

113TH CONGRESS
1ST SESSION

S. 982

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.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2013

Mr. ALEXANDER (for himself, Mr. McCONNELL, Mr. PAUL, and Mr. CORKER) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS** 6 **DAMS.**

7 (a) **DEFINITIONS.**—In this Act:

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

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of the Army, acting through the Chief
12 of Engineers.

13 (b) EXISTING RESTRICTED AREA.—If the Secretary
14 has established a restricted area or modified an existing
15 restricted area during the period beginning on August 1,
16 2012, and ending on the day before the date of enactment
17 of this Act, the Secretary shall—

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

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

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

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

3 (2) publish a draft describing the restricted
4 area and seek and consider public comment on that
5 draft prior to establishing the restricted area;

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

9 (4) not take any action to establish a perma-
10 nent physical barrier in connection with the re-
11 stricted area.

12 (d) EXCLUSIONS.—For purposes of this section, the
13 installation and maintenance of measures for alerting the
14 public of hazardous water conditions and restricted areas,
15 including sirens, strobe lights, and signage, shall not be
16 considered to be a permanent physical barrier.

17 (e) ENFORCEMENT.—

18 (1) IN GENERAL.—Enforcement of a restricted
19 area shall be the sole responsibility of the State in
20 which the restricted area is located.

21 (2) EXISTING AUTHORITIES.—The Secretary
22 shall not assess any penalty for entrance into a re-
23 stricted area under section 4 of the Act entitled “An
24 Act authorizing the construction of certain public
25 works on rivers and harbors for flood control, and

- 1 for other purposes”, approved December 22, 1944
- 2 (16 U.S.C. 460d).

