

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reaffirmation of State
5 Regulation of Resident and Nonresident Hunting and
6 Fishing Act of 2005”.

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

3 (a) IN GENERAL.—It is the policy of Congress that
4 it is in the public interest for each State to continue to
5 regulate the taking for any purpose of fish and wildlife
6 within its boundaries, including by means of laws or regu-
7 lations that differentiate between residents and non-
8 residents of such State with respect to the availability of
9 licenses or permits for taking of particular species of fish
10 or wildlife, the kind and numbers of fish and wildlife that
11 may be taken, or the fees charged in connection with
12 issuance of licenses or permits for hunting or fishing.

13 (b) CONSTRUCTION OF CONGRESSIONAL SILENCE.—
14 Silence on the part of Congress shall not be construed to
15 impose any barrier under clause 3 of Section 8 of Article
16 I of the Constitution (commonly referred to as the “com-
17 merce clause”) to the regulation of hunting or fishing by
18 a State or Indian tribe.

19 **SEC. 3. LIMITATIONS.**

20 Nothing in this Act shall be construed—

21 (1) to limit the applicability or effect of any
22 Federal law related to the protection or management
23 of fish or wildlife or to the regulation of commerce;

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

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

7 **SEC. 4. STATE DEFINED.**

8 For purposes of this Act, the term “State” includes
9 the several States, the District of Columbia, the Common-
10 wealth of Puerto Rico, Guam, the Virgin Islands, Amer-
11 ican Samoa, and the Commonwealth of the Northern Mar-
12 iana Islands.

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