

Wild Free-Roaming Horses and Burros Protection Act of 2022

SECTION-BY-SECTION

Summary:

This bill amends the Wild Free-Roaming Horses and Burros Act to provide necessary reforms to federal wild horse and burro management. This bill promotes humane management strategies, increases transparency and good government, protects wild horses and burros from slaughter, and promotes partnerships with nonprofit organizations and veterans. Furthermore, the bill promotes fiscal responsibility and saves tax dollars by emphasizing the use of fertility control—a far more effective and less expensive form of management, which keeps horses in the wild and reduces the number of horses sent to holding facilities.

Section 1: Short Title

Section 2: Amendments to the Wild Free-Roaming Horses and Burros Act of 1971

Subsection (a): Amends Section 1 (16 U.S.C. 1331)

- Amends the “Findings” section to convey that wild horses and burros are considered an integral part of the natural ecosystem on public lands.

Subsection (b): Amends Section 2 (16 U.S.C. 1332)

- Provides definitions for key terms to add clarity to the Act:
 - Population: changes “herd” to “population,” a more accurate term because burros do not exist in herds, and horses are not managed as herds.
 - Minimal feasible level: defined in a way that deprioritizes removals and prioritizes on-range techniques such as fertility control.
 - Surgically sterilize: defined as a procedure involving an incision that removes or alters the function of reproductive organs rendering an animal incapable of producing offspring.
 - Fatally injured or terminally ill: defined to capture conditions that cause poor quality of life and minimal chance of recovery.
 - Appropriate management level: means the number of wild free-roaming horses or burros that achieves self-sustaining populations consistent with the purpose of this Act to protect and preserve wild free-roaming horses or burros.
 - Animal welfare or wild horse organization: 501(c)(3) nonprofit organization whose mission includes the humane treatment of wild horses and burros.
 - Herd management area: codifies federal regulation.
- Clarifies definition of “excess animals:” an animal must be deemed excess before being removed, rather than be labeled excess because it was removed.

Subsection (c): Amends Section 3 (16 U.S.C. 1333)

- In subsection (a):
 - Ensures management activities are carried out in order to protect wild horses and burros in addition to ecological balance and the needs of wildlife.
 - Ensures the needs of wild horses and burros are taken into consideration when adjusting forage allocation within wild horse and burro habitat.
 - Requires promulgation of regulations solidifying animal welfare standards, helping to strengthen what already exists in the Comprehensive Animal Welfare Program (CAWP), which is presently internal policy.
- In subsection (b):
 - Requires the use of humane, minimally invasive, scientifically proven fertility control and prioritization of humane management strategies such as fertility control (e.g., reversible immunocontraception), reallocating forage within a range, and relocation over removals.
 - Directs the Secretary to contract and partner with nonprofit organizations and veterans to assist with fertility control efforts.
 - Strikes language that requires destruction of animals deemed as old, sick, or lame.
 - Strikes language that requires destruction of animals for which an adoption demand did not exist.
 - Strikes language that called for immediately removing animals deemed as excess.
 - Explicitly prohibits surgical sterilization in the context of on-range management.
 - Requires the agencies to consider the best available science when making a determination that there are excess animals within a range and to publish in the Federal Register prior to a removal action, except in the case of emergency.
 - Protects wild horses and burros from slaughter by requiring each individual adopter to execute an attestation affirming that the adopter will not cause or allow an adopted animal to be processed into a commercial product.
- In subsection (c):
 - Requires that an adopter pass a satisfactory compliance inspection before the title of an adopted animal passes to the adopter at the end of the one-year period.
- In subsection (d):
 - Removes potential loopholes for slaughter: strikes language that allows a wild horse or burro to lose their protection status if they die on public or private land.
- In subsection (e):
 - Protects horses and burros from slaughter by striking the controversial Burns Amendment.
- Adds a new subsection (f):
 - Requires the Secretary to explore public outreach opportunities (such as agreements with prison therapy programs), work with nonprofits to place animals, provide resources to adopters about humane care, and screen potential adopters.

- Adds a new subsection (g):
 - Prohibits cash incentives for adopting a wild horse or burro.
- Adds a new subsection (h):
 - Requires that any "destruction" of wild horses or burros be medically necessary for the welfare of the wild horse or burro and be done in the most humane manner available.
- Adds a new subsection (i):
 - Prohibits the agencies from sending wild horses and burros to slaughter.
- Adds a new subsection (j):
 - Authorizes emergency removals if the immediate health or safety of the wild horses or burros is threatened.
- Adds a new subsection (k):
 - Requires the Secretary to post a public notice on the agency's website prior to conducting a removal, except in the case of an emergency removal.
- Adds a new subsection (l):
 - Requires the Secretary to track the number of wild horses or burros killed or injured during a roundup in a database that is available to the public online.

Subsection (d): Amends Section 4 (16 U.S.C. 1334)

- Allows the Secretary to return wild horses and burros to public lands when they stray to privately owned land and the landowner requests that the wild horses or burros be removed.
- Clarifies "enticement" language to only prohibit luring a wild horse or burro for the purpose of converting the animal into private property.

Subsection (e): Amends Section 6 (16 U.S.C. 1336)

- Adds nonprofit organizations and private entities to the list of entities with whom the Secretary is authorized to enter into cooperative agreements.

Subsection (f): Amends Section 8 (16 U.S.C. 1338)

- Prohibits the slaughter of wild horses and burros and prevents any person who willfully violates a regulation from adopting or purchasing wild horses or burros.

Subsection (g): Amends Section 9 (16 U.S.C. 1338a)

- Prioritizes the use of humane, passive roundup techniques.

Subsection (h): Repeals Section 10 (16 U.S.C. 1339)

- Removes restrictions on public lands available for relocation of wild horses and burros.