

S.339 - Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005

109th Congress (2005-2006)

Sponsor: [Sen. Reid, Harry \[D-NV\]](#) (Introduced 02/09/2005)

Committees: Senate - Judiciary

Latest Action: Senate - 04/21/2005 Placed on Senate Legislative Calendar under General Orders. Calendar No. 85. ([All Actions](#))

Tracker: 

Introduced

Summary(2) **Text(2)** Actions(5) Titles(3) Amendments(0) Cosponsors(14) Committees(1) Related Bills(1)



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Calendar No. 85

109th CONGRESS
1st Session

S. 339

To reaffirm the authority of States to regulate certain hunting and
fishing activities.

IN THE SENATE OF THE UNITED STATES

February 9, 2005

Mr. Reid (for himself, Mr. Baucus, Mr. Stevens, Mr. Nelson of Nebraska,

Mr. Ensign, Mr. Enzi, Mr. Crapo, Mr. Hatch, Mr. Conrad, Mr. Salazar, Mr. Craig, Mr. Bingaman, Mr. Thomas, and Mr. Kyl) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

April 21, 2005

Reported by Mr. Specter, without amendment

A BILL

To reaffirm the authority of States to regulate certain hunting and fishing activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005''.

SEC. 2. DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.

(a) In General.--It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(b) Construction of Congressional Silence.--Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the ``commerce clause'') to the regulation of hunting or fishing by a State or Indian tribe.

SEC. 3. LIMITATIONS.

Nothing in this Act shall be construed--

(1) to limit the applicability or effect of any Federal law

related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

SEC. 4. STATE DEFINED.

For purposes of this Act, the term ``State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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