

THE BURNS AMENDMENT

Text of 2005 Wild Horse and Burro Sale-Authority Law

Fiscal Year 2005 Omnibus Appropriations Act -- PL 108-447 -- Division E, Section 142

SEC. 142. SALE OF WILD FREE-ROAMING HORSES AND BURROS.

(a) *IN GENERAL*- Section 3 of Public Law 92-195 (16 U.S.C. 1333) is amended--

(1) *in subsection (d)(5), by striking `this section' and all that follows through the period at the end and inserting `this section.'; and*

(2) *by adding at the end the following:*

`(e) SALE OF EXCESS ANIMALS-

`(1) IN GENERAL- Any excess animal or the remains of an excess animal shall be sold if--

`(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 Act.'

(b) *CRIMINAL PROVISIONS- Section 8(a)(4) of Public Law 92-195 (16 U.S.C. 1338(a)(4)) is amended by inserting `except as provided in section 3(e),' before `processes'.*