

In the Senate of the United States,

July 17, 1998.

Resolved, That the bill from the House of Representatives (H.R. 765) entitled “An Act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. MAINTENANCE OF WILD HORSES IN CAPE***
2 ***LOOKOUT NATIONAL SEASHORE.***

3 *Section 5 of the Act entitled “An Act to provide for*
4 *the establishment of the Cape Lookout National Seashore*
5 *in the State of North Carolina, and for other purposes”,*
6 *approved March 10, 1966 (Public Law 89–366; 16 U.S.C.*
7 *459g–4), is amended by inserting “(a)” after “Sec. 5.”, and*
8 *by adding at the end the following new subsection:*

9 *“(b)(1) The Secretary, in accordance with this sub-*
10 *section, shall allow a herd of 100 free roaming horses in*
11 *Cape Lookout National Seashore (hereinafter referred to as*

1 *the ‘Seashore’): Provided, That nothing in this section shall*
2 *be construed to preclude the Secretary from implementing*
3 *or enforcing the provisions of paragraph (3).*

4 “(2) *Within 180 days after enactment of this sub-*
5 *section, the Secretary shall enter into an agreement with*
6 *the Foundation for Shackleford Horses (a nonprofit cor-*
7 *poration established under the laws of the State of North*
8 *Carolina), or another qualified nonprofit entity, to provide*
9 *for management of free roaming horses in the seashore. The*
10 *agreement shall—*

11 “(A) *provide for cost-effective management of the*
12 *horses while ensuring that natural resources within*
13 *the seashore are not adversely impacted; and,*

14 “(B) *allow the authorized entity to adopt any of*
15 *those horses that the Secretary removes from the sea-*
16 *shore.*

17 “(3) *The Secretary shall not remove, assist in, or per-*
18 *mit the removal of any free roaming horses from Federal*
19 *lands within the boundaries of the seashore—*

20 “(A) *unless the entity with whom the Secretary*
21 *has entered into the agreement under paragraph (2),*
22 *following notice and a 90-day response period, fails*
23 *to meet the terms and conditions of the agreement; or*

1 “(B) unless the number of free roaming horses on
2 *Federal lands within Cape Lookout National Seashore*
3 *exceeds 110; or*

4 “(C) except in the case of an emergency, or to
5 *protect public health and safety.*

6 “(4) *The Secretary shall annually monitor, assess, and*
7 *make available to the public findings regarding the popu-*
8 *lation, structure, and health of the free roaming horses in*
9 *the national seashore.*

10 “(5) *Nothing in this subsection shall be construed to*
11 *require the Secretary to replace horses or otherwise increase*
12 *the number of horses within the boundaries of the seashore*
13 *where the herd numbers fall below 100 as a result of natural*
14 *causes, including, but not limited to, disease or natural dis-*
15 *asters.*

16 “(6) *Nothing in this subsection shall be construed as*
17 *creating liability for the United States for any damages*
18 *caused by the free roaming horses to property located inside*
19 *or outside the boundaries of the seashore.”.*

Attest:

Secretary.

105TH CONGRESS
1ST SESSION

H. R. 765

AMENDMENT