



H.R. 249 - To restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros

Floor Situation

H.R. 249 is being considered on the floor under a modified rule.

The Rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Natural Resources.
- Waives all points of order against consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI
- Makes in order only those amendments that are pre-printed in the Congressional Record or are pro forma amendments for the purpose of debate. (See Amendments section below for details)
- Provides for one motion to recommit with instructions

This legislation was introduced by Representative Nick Rahall (D-WV) on January 5, 2007. The bill was ordered to be reported by the House Committee on Natural Resources, by voice vote, on March 7, 2007.

This legislation is expected to be considered on the floor on April 26, 2007.

**Note: Similar legislation was included in an amendment to the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2007 (H.R. 5386). Sponsored by Rep. Nick Rahall (D-WV), the amendment was agreed to by voice vote and H.R. 5386 passed by a vote of 293-128 in the House of Representatives on May 18, 2006, but was not taken up in the Senate.*

Summary

H.R. 249:

- Removes a provision of current law (16 U.S.C. Sec. 1333) governing wild horses and burros that permits excess federally protected wild free-roaming horses and

burros in overpopulated areas to be sold, without restrictions on how they are further processed, if:

- 1) the excess animal is more than 10 years of age; or
- 2) the excess animal has been offered unsuccessfully for adoption at least 3 times.

**Note: Proceeds from the sale of horses and burros under this provision are used for the wild horse and burro adoption program.*

- Establishes that no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.

**Note: Since 2005, the Bureau of Land Management (BLM) has required as part of the sale of any free-roaming wild horse or burro that the buyer agree not to knowingly sell or transfer ownership of the animals to persons or organizations that intend to resell, trade, or give away animals for processing into commercial products.*

Background

According to the BLM, the word burro refers to a small donkey and is derived from the Spanish word “borrico” meaning donkey. The presence of burros as free-roaming animals in the United States came after the discovery of gold in 1858, when prospectors poured into the American West from California and Mexico, and brought with them pack burros.

Wild horses and burros are found in BLM herd management areas in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. The size of the “appropriate management levels” (AMLs) is determined by the BLM. In 2006, the BLM estimated that there were 27,752 free-roaming wild horses and 3,449 free-roaming wild burros on federally administered rangelands. Within those numbers, there were 3,196 excess wild horses, and 493 excess wild burros.

The Wild Free-Roaming Horses and Burros Act of 1971 (16 U.S.C. 1331, et seq.) protects wild horses and burros on federal land and places them under the jurisdiction of the BLM and the U.S. Forest Service. Amendments to the Act in the 108th Congress (P.L. 108-447) (1) permitted the agencies to sell excess animals that met certain requirements without restrictions on how they are further processed (Details in summary above); and, (2) removed a ban on selling wild horses or burros or their remains for processing into commercial products.

Since 1973, some 215,000 animals have been adopted and 2,200 have been sold. The animals are sold for approximately \$10 each, and the proceeds are used to run the horse and burro adoption program. In 2006, the BLM removed 9,926 animals from federal rangelands at a cost of \$36.8 million, of which \$19 million was spent on holding horses

and burros in short and long-term facilities. The BLM plans to round up around 6,800 animals in 2007.

Additional Views

Some Republicans have voiced opposition to the bill, stating that it is redundant as the sale of wild horses or burros for commercial processing is already prohibited by the BLM. Additionally, some Republicans voiced concerns that grouping the sale of wild horses and burros with the ban on slaughter will limit the sales of the animals and increase the cost of the program to federal taxpayers.

Amendments

Rep. Nick Rahall (D-WV) amends the bill to more closely restore the underlying public law to how it existed before the 2004 adoption of the Senator Conrad Burns (R-MT) amendment which authorized the sale of excess wild horses and burros.

Rep. Tom Price (R-GA) amends the bill to apply PAYGO rules to this bill requiring that any federal spending increases necessitated by implementing this legislation are offset by federal spending decreases.

Cost

The Congressional Budget Office (CBO) estimates that H.R. 249 would not have a significant impact on the federal budget, direct spending, or revenues. CBO states that the “BLM would lose minimal proceeds from the sale of the animals (which are classified as discretionary offsetting collections), and also would incur additional costs for providing long-term care for some animals. Based on information from BLM about the number of animals sold and the cost to care for them, CBO estimates that the resulting net changes in discretionary spending under H.R. 249 would not exceed \$500,000 annually, assuming the availability of appropriated funds.”

Staff Contact

For questions or further information contact Matt Lakin at (202) 226-2302.