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SEN. APPROP.

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1 (B) alter the management of the waters of
 2 Lake Superior within the boundary of the Apos-
 3 tle Islands National Lakeshore in existence on
 4 the date of enactment of this section; or

5 (C) be construed to modify, limit, or in any
 6 way affect the use of motors on the lake waters,
 7 including snowmobiles and the beaching of mo-
 8 torboats adjacent to wilderness areas below the
 9 high water mark, and the maintenance and ex-
 10 pansion of any docks existing at the time of the
 11 enactment of this section.

141

12 ~~SEC. 142.~~ If the Secretary of the Interior has trans-
 13 ferred a grazing permit for lands adjacent to the Mojave
 14 National Preserve, upon request of the permittee the Sec-
 15 retary shall also issue a special use permit for that portion
 16 of the grazing allotment located within the Preserve. The
 17 special use permit shall be issued with the same terms and
 18 conditions as the most recently-issued permit for that al-
 19 lotment and the Secretary shall consider the permit to be
 20 one transferred in accordance with section 325 of Public
 21 Law 108-108.

insert 84A

142

22 ~~SEC. 143.~~ SALE OF WILD FREE-ROAMING HORSES
 23 AND BURROS. (a) IN GENERAL.—Section 3 of Public Law
 24 92-195 (16 U.S.C. 1933) is amended—

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1 (1) in subsection (d)(5), by striking "this sec-
2 tion" and all that follows through the period at the
3 end and inserting "this section."; and

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

5 "(e) SALE OF EXCESS ANIMALS.—

6 "(1) IN GENERAL.—Any excess animal or the
7 remains of an excess animal shall be sold if—

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

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

12 "(2) METHOD OF SALE.—An excess animal
13 that meets either of the criteria in paragraph (1)
14 shall be made available for sale without limitation,
15 including through auction to the highest bidder, at
16 local sale yards or other convenient livestock selling
17 facilities, until such time as—

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

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

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1 “(3) DISPOSITION OF FUNDS.—Funds gen-
2 erated from the sale of excess animals under this
3 subsection shall be—

4 “(A) credited as an offsetting collection to
5 the Management of Lands and Resources ap-
6 propriation for the Bureau of Land Manage-
7 ment; and

8 “(B) used for the costs relating to the
9 adoption of wild free-roaming horses and bur-
10 ros, including the costs of marketing such adop-
11 tion.

12 “(4) EFFECT OF SALE.—Any excess animal
13 sold under this provision shall no longer be consid-
14 ered to be a wild free-roaming horse or burro for
15 purposes of this Act.”.

16 (b) CRIMINAL PROVISIONS.—Section 8(a)(4) of Pub-
17 lic Law 92-195 (16 U.S.C. 1338(a)(4)) is amended by in-
18 serting “except as provided in section 3(e),” before “pro-
19 cesses”.

20 ~~SEC. 144.~~ Prior to completion of any applicable pro-
21 cedure required under the regulations of the Department
22 of the Interior (50 C.F.R. Subpart 402D) promulgated in
23 accordance with 16 U.S.C. 1536 and 1540(f), 7 U.S.C.
24 136a note, and other applicable law, published at 69 Fed.
25 Reg. 47732, and effective September 7, 2004, actions by