

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 731**

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**AMENDMENT**

***In the House of Representatives, U. S.,***

*November 13, 1997.*

*Resolved, That the bill from the Senate (S. 731) entitled “An Act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.”, do pass with the following*

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That notwithstanding section 10(b) of Public Law 99–652*  
2 *and section 1(a) of Public Law 103–321, the legislative au-*  
3 *thority for the National Peace Garden shall extend through*  
4 *June 30, 2002.*

5 **SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT**  
6 **NATIONAL SEASHORE.**

7 *Section 5 of the Act entitled “An Act to provide for*  
8 *the establishment of the Cape Lookout National Seashore*  
9 *in the State of North Carolina, and for other purposes”,*  
10 *approved March 10, 1966 (Public Law 89–366; 16 U.S.C.*  
11 *459g–4), is amended by inserting “(a)” after “SEC. 5.”, and*  
12 *by adding at the end the following new subsection:*

13 *“(b)(1) The Secretary, in accordance with this sub-*  
14 *section, shall allow a herd of 100 free roaming horses in*

1 *Cape Lookout National Seashore (hereinafter referred to as*  
2 *the “seashore”): Provided, That nothing in this section shall*  
3 *be construed to preclude the Secretary from implementing*  
4 *or enforcing the provisions of paragraph (3).*

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

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

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

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

21           *“(A) unless the entity with whom the Secretary*  
22 *has entered into the agreement under paragraph (2),*  
23 *following notice and a 90-day response period, fails*  
24 *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:

*Clerk.*