

117TH CONGRESS
1ST SESSION

S. 576

To amend title 14, United States Code, to require the Coast Guard to conduct icebreaking operations in the Great Lakes to minimize commercial disruption in the winter months, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2021

Ms. BALDWIN (for herself, Mr. YOUNG, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 14, United States Code, to require the Coast Guard to conduct icebreaking operations in the Great Lakes to minimize commercial disruption in the winter months, 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 “Great Lakes Winter
5 Commerce Act of 2021”.

1 **SEC. 2. GREAT LAKES ICEBREAKING OPERATIONS.**

2 (a) IN GENERAL.—Subchapter IV of chapter 5 of
3 title 14, United States Code, is amended by adding at the
4 end the following:

5 **“§ 564. Great Lakes icebreaking operations**

6 “(a) ICEBREAKING OPERATIONS.—The Commandant
7 shall conduct icebreaking operations in the Great Lakes
8 in accordance with the standard for icebreaking operations
9 under subsection (b).

10 “(b) STANDARD FOR ICEBREAKING OPERATIONS.—
11 In carrying out subsection (a)—

12 “(1) except as provided in paragraph (2), the
13 Commandant shall keep ice-covered waterways in the
14 Great Lakes open to navigation not less than 90
15 percent of the hours that commercial vessels and fer-
16 ries attempt to transit such ice-covered waterways;
17 and

18 “(2) in a year in which the Great Lakes are not
19 open to navigation because of ice of a thickness that
20 occurs on average only once every 10 years, the
21 Coast Guard shall keep ice-covered waterways in the
22 Great Lakes open to navigation at least 70 percent
23 of the hours that commercial vessels and ferries at-
24 tempt to transit such ice-covered waterways.

25 “(c) REPORT TO CONGRESS.—

1 “(1) DEADLINE.—Not later than July 1 of each
2 year, the Commandant shall submit to Congress a
3 report on the icebreaking operations conducted by
4 the Coast Guard in the Great Lakes for the fiscal
5 year.

6 “(2) CONTENT.—The report required under
7 paragraph (1) shall include the total number of
8 hours that United States icebreakers conducted
9 icebreaking operations in each of the types of Great
10 Lakes waters described in paragraph (3) and the
11 total number of hours that Canadian icebreakers
12 conducted icebreaking operations in the type of
13 Great Lakes waters described in subparagraphs
14 (3)(A) and (3)(C).

15 “(3) TYPES OF GREAT LAKES WATERS.—The
16 types of waters described in this paragraph are—

17 “(A) United States waters, excluding
18 waters described in subparagraph (C);

19 “(B) Canadian waters, excluding waters
20 described in subparagraph (C); and

21 “(C) frequent border crossing waters.

22 “(d) COORDINATION WITH INDUSTRY.—The Com-
23 mandant shall coordinate Great Lakes icebreaking oper-
24 ations with operators of commercial vessels.

25 “(e) DEFINITIONS.—In this section:

1 “(1) COMMERCIAL VESSEL.—The term ‘com-
2 mercial vessel’ means any privately owned cargo ves-
3 sel of at least 500 tons, as measured under section
4 14502 of title 46 or an alternate tonnage measured
5 under section 14302 of such title as prescribed by
6 the Secretary under section 14104 of such title, op-
7 erating in the Great Lakes during the winter season.

8 “(2) GREAT LAKES.—The term ‘Great
9 Lakes’—

10 “(A) has the meaning given such term in
11 section 118 of the Federal Water Pollution
12 Control Act (33 U.S.C. 1268); and

13 “(B) includes harbors.

14 “(3) ICE-COVERED WATERWAY.—The term ‘ice-
15 covered waterway’ means any portion of the Great
16 Lakes in which commercial vessels operate that is 70
17 percent or greater covered by ice, but does not in-
18 clude any waters adjacent to piers or docks for
19 which commercial icebreaking services are available
20 and adequate for the ice conditions.

21 “(4) OPEN TO NAVIGATION.—The term ‘open to
22 navigation’ means navigable to the extent necessary
23 to meet the reasonable demands of commerce, mini-
24 mize delays to passenger ferries, extricate vessels
25 and persons from danger, prevent damage due to

1 flooding, and conduct other Coast Guard missions as
 2 required.

3 “(5) REASONABLE DEMANDS OF COMMERCE.—

4 The term ‘reasonable demands of commerce’ means
 5 the safe movement of commercial vessels transiting
 6 ice-covered waterways in the Great Lakes, regardless
 7 of type of cargo, at a speed consistent with the de-
 8 sign capability of Coast Guard icebreakers operating
 9 in the Great Lakes.

10 “(6) FREQUENT BORDER CROSSING WATERS.—

11 The term ‘frequent border crossing waters’ means
 12 the United States waters and Canadian waters of—

13 “(A) Whitefish Bay in Lake Superior;

14 “(B) the St. Mary’s River;

15 “(C) the Detroit and St. Clair rivers sys-
 16 tem; and

17 “(D) Western Lake Erie from the Detroit
 18 River to Pelee Passage.”.

19 (b) CLERICAL AMENDMENT.—The table of analysis
 20 for chapter 5 of title 14, United States Code, is amended
 21 by adding at the end the following:

“564. Great Lakes icebreaking operations.”.

22 (c) REPORT.—Not later than the first July 1 after
 23 the first winter in which the Commandant of the Coast
 24 Guard is subject to the requirements of section 564 of title
 25 14, United States Code, the Commandant shall submit to

1 the Committee on Transportation and Infrastructure of
 2 the House of Representatives and the Committee on Com-
 3 merce, Science, and Transportation of the Senate a report
 4 on the cost to the Coast Guard of meeting the require-
 5 ments of such section.

6 **SEC. 3. GREAT LAKES ICEBREAKER ACQUISITION.**

7 (a) AUTHORIZATION.—Section 8107(a) of the Elijah
 8 E. Cummings Coast Guard Authorization Act of 2020
 9 (Public Law 116–283) is amended by striking
 10 “\$160,000,000” and inserting “\$350,000,000”.

11 (b) EXEMPTION.—Notwithstanding sections
 12 1105(a)(2), 1131, and 1132 of title 14, United States
 13 Code, and the requirements in the Competition in Con-
 14 tracting Act (10 U.S.C. 2304), and subject to the avail-
 15 ability of appropriations, the Commandant shall acquire
 16 the icebreaker described in section 8107(a) of the Elijah
 17 E. Cummings Coast Guard Authorization Act of 2020
 18 (Public Law 116–283) through other than full and open
 19 competition in an accelerated timeframe and award the
 20 contract on the basis of contractor qualification and price.

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