



## COMMITTEE ON RESOURCES DEMOCRATS

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Ranking Member Nick J. Rahall, II

### **Background Information on HR 297 Wild Free-Roaming Horse and Burro Protection Legislation January 2005**

**Beginning in the 1950's, public attention came to be focused on the cruel and inhumane manner in which wild horses and burros were being rounded up on public lands and subsequently sent to slaughter. A public crusade, led by Mrs. Velma Johnston of Reno, Nevada (who came to be known as "Wild Horse Annie") was the impetus behind a 1959 law (PL 86-234) which prohibited the use of aircraft or motor vehicles to hunt wild horses and burros and the polluting of their water sources.**

**However, the 1959 Act failed to include any program to protect, manage, and control wild horses and burros on public lands. Throughout the 1960's public concern continued to grow over the welfare of these animals, especially from schoolchildren across the United States. It has been said that by the end of the decade more mail was being received by Congress on this issue than any other issue of the day except the Vietnam War.**

**In 1971 Congress passed the Wild Free-Roaming Horse and Burro Act (PL 92-195). That law established as national policy "that wild free-roaming horses and burros shall be protected from capture, branding, harassment, and death; and to accomplish this they are considered in the area where presently found, as an integral part of the natural system of the public lands." The law also directed that "no wild free-roaming horses or burros or its remains may be sold or transferred for consideration for processing into commercial products."**

**The 1971 Act directed the Bureau of Land Management (BLM) and the Forest Service to enforce the law on public lands. Unfortunately, these agencies, especially the BLM, have not lived up to the task. Reports of the Government Accountability Office and the Inspector General, as well as newspaper exposes, have outlined numerous instances where the BLM has failed to properly manage these animals. As recently as the late 1990's it was found that, because of BLM's lax enforcement, hundreds of these animals had ended up at commercial slaughtering plants.**

**In addition to the agency's lax oversight of adoptions of these animals, much of their problems stem from the fact that they annually**

round up more animals than can be adopted in a single year. As a result, the BLM currently has more than 24,000 wild horses and burros in holding facilities where their feeding and care use up nearly half of the agency's budget for wild horse and burro management.

Senator Conrad Burns, sponsor of the appropriations rider that permitted the commercial sale and slaughter of wild horses and burros claims that federal agencies need to bring down the numbers of wild horses and burros but "do it in a way that doesn't bankrupt us" (Rocky Mountain News, "New law on mustangs met with kicks, snorts", January 25, 2005). Under the Burns' rider, wild horses and burros more than 10 years old or those that had been unsuccessfully offered for adoption three times could be sold without limitation. The rider also eliminated the provision in law that prohibited the sale or transfer of wild horses and burros or their remains for processing into commercial products.

While "excess" wild horses and burros have been cited as the reason for the recent change in law, it is important to note that there are significantly fewer wild horses and burros on the public lands today than there were 25 years ago. In 1980 there were approximately 62, 638 wild horses and burros on public lands. By 2004 this number had dropped to approximately 36,000. Yet, the BLM continues to round up many more animals each year than can be adopted, adding to a growing number being placed in holding facilities.

What makes the slaughter provision all the more senseless is that humane alternatives exist and federal agencies have the authority to carry out such humane actions as adoption, sterilization, relocation, and placement with qualified individuals and organizations. To suggest that an acceptable solution to a federal agency's management shortcomings is commercial slaughter is an irresponsible approach to our public lands and the wildlife that roam them.

HR 297 is a simple straightforward piece of legislation. It repeals the changes in law made by the recent appropriations rider and restores to law the language that had been part of the Wild Free-Roaming Horse and Burro Act since 1971.