

Calendar No. 487

104TH CONGRESS
2^D SESSION**H. R. 238****[Report No. 104-312]**

To provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1995

Received; read twice and referred to the Committee on Energy and Natural Resources

JUNE 28, 1996

Reported by Mr. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

AN ACT

To provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses.

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. FREE-ROAMING HORSES.**

4 Section 7 of the Act entitled “An Act to provide for
5 the establishment of the Ozark National Scenic Riverways

1 in the State of Missouri, and for other purposes”, ap-
2 proved August 27, 1964 (16 U.S.C. 460m–6), is amended
3 to read as follows:

4 “SEC. 7. (a) The Secretary, in accordance with this
5 section, shall allow free-roaming horses in the Ozark Na-
6 tional Scenic Riverways. Within 180 days after enactment
7 of this section, the Secretary shall enter into an agreement
8 with the Missouri Wild Horse League or another qualified
9 nonprofit entity to provide for management of free-roam-
10 ing horses. The agreement shall provide for cost-effective
11 management of the horses and limit Federal expenditures
12 to the costs of monitoring the agreement. The Secretary
13 shall issue permits for adequate pastures to accommodate
14 the historic population level of the free-roaming horse
15 herd, which shall be not less than the number of horses
16 in existence on the date of the enactment of this section
17 nor more than 50.

18 ~~“(b) The Secretary may not remove, or assist in or~~
19 ~~permit the removal of, any free-roaming horses from Fed-~~
20 ~~eral lands within the boundary of the Ozark National Sce-~~
21 ~~nic Riverways unless the entity with whom the Secretary~~
22 ~~entered into the agreement under subsection (a), following~~
23 ~~notice and a 180-day response period, substantially fails~~
24 ~~to meet the terms and conditions of the agreement or in~~
25 ~~the case of an emergency as defined in the agreement.~~

1 “(b) *The Secretary shall not remove, assist in, or per-*
2 *mit the removal of any free-roaming horses from Federal*
3 *lands within the boundary of the Ozark National Scenic*
4 *Riverways unless—*

5 “(1) *the entity with whom the Secretary has en-*
6 *tered into the agreement under subsection (a), follow-*
7 *ing notice and a 90-day response period, fails to meet*
8 *the terms and conditions of the agreement; or*

9 “(2) *the number of free-roaming horses on Fed-*
10 *eral lands within the Ozark National Scenic*
11 *Riverways exceeds 50; or*

12 “(3) *in the case of an emergency, or to protect*
13 *public health and safety.*

14 “(c) *Nothing in this section shall be construed as cre-*
15 *ating additional liability for the United States for any*
16 *damages caused by the free-roaming horses to property*
17 *located inside or outside the boundaries of the Ozark Na-*
18 *tional Scenic Riverways.”.*

Passed the House of Representatives November 7,
1995.

Attest:

ROBIN H. CARLE,

Clerk.

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