

(A) the excess animal is more than 10 years of age; or

(B) the excess animal has been offered unsuccessfully for adoption at least 3 times.

(2) Method of sale

An excess animal that meets either of the criteria in paragraph (1) shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities, until such time as—

(A) all excess animals offered for sale are sold; or

(B) the appropriate management level, as determined by the Secretary, is attained in all areas occupied by wild free-roaming horses and burros.

(3) Disposition of funds

Funds generated from the sale of excess animals under this subsection shall be—

(A) credited as an offsetting collection to the Management of Lands and Resources appropriation for the Bureau of Land Management; and

(B) used for the costs relating to the adoption of wild free-roaming horses and burros, including the costs of marketing such adoption.

(4) Effect of sale

Any excess animal sold under this provision shall no longer be considered to be a wild free-roaming horse or burro for purposes of this chapter.

(Pub. L. 92-195, § 3, Dec. 15, 1971, 85 Stat. 649; Pub. L. 95-514, § 14(a), Oct. 25, 1978, 92 Stat. 1808; Pub. L. 108-447, div. E, title I, § 142(a), Dec. 8, 2004, 118 Stat. 3070.)

REFERENCES IN TEXT

Section 1902 of title 43, referred to in subsec. (b)(2), was in the original “section 2 of the Public Range Lands Improvement Act of 1978” (classified to 43 U.S.C. 1901) and was changed to reflect the probable intent of Congress.

AMENDMENTS

2004—Subsec. (d)(5). Pub. L. 108-447, § 142(a)(1), substituted “this section” for “this section; *Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products”.

Subsec. (e). Pub. L. 108-447, § 142(a)(2), added subsec. (e).

1978—Subsec. (b). Pub. L. 95-514 substituted provisions for: maintaining current inventory of wild free-roaming horses and burros; listing the purpose of the inventory and determinations to be made in consultation with persons of scientific expertise and special knowledge; immediate removal of excess animals from the range on the basis of information from various sources so as to achieve appropriate management levels; order and priority of removal; and research study to be reported to Congress for prior authorization of humane destruction of old, sick, or lame animals and capture and removal of additional excess animals for private maintenance under humane conditions and care, now incorporated in subsec. (b)(2)(A) and (B).

Subsec. (c). Pub. L. 95-514 substituted provision for grant of title to limited number of excess animals adopted for requisite period for prior authorization of humane destruction of wild free-roaming horses and burros as an act of mercy or to prevent overpopulation

only when necessary to preserve and maintain the habitat in a suitable condition for continued use.

Subsec. (d). Pub. L. 95-514 substituted provisions relating to circumstances and conditions operating to take wild free-roaming horses and burros or their remains from the purview of this chapter for prior declaration that nothing in the chapter shall preclude the customary disposal of the remains of a deceased wild free-roaming horse or burro, including those in the authorized possession of private parties, and prohibition of sale for any consideration, directly or indirectly, of the remains, or any part thereof, now incorporated in cl. (5).

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1334. Private maintenance; numerical approximation; strays on private lands: removal; destruction by agents

If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses or burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

(Pub. L. 92-195, § 4, Dec. 15, 1971, 85 Stat. 650.)

§ 1335. Recovery rights

A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

(Pub. L. 92-195, § 5, Dec. 15, 1971, 85 Stat. 650.)

§ 1336. Cooperative agreements; regulations

The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this chapter.

(Pub. L. 92-195, § 6, Dec. 15, 1971, 85 Stat. 650.)

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

Pub. L. 112-74, div. E, title I, § 114, Dec. 23, 2011, 125 Stat. 1009, provided that: