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Public Law 113–13
113th Congress

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.

June 3, 2013
[S. 982]

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

Freedom to Fish Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to Fish Act".

SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

(a) DEFINITIONS.—In this Act:

(1) RESTRICTED AREA.—The term "restricted area" means a restricted area for hazardous waters at dams and other civil works structures in the Cumberland River basin established in accordance with chapter 10 of the regulation entitled "Project Operations: Navigation and Dredging Operations and Maintenance Policies", published by the Corps of Engineers on November 29, 1996, and any related regulations or guidance.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

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

(1) cease implementing and enforcing the restricted area until the date that is 2 years after the date of enactment of this Act; and Effective date.

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

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

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

(2) publish a draft describing the restricted area and seek and consider public comment on that draft prior to establishing the restricted area; Publication. Public comment.

(3) not implement or enforce the restricted area until the date that is 2 years after the date of enactment of this Act; and Effective date.

(4) not take any action to establish a permanent physical barrier in connection with the restricted area.

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

(e) ENFORCEMENT.—

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

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

Approved June 3, 2013.

LEGISLATIVE HISTORY—S. 982:

CONGRESSIONAL RECORD, Vol. 159 (2013):
May 16, considered and passed Senate.
May 21, considered and passed House.

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