

117TH CONGRESS  
2D SESSION

# H. R. 9154

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2022

Mr. GRIJALVA (for himself, Mr. COHEN, Mr. FITZPATRICK, Ms. TITUS, Mr. SCHWEIKERT, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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”.

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

8 (a) CONGRESSIONAL FINDINGS AND DECLARATION  
9 OF POLICY.—Section 1 of the Wild Free-Roaming Horses

1 and Burros Act (16 U.S.C. 1331) is amended by striking  
2 “in the area where presently found, as”.

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

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

8 (2) in subsection (b), by striking “‘wild free-  
9 roaming horses and burros’” and inserting “‘wild  
10 free-roaming horses and burros’ or ‘wild free-roam-  
11 ing horses or burros’”;

12 (3) by amending subsection (d) to read as fol-  
13 lows:

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

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

19 (5) in subsection (f)—

20 (A) by striking “or burros” and all that  
21 follows through “must be removed” and insert-  
22 ing “and burros that must be removed”; and

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

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

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

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

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

9 “(2) the alteration of reproductive organ(s) or  
10 surrounding tissue;

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

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

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

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

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

21 “(2) produce healthy foals;

22 “(3) maintain healthy genetic diversity; and

23 “(4) sustain a thriving natural ecological bal-  
24 ance;

1 “(k) ‘animal welfare or wild horse organization’  
2 means an organization—

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

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

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

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

14 (c) POWERS AND DUTIES OF SECRETARY.—Section  
15 3 of the Wild Free-Roaming Horses and Burros Act (16  
16 U.S.C. 1333) is amended—

17 (1) in subsection (a)—

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

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

23 (B) by striking “he may designate and  
24 maintain specific ranges on public lands as  
25 sanctuaries for their protection and preserva-

1           tion, where the Secretary after consultation”  
2           and inserting “the Secretary may designate and  
3           maintain specific ranges on public lands as  
4           sanctuaries for the protection and preservation  
5           of wild free-roaming horses and burros, after  
6           consultation”;

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

9           (D) by inserting “wild free-roaming horses  
10          and burros as well as” before “the natural eco-  
11          logical balance”;

12          (E) by inserting “wild free-roaming horses  
13          and burros and” before “other wildlife species”;  
14          and

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

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

21                 “(A) establishing regulations, consistent  
22                 with this Act, that—

23                         “(i) require, and describe conditions  
24                         for, humane treatment of the animals dur-  
25                         ing such activities; and

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

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

8           (2) in subsection (b)—

9           (A) in paragraph (1)—

10           (i) by striking “should be taken to re-  
11           move excess animals” and inserting  
12           “should be taken to manage excess ani-  
13           mals”;

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

23           (iii) by striking “whom he deter-  
24           mines” and inserting “whom the Secretary  
25           determines”;

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

3 (C) by inserting after paragraph (1) the  
4 following:

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

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

20 “(C) Nothing in this Act authorizes the Sec-  
21 retary to surgically sterilize any wild free-roaming  
22 horse or burro for the purposes of on-range popu-  
23 lation management.”;

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

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

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

11                 “(i) the current inventory of lands under  
12                 the jurisdiction of the Secretary;

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

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

21                 “(iv) the best available science; and

22                 “(v) such additional information as be-  
23                 comes available to the Secretary from time to  
24                 time, including that information developed in  
25                 the research study mandated by this section.



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

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

15          “(E) The Secretary must ensure humane treat-  
16          ment and care of the animals (including proper  
17          transportation, feeding, and handling), including by  
18          requiring that—

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

21                  “(ii) each individual adopter execute an ap-  
22                  propriate attestation, pursuant to section 1001  
23                  of title 18, United States Code, affirming that  
24                  the adopter will not cause or allow an adopted  
25                  animal or its remains to be processed into a

1 commercial product, including by any action de-  
2 scribed in section 8(a)(4).”; and

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

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

10 (B) by striking “one-year period” and in-  
11 sserting “one-year period only after the Sec-  
12 retary or a trained representative completes a  
13 compliance inspection and it is determined that  
14 there are no violations of applicable laws, regu-  
15 lations, or contract terms”;

16 (4) in subsection (d)—

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

19 (B) by amending paragraph (3) to read as  
20 follows:

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

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

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

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

5           “(1) credited as an offsetting collection to the  
6 Management of Lands and Resources appropriation  
7 for the Bureau of Land Management; and

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

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

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

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

18           “(2) screen potential adopters;

19           “(3) educate adopters in humane care;

20           “(4) maintain adoption records, including  
21 records of violations, in a centralized database sys-  
22 tem; and

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

1       “(g) The Secretary may not administer a program  
2 through which potential adopters may be offered a cash  
3 or monetary incentive for successful completion of the  
4 adoption process.

5       “(h) The Secretary may not destroy or authorize the  
6 destruction of wild free-roaming horses or burros unless  
7 the Secretary—

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

11              “(2) ensures that the wild free-roaming horse  
12 or burro is euthanized in the most humane manner  
13 available.

14       “(i) The Secretary may not—

15              “(1) process, authorize to be processed, or ship,  
16 move, deliver, receive, possess, purchase, sell, donate,  
17 or transport for processing any animal that is or  
18 was at any point during its life a wild free-roaming  
19 horse or burro, or the remains thereof, into commer-  
20 cial products; or

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

1       “(j) The Secretary may temporarily remove wild free-  
2 roaming horses and burros from public lands if the imme-  
3 diate health or safety of those wild free-roaming horses  
4 or burros is threatened.

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

10       “(l) The Secretary shall—

11               “(1) track the number of wild free-roaming  
12 horses and burros injured or killed during gathering  
13 and holding, along with a brief description of the in-  
14 jury or cause of death, in a centralized database sys-  
15 tem; and

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

18       (d) PRIVATE MAINTENANCE; NUMERICAL APPROXI-  
19 MATION; STRAYS ON PRIVATE LANDS; REMOVAL; DE-  
20 STRUCTION BY AGENTS.—Section 4 of the Wild Free-  
21 Roaming Horses and Burros Act (16 U.S.C. 1334) is  
22 amended—

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

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

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

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

7           (5) by striking “removed or enticed from the  
8 public lands” and inserting “caused to leave public  
9 lands for the purpose of converting the animals into  
10 private property (including by removal or entice-  
11 ment)”; and

12           (6) by striking “and supply him” and inserting  
13 “and supply the Secretary”.

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

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

19           (2) by striking “he deems” and inserting “the  
20 Secretary deems”.

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

24           (1) by striking “Any person who” and inserting  
25 the following:

1 “(a) Any person who”;

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

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

10 “(B) carries out any activity described in para-  
11 graph (1) if the person has reason to believe the ani-  
12 mal will be processed into commercial products as a  
13 result, or”;

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

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

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

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

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

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

12           (h) LIMITATION OF AUTHORITY.—Section 10 of the  
13 Wild Free-Roaming Horses and Burros Act (16 U.S.C.  
14 1339) is repealed.

15           (i) JOINT REPORT TO CONGRESS; CONSULTATION  
16 AND COORDINATION OF IMPLEMENTATION, ENFORCE-  
17 MENT, AND DEPARTMENTAL ACTIVITIES; STUDIES.—Sec-  
18 tion 11 of the Wild Free-Roaming Horses and Burros Act  
19 (16 U.S.C. 1340) is amended by striking “he might” and  
20 inserting “the Secretary might”.

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

22           Not later than 1 year after the date of the enactment  
23 of this Act, the Comptroller General shall submit, to the  
24 Committee on Natural Resources of the House of Rep-



1 representatives and the Committee on Energy and Natural  
2 Resources of the Senate, a report that describes—

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

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

8           (3) the effects of aircraft, including unmanned  
9           aircraft systems, on wild free-roaming horse and  
10          burro populations.

○