



**U.S. Department of the Interior
Office of Inspector General**

AUDIT REPORT

**THE ADOPT-A-HORSE PROGRAM,
BUREAU OF LAND MANAGEMENT**

**REPORT NO. 98-I-419
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United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
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Memorandum

To: Director, Bureau of Land Management

From: Robert J. Williams *Robert J. Williams*
Acting Inspector General

Subject: Audit Report on the Adopt-A-Horse Program, Bureau of Land Management
(No. 98-I-419)

This report presents the results of our audit of the Bureau of Land Management's Adopt-A-Horse Program, which is a part of the Wild Horse and Burro Program. This is the last of three reports we are issuing on the Wild Horse and Burro Program. The first report, "Expenditures Charged to the Wild Horse and Burro Program, Bureau of Land Management" (No. 97-I-375), dated February 1997, determined whether expenditures charged to the Program were used for Program purposes. The second report, "Management of Herd Levels, Wild Horse and Burro Program, Bureau of Land Management" (No. 97-I-1104), dated August 1997, determined whether the Bureau was effectively managing the herd levels and monitoring the health of wild horse and burro populations on public lands. (These two reports are synopsisized in the Prior Audit Coverage section of this report.)

The overall objective of this audit was to determine whether the Bureau of Land Management was operating the Wild Horse and Burro Program in accordance with applicable laws and regulations, including provisions that ensure that the animals receive adequate health care and humane treatment. Specifically, at the request of the Acting Director of the Bureau of Land Management, this audit focused on whether the Bureau complied with its policies and procedures to ensure that excess wild horses and burros received humane care when they were placed in the Adopt-A-Horse Program.

We determined that the three Bureau Program offices we reviewed were not adequately screening prospective adopters, performing inspections of adopters' facilities and adopted animals, and issuing titles for eligible adopted animals. The Bureau of Land Management Handbook H-4750-2, "Adoption of Wild Horses and Burros," requires the Bureau to determine whether prospective adopters are eligible to adopt animals and to perform inspections of adopters' facilities and adopted animals. In addition, the Public Rangelands Improvement Act of 1978 authorizes the Bureau to convey title of the animals to adopters who have provided humane treatment to their adopted animals for 1 year. However, Bureau management did not perform oversight reviews to ensure that the procedures in the Handbook were complied with or that other effective procedures were established by all

Program offices; Bureau management at the Jackson Office and, to a lesser degree, at the other two offices we visited focused its efforts on placing excess animals into private care instead of fully complying with existing procedures; and the Wild Horse and Burro Information System did not contain adequate information on the eligibility of adopters and was difficult to use. As a result, the Bureau had little assurance that the adopted animals received humane care; some of the animals were mistreated; and titles for adopted animals were not always issued, which adversely affected the Bureau's accountability for these animals and unnecessarily extended the Bureau's legal responsibility for the animals.

We made five recommendations to the Bureau, which related to (1) conducting reviews of Program offices to ensure that screening, inspection, and titling procedures were followed and determining whether the procedures were ensuring that adopted animals received humane care; (2) improving and modifying the Wild Horse and Burro Information System; (3) increasing the number of compliance inspections performed and improving documentation of the inspections; (4) establishing procedures to require that records of complaints received and actions taken on animal abuse or exploitation be maintained; and (5) ensuring that titles to animals are conveyed to adopters in a timely manner.

In the April 7, 1998, response (Appendix 5) from the Director, Bureau of Land Management, the Bureau concurred with Recommendations 1, 2, 4, and 5 and concurred "in part" with Recommendation 3. Based on the response, we consider Recommendation 5 resolved and implemented and Recommendations 1, 2, 3, and 4 resolved but not implemented. Accordingly, the unimplemented recommendations will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.

Since the report's recommendations are considered resolved, no further response to the Office of Inspector General is required (see Appendix 6).

The legislation, as amended, creating the Office of Inspector General requires semiannual reporting to the Congress on all audit reports issued, actions taken to implement audit recommendations, and identification of each significant recommendation on which corrective action has not been taken.

We appreciate the assistance of Bureau of Land Management personnel in the conduct of our audit.

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INTRODUCTION

BACKGROUND

The Wild Free-Roaming Horses and Burros Act of 1971, as amended, authorized and directed the Secretary of the Interior to manage the wild free-roaming horses and burros in a manner designed to achieve and maintain a thriving natural ecological balance and protect wild free-roaming horses and burros as components of the public lands. The Act gives the Secretary authority to humanely capture and remove from the public lands excess wild free-roaming horses and burros for private care and maintenance for which the Secretary has determined an adoption demand exists. The Act defines "excess animals" as "wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area."

The Wild Horse and Burro Program was established in 1971 to administer provisions of the Act. The Bureau manages wild horse and burro populations that exist in 10 western states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. As of September 1996, the Bureau estimated that these lands had a total population of 42,138 animals. The responsibility for the management direction and policy making of the Wild Horse and Burro Program was reassigned in January 1997 from the National Program Office in Reno, Nevada, to the Bureau of Land Management Headquarters in Washington, D.C., but the operational aspects of the Program remained at the National Program Office. Adoption program offices are located in Bureau state, district, and resource area offices in Arizona, California, Colorado, Idaho, Montana, Nevada, Oklahoma, Oregon, Utah, Mississippi, Wisconsin, and Wyoming to supervise adoptions throughout the continental United States. The Bureau also conducts adoptions at prison training programs in California, Colorado, Oklahoma, and Wyoming.

A primary focus of the Bureau's activities under the Wild Horse and Burro Program has been the placement of excess wild horses and burros from public lands to private individuals and organizations through the Bureau's Adopt-A-Horse Program. After 1 year of demonstrating humane care to the animal and upon application by the adopter, the Bureau is authorized to issue title to the adopter for up to four animals each year.¹ Once title has passed to the adopter, the Bureau is no longer legally responsible for the animal. As of April 1997, 151,814 animals had been placed in private care through the Adopt-A-Horse Program since its inception in May 1976. Of the 151,814 animals adopted, the Bureau had passed title to the adopters for 103,138 of these animals (see Appendix 1).

¹When the Bureau's Adopt-A-Horse Program was first established in 1976 (actually, the first adoption took place in 1973 in Montana), there were no provisions to pass title for the animals to the adopters. The provisions to issue titles to adopters were included in the Public Rangelands Improvement Act of 1978.

The Bureau of Land Management Manual Handbook H-4750-2, "Adoption of Wild Horses and Burros," provides detailed information on the policies, standards, and procedures to be used in the Adopt-A-Horse Program. The Handbook provides the detailed procedures the Bureau established to implement Subpart 4750, "Private Maintenance," of the Code of Federal Regulations. Specifically, the Handbook describes adopter qualifications and application procedures and provides guidance for Bureau compliance inspections and enforcement activities. Further, the Handbook requires an applicant who has selected an animal for adoption to sign a private maintenance and care agreement that identifies prohibited acts and stipulates requirements for the adopter's facilities and for care of the animals (a narrative description of the procedures for animal adoption is in Appendix 2).

OBJECTIVE AND SCOPE

The audit objective was to determine whether the Bureau of Land Management was operating the Wild Horse and Burro Program in accordance with applicable laws and regulations, including provisions that ensure that the animals receive adequate health care and humane treatment. Specifically, this audit focused on whether the Bureau complied with its policies and procedures to ensure that excess wild horses and burros received humane care when they were placed in the Adopt-A-Horse Program.

To accomplish our objective, we made site visits to three Bureau offices: (1) the Canon City District Office in Canon City, Colorado, which administers the Program for the Colorado State Office; (2) the Jackson District Office in Jackson, Mississippi, one of two district offices that administer the Program for the Eastern States Office; and (3) the Oklahoma Resource Area Office in Moore, Oklahoma, which administers the Program for the New Mexico State Office.² As of April 1997, these three offices were responsible for 48,140 (32 percent) of the 151,814 animals adopted in the Program since its inception. In addition, these offices were responsible for 13,911 (42 percent) of the 32,794 untitled animals eligible for title as of April 1997 (see Appendix 1).

The three offices reviewed provided us with 130 of the 167 adopter files we judgmentally sampled. According to Bureau officials, the remaining 37 files were either lost or sent to archives. At the three offices visited, we reviewed the 130 adoption files representing animals titled during fiscal years 1995, 1996, and 1997 through April 18, 1997 (58 files); animals eligible for title as of April 18, 1997 (39 files); adopters or facilities that had five or more wild horses and burros from 1973 through April 18, 1997 (15 files); adopters whose names were in the complaint logs at the time of our visits (9 files); and adopters who used power of attorney to adopt wild horses and burros during 1995 through April 18, 1997 (9

²The Canon City District Office is responsible for the State of Colorado; the Jackson District Office is responsible for Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and the Oklahoma Resource Office is responsible for Kansas, New Mexico, Oklahoma, and Texas.

files).³ Our sample selection of adoption files was based on data maintained in the Wild Horse and Burro Information System, which identified the Bureauwide universe as 103,138 titled animals and 32,794 eligible but untitled animals as of April 18, 1997.

At each of these offices, we reviewed the Bureau's compliance with policies and procedures in its Handbook that related to screening adopters, performing compliance inspections, investigating complaints of abuse and exploitation, and titling animals and interviewed Bureau officials responsible for operating and managing the Program. In addition, we observed wild horse and burro adoptions at the Colorado State Penitentiary in Canon City, Colorado; the Cross Plains Adoption Center in Cross Plains, Tennessee; and a temporary adoption center in Herndon, Virginia.

This audit was made, as applicable, in accordance with the "Government Auditing Standards," issued by the Comptroller General of the United States. Accordingly, we included such tests of records and other auditing procedures that were considered necessary under the circumstances.

As part of our audit, we evaluated the system of internal controls to the extent that we considered necessary. The internal control weaknesses we identified are discussed in the Finding and Recommendations section of this report. The recommendations, if implemented, should improve the internal controls in these areas.

We also reviewed the Departmental Report on Accountability for fiscal year 1996, which includes information required by the Federal Managers' Financial Integrity Act, and the Bureau's annual assurance statement and determined that no material weaknesses were reported that directly related to the objective and scope of our audit.

PRIOR AUDIT COVERAGE

During the past 5 years, the General Accounting Office has not audited the Bureau of Land Management's Wild Horse and Burro Program. However, the Office of Inspector General has issued four audit reports on the Program as follows:

- The report "Memorandum of Understanding Relating to the South Dakota Wild Horse Sanctuary, Bureau of Land Management" (No. 92-I-543), issued in March 1992, concluded that the Bureau made payments of \$95,000 for services that were not the Bureau's responsibility, approved a basic rate increase for horse care that was not justified, and lost the opportunity to save \$800,000 by not evaluating alternative offers for horse care. The report additionally stated that the sanctuary had not achieved financial self-sufficiency. The report's four recommendations were considered resolved and implemented.

³A power of attorney is a legal instrument authorizing one to act as the attorney or agent of the grantor.

- The report "Selected Aspects of the Wild Horse and Burro Program, Bureau of Land Management" (94-I-585), issued in May 1994, stated that it was not cost effective to maintain the Oklahoma wild horse sanctuary. The report recommended that the Bureau evaluate other options for the sanctuary horses, including returning the horses to the public lands and closing the sanctuary, since most of the sanctuary horses were old and unadoptable. The Bureau concurred with the recommendation but offered an alternative solution. Specifically, the Bureau decided to develop and implement an adoption initiative for the animals in the sanctuary, which had been successful in the Bureau's Montana State Office in 1992 in that over 500 sanctuary animals from South Dakota had been adopted. Subsequently, the Bureau reduced the number of horses at the Oklahoma sanctuary from 1,569 in October 1993 to 1,143 in February 1996. The sanctuary contractor reported that the reduction of 433 horses was due to 236 adoptions and 197 deaths.

- The report "Expenditures Charged to the Wild Horse and Burro Program, Bureau of Land Management" (No. 97-I-375), issued in February 1997, concluded that the Bureau had recorded and generally spent funds for Program purposes in accordance with its accounting procedures. However, the Bureau inaccurately classified certain indirect salaries and other expenditures as direct costs in its financial records. As a result, reported salary and other expenditures indicated that more direct work was accomplished for the Program than may have actually occurred. The Bureau concurred with the report's two recommendations, which we considered resolved but not implemented.

- The report "Management of Herd Levels, Wild Horse and Burro Program, Bureau of Land Management" (No. 97-I-1104), issued in August 1997, concluded that the Program had not been effective in achieving the goal of managing the sizes of the herds to maintain a thriving natural ecological balance, as required by the Wild Free-Roaming Horses and Burros Act of 1971, as amended. In addition, the Bureau was not systematically monitoring the health of the herds. Specifically, the Bureau had not placed sufficient numbers of animals through its Adopt-A-Horse Program; was prevented from disposing of excess healthy animals by legislative restrictions included in its appropriations acts; and had not aggressively pursued other options for controlling herd sizes, such as birthrate controls. Consequently, approximately 15,226 more wild horses and burros were on the range than the Bureau determined the range could sustain at the end of fiscal year 1996. Additionally, the Bureau did not have information regarding the health of the herds that managers needed to make decisions regarding the operations of the Program. The Bureau concurred with the report's two recommendations, but additional information was needed to consider the recommendations fully resolved.

OTHER REVIEW

In January 1997, the Director, Bureau of Land Management, established a temporary Policy Analysis Team to "review all aspects of the Bureau of Land Management's (BLM) Wild Horse and Burro (WH&B) Adoption Program." The Team's mission was to "analyze the

current program and make recommendations for changes in policy and procedures to better ensure that adopted animals receive short- and long-term humane care."

On April 18, 1997, the Team issued its report, which contained 33 recommendations in six categories: (1) compliance activities, including titling; (2) employee adoptions; (3) the Wild Horse and Burro Information System; (4) training; (5) public outreach; and (6) management and accountability. The Team's recommendations addressed a wide range of issues, including day-to-day management of the Adopt-A-Horse Program, such as contacting 100 percent of all new adopters; performing compliance inspections; and resolving long-standing problems associated with accounting for untitled horses. Although the recommendations proposed by the Team addressed a wide range of improvements needed in the Adopt-A-Horse Program, we found that the proposed recommendations did not fully address the weaknesses we identified, which are discussed in the Finding and Recommendations section of this report.

FINDING AND RECOMMENDATIONS

ADOPT-A-HORSE PROGRAM

The three Bureau of Land Management Wild Horse and Burro Program offices we reviewed were not adequately screening prospective adopters, performing compliance inspections of adopters' facilities before adoptions⁴ and of animals subsequent to adoption, and issuing titles for all eligible adopted animals. The Bureau of Land Management Handbook H-4750-2, "Adoption of Wild Horses and Burros," requires the Bureau to (1) determine whether prospective adopters are eligible to adopt animals and (2) perform inspections of adopters' facilities and adopted animals. In addition, the Public Rangelands Improvement Act of 1978 requires the Bureau to convey title of the animals upon application by adopters who have provided humane treatment to their adopted animals for 1 year. However, Bureau management did not perform oversight reviews to ensure that procedures in the Handbook were complied with or that other effective procedures were established by all offices. In addition, Bureau management at the Jackson District Office and, to a lesser degree, at the other two offices we visited focused its efforts on placing the animals in private care instead of ensuring compliance with existing procedures, and the Wild Horse and Burro Information System did not contain adequate information on the eligibility of adopters and was difficult to use. As a result, the Bureau had little assurance that the adopted animals received humane care, and some of the animals were mistreated. In addition, titles for adopted animals were not always issued, which adversely affected the Bureau's accountability for these animals and continued the Bureau's legal responsibility for the animals.

Screening Prospective Adopters

The Bureau did not adequately screen prospective adopters to determine their eligibility to adopt and care for the animals. Specifically, the Bureau did not adequately review adoption applications and Bureau adoption records, interview applicants, or perform inspections of the facilities of applicants who applied to adopt five or more animals. These actions are the initial safeguards to ensure that adopters have the capability to provide humane care for the adopted animals.

Applications and Interviews. The Bureau Handbook (Chapter I, Section B) identifies three sources of information that Program personnel should use to screen applicants: a

⁴The Bureau's Handbook for adoption of wild horses and burros states that the Bureau must have a signed inspection report from a Bureau official or other qualified individual such as a veterinarian or humane official that certifies that the facilities for maintaining five or more animals satisfy Bureau requirements.

completed application; an interview with the applicant; and Bureau adoption records, including records in the Information System.⁵

In addition to the 37 files that were not provided, our review of the 130 adoption files provided by the Bureau disclosed that 13 applications were incomplete or were missing from the files (4 of the 13 applications had incomplete facility information) and that 72 files contained no evidence that an interview was conducted (see Appendix 3). This occurred because Bureau officials did not perform regularly scheduled oversight reviews of field offices for compliance with Program procedures. We noted that only three reviews were performed in 1994 and one review in 1995 and that these reviews covered various aspects of the Program in California, Montana, New Mexico, and Utah. However, these reviews did not determine whether the field offices complied with established procedures to screen adopters or to monitor adopters' compliance with private maintenance and care agreements. In our opinion, the Bureau should have included a requirement in its Handbook that regularly scheduled reviews of compliance with Program procedures or other internal controls should be performed to provide Bureau managers with sufficient information to make sound management decisions regarding Program operations.

In addition, we found that the Wild Horse and Burro Information System could not be used to determine the eligibility of adopters, even though the Information System was identified in the Handbook as a source to review. Program personnel stated that the Information System computer program was not "user friendly" and that the compliance inspection module, which was designed to contain information on inspections performed and the continued eligibility of adopters, was so difficult to use that no one attempted to enter data about problem adopters. Without this vital information, adopters who had improperly cared for animals could be allowed to adopt other animals. For example, in 1990, a Colorado wild horse specialist attempted to examine adopted animals that were eligible for title. The specialist was informed by the adopter that the animals had been sold to a "local horse trader." Bureau law enforcement officials investigated the incident and determined that the adopter had sold his four animals to another individual, who sold the animals to a "sale barn."⁶ Since the sale barn had closed, Bureau personnel concluded that the horses were not traceable. The case was closed, and the adopter and the first purchaser were issued verbal warnings. The official adoption file maintained at the field office was marked "ineligible." However, as of July 1997, the Information System listed the two animals as alive and untitled but eligible for title, and the adopter was not identified as a "violator" or as ineligible to adopt other animals. In addition, none of the three offices we reviewed maintained any other listing or document that identified problem adopters which could be used as a screening source before

⁵The Handbook states that when an adopter violates the terms of the private maintenance and care agreement, the type of violation and the appropriate complaint and inspection results are required to be entered into the Information System. This action will create a hold on future titling or adoption by that individual.

⁶A "sale barn" is any location where livestock is sold, including horses. According to a Bureau official, it is commonly known that buyers go to sale barns to acquire animals that will be processed into commercial products.

applications were approved. As a result, the Bureau could not be fully assured that animals were placed with previous adopters who had demonstrated that they could care for their animals.

Preadoption Facility Inspections. Facility inspections are performed to help ensure that prospective adopters of five or more animals in 1 year can adequately provide humane care for those animals at their facility. The inspections are required by the Code of Federal Regulations (43 CFR 4750.3-3), which states:

An individual applying to adopt more than 4 wild horses or burros within a 12-month period, or an individual or group of individuals requesting to maintain more than 4 wild horses or burros at a single location shall provide a written report prepared by the authorized officer [a Bureau employee assigned to the Wild Horse and Burro Program], or by a local humane official, veterinarian, cooperative extension agent, or similarly qualified person approved by the authorized officer, verifying that the applicant's facilities have been inspected, appear adequate to care for the number of animals requested, and satisfy the requirements . . . [for private maintenance and care of the animals].

The report shall include a description of the facilities, including corral sizes, pasture size, and shelter, barn or stall dimensions, and shall note any discrepancies between the facilities inspected and representations made in the application form. When an applicant requests 25 or more animals or when 25 or more animals will be maintained at any single location, regardless of the number of applicants, the facilities . . . shall be inspected by the authorized officer prior to approving the application.

The codified requirements for adoptions of five or more animals in a year are more stringent than the requirements for adoptions of four or fewer animals per year because of the increased risk of animals being exploited or abused. Of the 37 files that Bureau officials could not locate at the three offices visited, 16 of these files were for adoptions of five or more animals. These 16 files represented adoptions of 868 wild horses and burros during 1976 through 1997 (March 1997).

We reviewed files for 15 adoptions of 5 or more wild horses and burros, which involved 355 animals, and found no evidence in these files that facility inspections had been performed by Bureau officials or their authorized representatives in 2 of 3 cases in Canon City, 5 of 8 cases in Jackson, and 2 of 4 cases in Oklahoma. The nine cases where facility inspections were not performed accounted for 248 of the 355 animals. Examples of the problems noted with the adoptions of five or more animals for which facility inspections were not performed are as follows:

- A state prison in Louisiana adopted 30 horses in October 1995. However, no inspection was conducted by Bureau personnel from the Jackson District Office, as required by the Code of Federal Regulations and further detailed in the Bureau Handbook. According to officials in the Jackson Office, the inspection was not performed because the responsible personnel were not notified by personnel from the Rock Springs District Office in Wyoming who conducted the adoption. When the facility was inspected by Jackson Office personnel approximately 15 months after the adoption occurred, the personnel could not confirm that the adopted animals were still at the prison because the freeze brands either were illegible or were not present on the animals at the facility. Consequently, the Bureau could not issue titles for the adopted animals. On June 10, 1997, Bureau personnel inspected the facility, re-branded 28 of the horses, and signed private maintenance and care agreements for the 28 horses. The other 2 horses died, one on July 15, 1996, from unknown causes and the other on November 22, 1996, from injuries incurred at a cattle guard. Under Bureau procedures, the private maintenance and care agreements should have been signed before the horses were adopted, and the deaths of the two horses should have been reported within 7 days of their deaths.

- During 1982 through 1985, a wild horse advocacy group in Colorado adopted 156 horses for the purpose of reassigning these animals to other adopters. When the animals were assigned to other adopters, the group's name was replaced with the new adopters' names in the Information System. Our review of the Information System showed that the group had adopted only 10 horses rather than the 156 horses identified in the field office's adoption file for the group. In addition, there was no evidence in the file that the Bureau conducted inspections of the group's facilities prior to the adoptions.

According to Jackson District Office Program personnel, facility inspections were not consistently performed because the Jackson field office placed a higher emphasis on removal of the animals from public lands and placement with private individuals and organizations. Specifically, several employees in the Jackson Office stated that the Program's priority had always been the removal and placement of the animals over the monitoring of compliance with Bureau procedures. In support of this position, we noted that the Wild Horse and Burro Adoption Program Policy Analysis Team Report, dated April 18, 1997, stated:

The Policy Analysis Team believes that establishment and achievement of Appropriate Management Levels (AMLs) in Herd Management Areas (HMAs) is the highest overall Wild Horse and Burro priority. Efforts toward this objective should not be reduced to provide funding or staff time for implementation of our recommendations [regarding compliance and titling issues].

Further, during the June 24, 1997, exit conference on our prior report "Management of Herd Levels, Wild Horse and Burro Program, Bureau of Land Management" (No. 97-I-1104), the Bureau's Assistant Director for Renewable Resources and Planning stated that to reach the appropriate management levels by the year 2001 as the Bureau plans, it will need to remove

10,000 animals from public land per year. However, he also stated that without enlisting more volunteers to assist in monitoring and conducting compliance inspections, the Bureau will have difficulty in meeting this goal.

Postadoption Compliance Inspections

The Bureau did not adequately or consistently perform compliance inspections to ensure that adopted animals were receiving proper care because the Bureau offices we reviewed emphasized the placement of the animals in private care over the performance of inspections of the adopters. In addition, Bureau offices had not established procedures to ensure that complaints of animal mistreatment were fully investigated.

The Code of Federal Regulations (43 CFR 4760.1) states that a Bureau employee or an authorized representative may verify compliance with the private maintenance and care agreement by "visits to an adopter, physical inspections of the animals, and inspections of the facilities and conditions in which the animals are being maintained." In addition, the Bureau Manual (Section 4760.1) requires monthly compliance inspections of all adopters and animals when five or more animals are maintained in one location. The Manual also requires the Bureau to conduct compliance inspections whenever a complaint is received of inhumane treatment to an animal. The Bureau's "Strategic Plan for Management of Wild Horses and Burros on Public Lands," dated June 1992, states that the Bureau's goal is to inspect a minimum of 5 percent of all untitled animals each year.

Inspection Goal of 5 Percent. We reviewed 97 files of adopters who took four or fewer animals and determined that the Bureau conducted 39 compliance inspections of the adopters and their animals. This inspection level of 40 percent exceeded the Bureau's goal of inspecting 5 percent of all untitled animals each year. However, while our nonstatistical sample results indicated that the Bureau had exceeded its goal, we believe that the prescribed and actual levels of inspections are too low to ensure that adopted animals are treated humanely. Our opinion is consistent with the Bureau's "Policy Analysis Team Report" on the Program, dated April 18, 1997 (see "Other Review" section). Regarding the compliance inspection level, the report recommended that the Bureau:

Increase on-site compliance inspections to assure statistically that 95 percent of untitled animals adopted within the last five years are being properly cared for in compliance with the PMACA [private maintenance and care agreements] by adopters. . . . The 95-percent compliance clearly requires an increase in the current level of on-site compliance effort. . . . The Team recommends doubling on-site compliance checks from approximately 2,200 per year to 4,400 per year.

The report further stated that the Bureau should use memoranda of understanding with various state and nonprofit organizations to conduct these inspections. We agree with this

strategy and believe that the Bureau can achieve the higher inspection level with the support of voluntary organizations, such as the Humane Society of the United States.

Monthly Inspections of Adopters of Five or More Animals. Our review of the 15 adoptions of 5 or more animals found that the Bureau did not conduct the required monthly inspections for 14 adoptions involving 248 animals. For example:

- In the Jackson District Office, none of the approximately 100 horses adopted in numbers of five or more were inspected monthly by Bureau officials or their authorized representatives. For example, in 1995 a university, through the Jackson Office, adopted five burros and four horses to provide an outreach educational program. The Jackson Office did not conduct the required monthly compliance inspections of the animals and the university's facilities. However, the Bureau did conduct an inspection on May 2, 1996, because Bureau personnel were in the area to conduct an adoption. The Bureau horse and burro specialist noted in her inspection report that one burro was missing and that the remaining animals were "malnourished." Subsequently, the specialist determined that one of the burros had died on January 24, 1996, of "unknown causes" and that this death was not reported to the Bureau as required. Also, the inspection report stated:

The horses and burros . . . were in thin condition and their hoofs were extremely long. . . . had only been wormed once . . . and had received little to no handling The ribs . . . were easily seen, the tail head was prominent, the hip bone was easily discernible and the withers, shoulders and neck were accentuated. Their coats were dull, long, and in an unhealthy condition. . . . The hay on site was of very poor quality When the hay was given to the horses, they would not eat it.

The report further stated, "The poor condition of the animals attested to the inadequate amount and quality of grain and hay being fed to the animals. . . ." During a second inspection on May 5, 1996, the Bureau specialist stated, "Again, there was no evidence of feeding and the pens were without water." As a result of these inspections, the university received Bureau assistance in caring for the animals, and the condition of the animals improved.

- In the Canon City District Office, an adopter acquired 10 horses during fiscal years 1994 and 1995. The Bureau did not conduct monthly compliance inspections of the adopter and the animals. Subsequently, we found that one horse had died (the cause of death was not reported within the required 7 days), one was returned to the Bureau, and eight were titled to the adopter.

Inspections of Complaints of Animal Mistreatment. We could not determine, from our review of the adoption files and other records at the field offices we visited, whether the Bureau conducted inspections of adopters for which the Bureau had received complaints and

allegations relating to the mistreatment of adopted animals. Additionally, allegations of abuse were not always referred to law enforcement officials for appropriate action. For example:

- In the Jackson Office, we requested six files relating to animals for which complaints of abuse were received and recorded in the complaint logs. However, the Bureau could not locate 4 of the files (included in the 37 files we previously noted as not provided). Regarding the first of the remaining two files, the initial complaint of possible abuse was recorded on March 5, 1996. As of May 13, 1997, the Bureau had not performed a compliance inspection. Regarding the second of the two remaining files, the initial complaint, which was the reported death of an animal, was received in August 1996. As of November 10, 1997, no further action had been taken, even though the letter certifying the cause of death that had been requested in August 1996 had not been received.

Also in the Jackson Office, we reviewed an adoption file (see Appendix 3, "Evidence of Possible Animal Abuse") which stated that the adopter shot and killed his burro because it was unmanageable and continued to escape from its pen. Since this action was a prohibited act under the adopter's private maintenance and care agreement, the case should have been referred to law enforcement officials for appropriate action. However, no further action was taken by the Bureau on this burro's death, and the Bureau subsequently issued titles to this adopter for the three burros remaining in his custody.

In the early 1990s, according to several Bureau employees, a former District Manager of the Jackson Office stated that, pursuant to management directions, the Jackson Office would no longer refer adopters for prosecution of wrongdoing. In addition, an October 9, 1990, memorandum from the Deputy State Director in the New Mexico State Office stated that as a result of budget reductions for fiscal year 1991, a wild horse and burro adoption center would be closed and staff may not be able to respond to all compliance complaints. The memorandum further stated that complaints should be coordinated with investigations conducted by local humane officials.

We were not able to determine whether the Bureau had taken all necessary actions regarding complaints of animal mistreatment because it did not establish adequate procedures to ensure that its adoption files and complaint logs clearly documented the dispositions of complaints. Additionally, the Bureau did not ensure that a complete and accurate database of violators of the private maintenance and care agreements was maintained in the Bureau's Wild Horse and Burro Information System so that these individuals could be prevented from acquiring animals through future adoptions.

Untitled Wild Horses and Burros

The Bureau had not ensured that adopted wild horses and burros were titled to adopters after providing 1 year of humane care. The granting of title to the animal is the final step in the adoption process. The Act states that the Bureau is authorized, upon application, to grant

title to adopters who have provided humane treatment and care for their animals (up to four animals in any 1 year) for a period of 1 year. By issuing title, full responsibility for the animal is placed on the adopter, and the Bureau's responsibility for that animal is legally terminated. The Bureau's Information System showed that 32,794 animals eligible for title were untitled as of April 18, 1997. The large number of untitled animals was caused by (1) the Bureau's practice of waiting for the adopters to submit title applications to its field offices and (2) the lack of effective followup procedures at some field offices.

The titling process begins when the Bureau's Information System generates a title eligibility letter and application form that is mailed by personnel in the National Business Center to adopters within 2 months of the 1-year anniversary of the adoption. However, we found that the Bureau office administering the adoption did not normally take further action until it received the completed title application. Upon receipt of the application, Program personnel reviewed the application to ensure that the animal was certified as healthy by a "qualified individual other than the adopter."⁷ If the Bureau determined that the animal was healthy, title was issued, and the animal became the private property of the adopter.

During October 1, 1992, to April 18, 1997, the number of animals eligible for title but untitled increased by 5,419 animals, or approximately 16.5 percent of the total 32,794 untitled animals (see Appendix 4). The Jackson Office, which administers the Program in 11 states (compared with 1 state and 4 states, respectively, administered by the two other offices we visited), has been responsible since fiscal year 1992 for 1,799 (33.2 percent) of the 5,419 untitled animals and 6,212 (18.9 percent) of the total of 32,794 untitled animals since Program inception. Although the number of untitled animals was significant, we found that procedures were not established at the Jackson Office to follow up on why title applications were not received from eligible adopters. At the Canon City Office, we found that procedures had been implemented to ensure that field inspections were scheduled for those adopters who had not submitted title applications in a timely manner (see section "Program Improvements"). As a result, since fiscal year 1992, the Canon City Office has added only 47 animals to its inventory of eligible but untitled animals, which totaled 596 animals for years prior to fiscal year 1992.

We also noted that the Information System reported that 773 of 6,215 animals being held in Bureau facilities as of April 18, 1997, were supposedly at facilities which were no longer in operation. Further we noted that a separate "history file," created by the Bureau in 1989 to track animals that could not be located, reported an additional 2,557 animals (not included in any other Bureau statistical totals) which the Bureau had not located as of April 18, 1997.

⁷As described on the title eligibility letter, a "qualified individual" is a "veterinarian, extension agent, local humane official, or other individual with knowledge about animal husbandry."

Program Improvements

During our review, we noted several proactive actions that Bureau offices had taken, or proposed to take, to ensure that animals received humane care and were not exploited for commercial purposes, as described in the following paragraphs.

Effective Inspection and Titling Practices. Both the Canon City District Office and the Oklahoma Resource Area Office developed local procedures which helped ensure that inspections were conducted and titles were issued. While the Canon City Office ensured that the Information System data was kept current and utilized the titling dates provided by the System, the Oklahoma Office manually reviewed adopter files to obtain current titling dates.

At the Canon City District Office, procedures included a wild horse and burro staff assistant's printing, from the Information System, a list of adopters who were eligible for title. From the list, a wild horse and burro specialist identified those adopters who were due or overdue for titling and matched their locations with the locations of volunteers available throughout the State of Colorado. The specialist then contacted those volunteers and arranged for them to perform compliance inspections of the animals. When a volunteer determined that an animal had been properly cared for, the volunteer and the adopter prepared the application for title and forwarded it to the Bureau. If any problems were noted during the inspection, a Bureau employee would follow up with appropriate action. The Canon City Office maintained these lists to also document the number of compliance inspections it conducted during each fiscal year.

The Oklahoma Resource Area Office developed a system that requires an administrative assistant to manually review adopter files to determine when title eligibility dates have passed. The files are marked with the title eligibility date on the file jacket. The administrative assistant reviews the files every 2 to 3 months and pulls the files of adopters whose title eligibility dates are more than 3 months past due. By that date, the adopter should have received three letters from the National Business Center regarding title eligibility. The assistant sends a certified letter to the adopter and continues to follow up until the adopter responds with a certified title application or other satisfactory response (such as a death certificate).

Slaughterhouse Agreements. The New Mexico State Office entered into a memorandum of understanding with a slaughterhouse whereby the facility's officials would voluntarily report to the Bureau freeze-branded animals (possibly wild horses) received at their facility. Under the agreement, the Bureau would determine whether the freeze-branded animals were wild horses and whether they were titled or untitled and, at Bureau expense, pick up the untitled animals. If the Bureau could not remove the animals immediately, the facility would care for the animals and charge the Bureau a nominal maintenance fee. Jackson District Office Program personnel provided us with information that this facility, during February 5, 1997, through March 13, 1997, notified the Bureau that it had received 25 freeze-

branded animals. The Bureau subsequently determined that four of the animals were untitled and picked up the animals. Of the four animals, two were readopted, and two were still at Bureau holding facilities as of June 24, 1997. The Bureau received restitution from one of the adopters involved and is seeking restitution from another. We believe that the Bureau should take all necessary actions to obtain these kinds of agreements with other slaughterhouses.

Volunteers and Partnerships. In written comments dated January 6, 1998, the Director noted that the Jackson District Office will be holding another wild horse and burro preadoption compliance training course for volunteers. The Director stated, "[I]t is anticipated that 10 to 15 people will take the course, providing the Jackson Office with significant increased pre-adoption compliance capability." Additionally the Director noted, "[A] significant partnership is being built with the Girl Scouts of central Florida where another Mustang Troop is being formed."

Recommendations

We recommend that the Director, Bureau of Land Management, ensure that:

1. Procedures are established to conduct regular oversight reviews of field offices to determine whether screening, preadoption and postadoption inspections, and titling procedures are complied with. The reviews should also determine whether the Bureau's screening and inspection procedures provide reasonable assurance that wild horses and burros in the Adopt-A-Horse Program receive humane care.
2. The Wild Horse and Burro Information System contains information on violators of wild horse and burro laws and regulations and other problem adopters to be used as a screening tool when offices evaluate prospective adopters. Additionally, the Information System should be evaluated and redesigned as appropriate to be more "user friendly" to Program personnel.
3. Revise the Bureau's strategic plan for the management of wild horses and burros to require a higher percentage of inspections to be performed, as recommended by the Bureau's "Policy Analysis Team Report." Also, the number of inspections performed should be accurately recorded in the Information System and reported to Bureau management.
4. Procedures are established which require records to be maintained on the complaints received of animal abuse or exploitation, the actions taken, and the final results of those actions.
5. Procedures are established to require all offices to contact adopters who have not submitted title applications in a timely manner and to take appropriate followup actions to issue titles. Further, consideration should be given to implementing, on a Bureauwide basis,

other effective procedures and memoranda of understanding with slaughterhouses that have been established at some offices.

Bureau of Land Management Response and Office of Inspector General Reply

In the April 7, 1998, response (Appendix 5) to the draft report from the Director, Bureau of Land Management, the Bureau concurred with Recommendations 1, 2, 4, and 5 and concurred "in part" with Recommendation 3. Based on the response, we consider Recommendation 5 resolved and implemented and Recommendations 1 through 4 resolved but not implemented.

Regarding Recommendation 3, the Bureau stated that it had "adopted the recommendations of the 'Policy Analysis Team Report'" to use "a statistical sampling approach as the best means to ensure the health and humane treatment of 95 percent of animals adopted within the past 5 years." The Bureau stated it will "perform more than 3,629 compliance inspections in FY [fiscal year] 1998, as identified in the BLM's [Bureau's] Annual Work Plan." Further, the Bureau stated that it will check (by telephone or physically) "100 percent of all new adoptions within 6 months after adoption" and that it will contact by mail "all adopters for the last 5 years who have animals eligible for title, but who have not yet titled those animals" in an effort to "ensure the health and humane treatment of the adopted, but not yet titled, animals." Additionally, the Bureau stated that it will "[c]ontinue the policy of 100 percent inspections on all complaints received."

We believe that the Bureau's proposed actions will satisfy the intent of this recommendation. The number of compliance inspections that the Bureau intends to perform, including inspections of all complaints of abuse, and the proposed additional contacts with adopters, whether by telephone or mail or by physical checks, should help to ensure that adopted animals are receiving proper care.

Subsequent to the Bureau's response, Bureau officials told us, regarding Recommendation 3, that the sample of 3,629 compliance inspections was drawn in December 1997 and that the telephonic or physical checks of 100 percent of all new adoptions within 6 months after the adoption occurs began in October 1997. Regarding Recommendation 4, the officials said that the Compliance Handbook for Wild Horse and Burros will be finalized by July 31, 1998. According to those officials, the Assistant Director for Renewable Resources and Planning is the official responsible for implementation of all the recommendations.

**TOTAL BUREAU OF LAND MANAGEMENT WILD HORSES AND
BURROS ADOPTED, TITLED, AND UNTITLED BY BUREAU
STATE OFFICE OR FACILITY AS OF APRIL 1997**

BUREAU STATE OFFICE	Total Number of Animals Adopted Since Program Inception	Total Number of Adopted Animals for Which Title Issued	Total Number of Adopted Animals Eligible for Title but UntitLED	Total Number of Adopted Animals Not Yet Eligible for Title
ALASKA	0	13	53	2
ARIZONA	3,504	2,233	310	151
CALIFORNIA	15,905	9,016	5,082	557
COLORADO	4,598	3,497	643	528
EASTERN STATES	48,743	37,282	10,950	3,885
IDAHO	2,642	3,368	1,274	345
MONTANA	9,558	14,386	1,019	540
NEW MEXICO	15,590	16,003	7,057	1,114
NEVADA	12,175	2,790	812	189
OREGON	11,272	5,430	3,383	470
UTAH	3,732	2,991	944	571
WYOMING	13,819	6,401	1,266	1,018
Washington, D.C., National Program Office ¹	10,158	0	0	0
Animals not assigned to specific location ²	105	9	0	0
Animals not assigned to general location ³	13	0	0	0
Adjustment ⁴	0	(281)	1	0
TOTAL	<u>151,814⁵</u>	<u>103,138</u>	<u>32,794</u>	<u>9,370</u>

¹Prior to August 1992, the National Office was administratively responsible for certain adoptions of animals. Currently, only the state offices are listed as administrative offices for adoptions.

²For the total number of animals adopted, we identified 105 animals on the Wild Horse and Burro Information System that had no location code. For the total number of adopted animals for which title was issued, we identified nine from the Information System that had no location code.

³In addition to the 105 animals that did not have a location code, 13 animals were identified only by a freeze brand.

⁴A downward adjustment of 281 animals was required because of a discrepancy between the Information System summary total and the detailed total derived from available files. An upward adjustment of 1 was required for the adopted, eligible, and untitled animals.

⁵The total does not compute across because this amount includes 6,499 animals that died after adoption and the 13 animals referred to in footnote 3.

PROCEDURES FOR THE ADOPT-A-HORSE PROGRAM

The following narrative details the procedures for the Adopt-A-Horse Program as stated in Bureau of Land Management Handbook H-4750-2, "Adoption of Wild Horses and Burros."

Screening of Applicants. The Handbook requires that the prospective adopter fill out an application for adoption which may be accepted through the mail, on-site at holding facilities or temporary adoption facilities, or at any Bureau office that has an authorized Bureau officer. The application requires the applicant to sign a statement acknowledging that it is a crime to make a fraudulent statement to the Government. The application also requires the prospective adopter to describe the facilities that will be provided for the animals and to state whether the adopter will have more than four untitled animals at the same location, whether someone else will be selecting or caring for the animal under the adopter's authorization, whether the adopter has made any previous adoptions under the Program, and whether the prospective adopter has ever been convicted of abuse or inhumane treatment of animals. The Bureau then determines eligibility based on three sources: the completed application; Bureau adoption records, including the Wild Horse and Burro Information System; and an interview with the applicant.

When five or more animals are being adopted by one individual or maintained at one location, special adoption screening requirements apply. These requirements include a facility inspection and a signed statement of employment stating that the applicant is either not employed by or engaged in a livestock auction, rodeo, or slaughterhouse or is employed or engaged in the preceding, in which case the applicant is required to state in writing the reasons for adopting the animals. The Bureau must approve or disapprove the application within 10 days of receipt. If disapproval is based on an inadequate application, the applicant may reapply. Also, the applicant may appeal his disapproved application to the Department's Board of Land Appeals.

Once the approved applicant has selected an animal at an adoption event, a private maintenance and care agreement must be signed by the adopter and the \$125 per wild horse or wild burro adoption fee paid. At that time, Bureau personnel reiterate the terms of the adoption and the prohibited acts to the adopter. After the adoption, the Bureau retains the responsibility for ensuring that adopters comply with the private maintenance and care agreements. The responsible Bureau office is required to update the Information System within 2 weeks of the adoption, and an official adopter file must be set up to include the following: an approved application; a copy of the care agreement; and other relevant documents, such as copies of compliance inspections and correspondence relating to the adoption. In cases in which a power of attorney is used to select and pick up the animals, the authorized official must contact the adopter within 2 weeks after the adoption to ensure that

the animals were received, to verify the location of the animals, and to review responsibilities and obligations with the adopter. A written record is required to be maintained for all contacts. Any adoption modification, such as adopter change of address or relocation of the animals to other facilities, must be sent to the authorized officer within 30 days. The death of any adopted animal must be reported to the responsible Bureau office within 7 days of the death. If the adopter provides a veterinarian's statement that the animal died or was destroyed within 6 months of the adoption date because of a condition existing at the time of adoption, the adopter is entitled to a replacement animal.

Compliance and Enforcement. Bureau policy does not require routine inspections of wild horses or burros adopted or maintained in groups of four or fewer animals. However, the Bureau's Wild Horse and Burro Strategic Plan establishes a goal to inspect a minimum of 5 percent of all untitled animals. Both random and scheduled compliance checks are encouraged. The Bureau Handbook does require that any adopter or facility/location which has five or more untitled animals be inspected at least monthly or when there is a complaint. Also, inspections are to be made during periods when weather conditions may adversely affect animals' feed, water, or shelter or if there is an outbreak of disease. Inspections may be coordinated with adopters, law enforcement officials, and humane organizations as appropriate. Results of inspections are to be discussed with the adopters and, as necessary, documented through written communications. The adopters' files are to contain records of inspections, and the Wild Horse and Burro Information System is to be updated with the dates and results of compliance inspections.

When a complaint of abuse or inhumane treatment is received, the Bureau is required to investigate the complaint regardless of the number of animals involved. The Bureau will recommend corrective action if appropriate. However, if the problems cannot or will not be resolved by the adopter, the Bureau may repossess the animals. At that point, the adopter's private maintenance and care agreement may be terminated either voluntarily or involuntarily, and the animal may be reassigned. In those cases of involuntary termination and repossession, the Bureau's law enforcement officials will be called in to assist.

Titling of Animals. One year after the adoption date, the animal is eligible for titling to the private adopter. Approximately 2 months prior to the end of the 1-year period, a notification for title letter is sent to the adopter. The Bureau sends out, from the National Business Center, three notification letters just prior to and shortly after this 1-year period. The letters require that a qualified individual, someone other than the adopter, certify that the freeze-branded animal listed on the form has received proper care and is in good health. If five or more animals are involved, an authorized Bureau official or designee must certify the condition of the animals. However, by law, the Bureau may title only up to four animals per year to an individual. Once title is issued, the Wild Horse and Burro Information System is updated with a record of the titling date, and a copy of the title is placed in the adopter file.

**RESULTS OF ADOPTION FILES REVIEWED -
CLASSIFIED BY BUREAU OFFICE AND TYPE OF PROBLEM**

NUMBER OF CASES REQUESTED AND REVIEWED	JACKSON DISTRICT	CANON CITY DISTRICT	OKLAHOMA RESOURCE AREA	TOTAL
Number of files selected for review.	60	57	50	167
Number of files not provided by Bureau.	(5)	(17)	(15)	(37)
Number of files reviewed.	<u>55</u>	<u>40</u>	<u>35</u>	<u>130</u>

TYPE OF PROBLEM				
Application incomplete or not in file.	1	5	3	9
Facility information provided on application incomplete.	0	0	4	4
No evidence that interview of applicant was conducted.	18	23	31	72
Private maintenance and care agreement incomplete or not in file.	1	2	3	6
No evidence of adoption fee payment or fee not paid in full with no justification on file.	1	9	3	13
Evidence of possible animal abuse.	2	0	0	2
Five or more untitled animals adopted or at one location--problems include the absence of a facility inspection, lack of monthly compliance inspections until animals are titled, and no statement of employment from adopter.	8	3	4	15
Power of attorney - no followup to contact adopter.	1	1	0	2
Animals replaced without required veterinarian certification (after dying within 1 year following adoption).	2	0	0	2
TOTAL	<u>34</u>	<u>43</u>	<u>48</u>	<u>125</u>

**ADOPTED WILD HORSES AND BURROS
ELIGIBLE FOR BUT UNTITLED
BY STATE OFFICE**

BUREAU STATE OFFICE	THROUGH SEPTEMBER 1991	OCTOBER 1992 TO APRIL 1997	TOTAL AS OF APRIL 18, 1997
ALASKA	46	7	53
ARIZONA	208	102	310
CALIFORNIA	4,471	611	5,082
COLORADO	596	47	643
EASTERN STATES	8,126	2,825	10,951
IDAHO	1,128	146	1,274
MONTANA	795	224	1,019
NEW MEXICO	6,487	570	7,057
NEVADA	662	150	812
OREGON	3,164	219	3,383
UTAH	624	320	944
WYOMING	<u>1,068</u>	<u>198</u>	<u>1,266</u>
TOTAL	<u>27,375</u>	<u>5,419</u>	<u>32,794</u>



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240

In Reply Refer To:
1245 (220)

April 7, 1998

MEMORANDUM

To: Assistant Inspector General of Audits

Through: Bob Armstrong *Sylvia V. Garcia*
Assistant Secretary, Land and Minerals Management

From: Director, Bureau of Land Management *Pat Shea*
Pat Shea

Subject: Response to Draft Audit Report: The Adopt-A-Horse Program, Bureau of Land Management, February 1998 (C-IN-BLM-004-96(C))

Thank you for the opportunity to respond to the draft audit report on the Adopt-A-Horse Program. Our specific responses to your recommendations are attached.

As discussed in our December 17, 1997, meeting, the Bureau of Land Management (BLM) welcomes this report as an important step in revitalizing the agency's Wild Horse and Burro Program. The BLM generally concurs with the report's recommendations and has already taken steps to implement them.

I would like to emphasize that the BLM's Wild Horse and Burro Program is in a period of transition. In the 1980s, the agency pursued mass adoptions as a means to move large numbers of animals off the range. In June of 1992, the BLM adopted a Strategic Plan for the Management of Wild Horses and Burros, which signaled a shift in the Bureau's emphasis to a more careful placement policy, stressing humane treatment of animals, adopter compliance, and protection of wild herds. The BLM today is concerned with both the health and welfare of animals in the adoption program and preserving healthy wild herds and their habitat. Our current policy embodies a dramatic change from earlier policies to one that focuses on the welfare of individually adopted animals and the free-roaming herds.

Last year, as part of this transition, the BLM conducted two intensive, internal reviews of the program, led by BLM State Directors Al Pierson and Pete Culp. As a followup to the Wild Horse and Burro Evaluation Report (Pierson Report) and the Wild Horse and Burro Adoption Program Policy Analysis Team Report (Culp Report), I appointed 3 independent fact-finders to answer more than 35 questions about the Wild Horse and Burro Program. The questions were formulated by concerned parties involved with or knowledgeable about the Wild Horse and Burro Program.

A new Wild Horse and Burro Advisory Board has been chartered and met for the first time in Reno, Nevada, on February 9-10, 1998. The nine member committee is composed of individuals from different constituency groups: three with strong science backgrounds, three from different advocacy groups, and three representing the public at large. The feedback from the meeting has been positive and has laid the groundwork for providing meaningful recommendations to the BLM on important program issues. At the Advisory Board meeting, the fact-finders presented their recommendations to improve the management of the Wild Horse and Burro Program.

With guidance from the three independent fact-finders, the reestablished Wild Horse and Burro Advisory Board, the Inspector General's recommendations, and the two internal BLM reports, we will be able to resolve recurring problems and give the Wild Horse and Burro Program new direction.

Questions to our responses may be addressed to Bud C. Cribley, BLM Wild Horse and Burro Specialist, at 202-452-5073 or Gwen Midgett, BLM Audit Liaison Officer, at 202-452-7739.

Attachment

RESPONSE TO DRAFT AUDIT REPORT
THE ADOPT-A-HORSE PROGRAM
BUREAU OF LAND MANAGEMENT
FEBRUARY 1998
(Report No. C-IN-BLM-004-96(C))

Recommendation 1: Procedures are established to conduct regular oversight reviews of field offices to determine whether screening, pre-adoption and post adoption inspections, and titling procedures are complied with. The reviews should determine whether the Bureau's screening and inspection procedures provide reasonable assurance that wild horses and burros in the Adopt-A-Horse Program receive humane care.

Concur: Through the Culp Report, the Bureau of Land Management (BLM) identified a need to conduct assistance visits to every BLM state involved in the Wild Horse and Burro Program (WH&B) on a 4- to 5- year cycle to provide improved consistency in national program implementation. Subsequent to that report and considering the recommendation from this draft report, the BLM has decided to conduct formal program reviews of all BLM state WH&B Programs to determine compliance with screening requirements, pre-adoption and post-adoption inspections, and titling procedures.

A memorandum will be issued from the BLM Washington Office defining the schedule for the Wild Horse and Burro Program review. We have committed to conducting program reviews in all BLM states by the year 2000. In Fiscal Year 1998, BLM will review programs in California, Idaho, and New Mexico.

Recommendation 2: The Wild Horse and Burro Information System (WHBIS) contains information on violators of wild horse and burro laws and regulations and other problem adopters to be used as a screening tool when offices evaluate prospective adopters. Additionally, the Information System should be evaluated and redesigned, as appropriate, to be more "user friendly" to Program personnel.

Concur: Over the past 18 months, the BLM has evaluated the WHBIS and redesigned it to be more "user friendly" to Wild Horse and Burro Program personnel. This will make the data base a more complete and effective tool for screening adopters and securing compliance and humane care. On January 5, 1998, the WHBIS data base was moved to a new computer platform, increasing reliability and making the system more accessible to field users. A new compliance module of the WHBIS data base is scheduled to be functional by June 1998; at that time, program specialists will be able to use the data base as a screening tool for compliance violations. The second phase modification, which will enable us to pull preprogrammed reports from the data base, will be in place by August 1998.

Recommendation 3: Revise the Bureau's strategic plan for the Management of Wild Horses and Burros to require a higher percentage of inspections to be performed, as recommended by the Bureau's "Policy Analysis Team Report." Also, the number of inspections performed should be accurately recorded in the Information System and reported to Bureau of Land Management.

Concur In Part: The BLM has adopted the recommendations of the "Policy Analysis Team Report" regarding the level of compliance checks to be performed on an annual basis. As a result of the internal reviews, the BLM identified the need to improve compliance and recommended a statistical sampling approach as the best means to ensure the health and humane treatment of 95 percent of animals adopted within the past 5 years. This statistical approach will require the BLM to conduct a sufficient number of compliance checks to provide a 95 percent confidence level in the conclusions. The BLM will perform more than 3,629 compliance inspections in FY 1998, as identified in the BLM's Annual Work Plan.

To further ensure the health and humane treatment of the adopted, but not yet titled, animals, the BLM will also:

- Telephone or physically check 100 percent of all new adoptions within 6 months after adoption. This will require 8,000 to 10,000 adopter contacts per year.
- Contact, by certified mailing, all adopters for the last 5 years who have animals eligible for title, but who have not yet titled those animals. Letters were mailed to 3,028 adopters at the end of January 1998. The BLM is in the process of following up on the responses.
- Continue the policy of 100 percent inspections on all complaints received.

The information collected in these efforts is required to be accurately entered into the WHBIS data base. The BLM will run reports of the records in the data base to verify that inspections are being completed and recorded as required.

Recommendation 4: Procedures are established which require records to be maintained on the complaints received of animal abuse or exploitation, the actions taken and the final results of those actions.

Concur: With the completion of the compliance module of the WHBIS data base (June 1998), the BLM will require that records of complaints of animal abuse or exploitation be entered into the national WHBIS data base and maintained along with records of actions taken and the effect of the actions on eligibility for future adoptions. Records of abuse or other violation will be immediately available to all field offices for their use in checking applications to adopt wild horses or burros. The procedures for requiring and accomplishing this task are included in the handbook on Compliance Handbook for Wild Horses and Burros which is currently being updated for review by the BLM's Headquarters staff and the Solicitor's Office.

Recommendation 5: Procedures are established to require all offices to contact adopters who have not submitted title applications in a timely manner and to take appropriate follow up actions to issue titles. Further, consideration should be given to implementing, on a Bureau wide basis, other effective procedures and memorandums of understanding with slaughterhouses that have been established in some offices.

Concur: It is the policy of the BLM that, as soon as the animal is eligible for titling and its health and proper care have been certified, title will be issued. The BLM sends a certified letter to adopters who have not applied for title to their animal by 15 months after the adoption date. If the adopter does not respond, BLM will follow up with a site visit to determine the reason, verify the health of the animal, and issue the title if appropriate.

The Culp Report also recommended that the BLM attempt to contact by mail the adopters of all animals that have not been titled over the 20-year life of the adoption program, in an effort to convey title to all eligible adopters. We believe that this would be a costly endeavor without corresponding benefit. Instead, we are contacting the people who have adopted, but not taken title to, horses or burros since October 1, 1992, to determine the status of those animals and convey titles where appropriate. We then plan to turn our attention to newly adopted animals, having established a new line of demarcation for the BLM's compliance efforts.

On February 4, 1998, the BLM issued Instruction Memorandum No. 98-59 to all affected field offices instructing them to contact all slaughterhouses that process horses for human consumption with the intent of entering into memoranda of understanding (MOU). These MOUs will establish monitoring procedures to ensure that untitled animals are not slaughtered. The field offices have contacted eight known processing plants. We have signed MOUs with three plants; we are working on MOUs with three plants; and, we have determined that two plants no longer process horses.

The BLM is also negotiating a cooperative agreement with the Department of Agriculture's Food Safety and Inspection Service (FSIS) to use FSIS inspectors to help determine the presence of untitled wild horses at slaughterhouses that process horses for human consumption.

STATUS OF AUDIT REPORT RECOMMENDATIONS

<u>Finding/Recommendation Reference</u>	<u>Status</u>	<u>Action Required</u>
1, 2, 3, and 4	Resolved; not implemented.	No further response to the Office of Inspector General is required. The recommendations will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.
5	Implemented.	No further response to the Office of Inspector General is required.

**ILLEGAL OR WASTEFUL ACTIVITIES
SHOULD BE REPORTED TO
THE OFFICE OF INSPECTOR GENERAL BY:**

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