIVATE MAINTENANCE; NUMERICAL APPROXI-
25 MATION; STRAYS ON PRIVATE LANDS; REMOVAL; DE-

1 STRUCTURE BY AGENTS.—Section 4 of the Wild Free-
2 Roaming Horses and Burros Act (16 U.S.C. 1334) is
3 amended—

4 (1) by inserting “or returned to public lands”
5 after “arrange to have the animals removed”;

6 (2) by inserting “pursuant to section 3(h)”
7 after “by the agents of the Secretary”;

8 (3) by striking “his private lands” and inserting
9 “the landowner’s private lands”;

10 (4) by striking “if he does so” and inserting “if
11 the private landowner does so”;

12 (5) by striking “removed or enticed from the
13 public lands” and inserting “caused to leave public
14 lands for the purpose of converting the animals into
15 private property (including by removal or entice-
16 ment)”;

17 (6) by striking “and supply him” and inserting
18 “and supply the Secretary”.

19 (e) COOPERATIVE AGREEMENTS; REGULATIONS.—
20 Section 6 of the Wild Free-Roaming Horses and Burros
21 Act (16 U.S.C. 1336) is amended—

22 (1) by inserting “, nonprofit organizations, pri-
23 vate entities,” after “landowners”; and

24 (2) by striking “he deems” and inserting “the
25 Secretary deems”.

1 (f) CRIMINAL PROVISIONS.—Section 8 of the Wild
2 Free-Roaming Horses and Burros Act (16 U.S.C. 1338)
3 is amended—

4 (1) by striking “Any person who” and inserting
5 the following:

6 “(a) Any person who”;

7 (2) by amending paragraph (4) of subsection
8 (a), as so redesignated, to read as follows:

9 “(4)(A) processes, authorizes to be processed,
10 or ships, moves, delivers, receives, possesses, pur-
11 chases, sells, donates, or transports for processing
12 any animal that is or was at any point during its life
13 a wild free-roaming horse or burro, or the remains
14 thereof, into commercial products, or

15 “(B) carries out any activity described in para-
16 graph (1) if the person has reason to believe the ani-
17 mal will be processed into commercial products as a
18 result, or”.

19 (3) in paragraph (6) of subsection (a), as so re-
20 designated—

21 (A) by inserting “, and shall not be allowed
22 to adopt or purchase any animal that is or was
23 at any point during its life a wild free-roaming
24 horse or burro” after “or both”; and

1 (B) by striking “he was appointed” and in-
2 serting “such judge was appointed”.

3 (g) TRANSPORTATION OF CAPTURED ANIMALS; PRO-
4 CEDURES AND PROHIBITIONS APPLICABLE.—Section 9 of
5 the Wild Free-Roaming Horses and Burros Act (16
6 U.S.C. 1338a) is amended—

7 (1) by striking “may use or contract for the use
8 of helicopters or, for the purpose of transporting
9 captured animals, motor vehicles. Such use” and in-
10 serting “shall prioritize use of the most humane,
11 passive techniques, such as bait-and-trap techniques,
12 for any capture of wild free-roaming horses and bur-
13 ros. The use of non-passive techniques with respect
14 to the capture of wild free-roaming horses and bur-
15 ros”; and

16 (2) by striking “fixed-wing aircraft, or heli-
17 copters, or to” and inserting “or”.

18 (h) LIMITATION OF AUTHORITY.—Section 10 of the
19 Wild Free-Roaming Horses and Burros Act (16 U.S.C.
20 1339) is repealed.

21 (i) JOINT REPORT TO CONGRESS; CONSULTATION
22 AND COORDINATION OF IMPLEMENTATION, ENFORCE-
23 MENT, AND DEPARTMENTAL ACTIVITIES; STUDIES.—Sec-
24 tion 11 of the Wild Free-Roaming Horses and Burros Act

1 (16 U.S.C. 1340) is amended by striking “he might” and
2 inserting “the Secretary might”.

3 **SEC. 3. GAO REPORT.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Comptroller General shall submit, to the
6 Committee on Natural Resources of the House of Rep-
7 resentatives and the Committee on Energy and Natural
8 Resources of the Senate, a report that describes—

9 (1) humane alternatives to the use of heli-
10 copters and fixed-wing aircraft in managing wild
11 free-roaming horse and burro populations;

12 (2) job creation opportunities presented by the
13 use of such humane alternatives; and

14 (3) the effects of aircraft, including unmanned
15 aircraft systems, on wild free-roaming horse and
16 burro populations.