

113TH CONGRESS
1ST SESSION

S. 982

AN ACT

To prohibit the Corps of Engineers from taking certain actions to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Freedom to Fish Act”.

3 **SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS**

4 **DAMS.**

5 (a) **DEFINITIONS.**—In this Act:

6 (1) **RESTRICTED AREA.**—The term “restricted
7 area” means a restricted area for hazardous waters
8 at dams and other civil works structures in the
9 Cumberland River basin established in accordance
10 with chapter 10 of the regulation entitled “Project
11 Operations: Navigation and Dredging Operations
12 and Maintenance Policies”, published by the Corps
13 of Engineers on November 29, 1996, and any re-
14 lated regulations or guidance.

15 (2) **SECRETARY.**—The term “Secretary” means
16 the Secretary of the Army, acting through the Chief
17 of Engineers.

18 (b) **EXISTING RESTRICTED AREA.**—If the Secretary
19 has established a restricted area or modified an existing
20 restricted area during the period beginning on August 1,
21 2012, and ending on the day before the date of enactment
22 of this Act, the Secretary shall—

23 (1) cease implementing and enforcing the re-
24 stricted area until the date that is 2 years after the
25 date of enactment of this Act; and

1 (2) remove any permanent physical barriers
2 constructed in connection with the restricted area.

3 (c) ESTABLISHING NEW RESTRICTED AREA.—If, on
4 or after the date of enactment of this Act, the Secretary
5 establishes any restricted area, the Secretary shall—

6 (1) ensure that any restrictions are based on
7 operational conditions that create hazardous waters;

8 (2) publish a draft describing the restricted
9 area and seek and consider public comment on that
10 draft prior to establishing the restricted area;

11 (3) not implement or enforce the restricted area
12 until the date that is 2 years after the date of enact-
13 ment of this Act; and

14 (4) not take any action to establish a perma-
15 nent physical barrier in connection with the re-
16 stricted area.

17 (d) EXCLUSIONS.—For purposes of this section, the
18 installation and maintenance of measures for alerting the
19 public of hazardous water conditions and restricted areas,
20 including sirens, strobe lights, and signage, shall not be
21 considered to be a permanent physical barrier.

22 (e) ENFORCEMENT.—

23 (1) IN GENERAL.—Enforcement of a restricted
24 area shall be the sole responsibility of the State in
25 which the restricted area is located.

1 (2) EXISTING AUTHORITIES.—The Secretary
2 shall not assess any penalty for entrance into a re-
3 stricted area under section 4 of the Act entitled “An
4 Act authorizing the construction of certain public
5 works on rivers and harbors for flood control, and
6 for other purposes”, approved December 22, 1944
7 (16 U.S.C. 460d).

Passed the Senate May 16, 2013.

Attest:

Secretary.

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