

116TH CONGRESS
2D SESSION

S. 4570

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

SEPTEMBER 15, 2020

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 2020”.

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 channels and harbors 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 ice-covered waterways; and

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

24 “(c) REPORT TO CONGRESS.—Not later than July 1
25 of each year, the Commandant shall submit to Congress
26 a report on the icebreaking operations conducted by the

1 Coast Guard in the Great Lakes for the most recent fiscal
2 year for which data are available.

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

6 “(e) ICEBREAKING IN CANADA.—Except when nec-
7 essary to assist commercial vessels documented under title
8 46, United States Code, that are operating in Canadian
9 waters or for the safety of life, the Coast Guard shall
10 prioritize icebreaking in United States waters of the Great
11 Lakes over icebreaking in Canadian waters of the Great
12 Lakes.

13 “(f) DEFINITIONS.—For the purposes of this section:

14 “(1) COMMERCIAL VESSEL.—The term ‘com-
15 mercial vessel’ means any privately owned cargo ves-
16 sel of at least 500 tons operating in the Great Lakes
17 during the winter season.

18 “(2) GREAT LAKES.—The term ‘Great Lakes’
19 has the meaning given such term in section 118 of
20 the Federal Water Pollution Control Act (33 U.S.C.
21 1268).

22 “(3) ICE-COVERED WATERWAY.—The term ‘ice-
23 covered waterway’ means any portion of the Great
24 Lakes in which commercial vessels operate that is 70
25 percent or greater covered by ice, but does not in-

1 clude any waters adjacent to piers or docks for
2 which commercial icebreaking services are available.

3 “(4) OPEN TO NAVIGATION.—The term ‘open to
4 navigation’ means navigable to the extent necessary
5 to meet the reasonable demands of commerce, mini-
6 mize delays to passenger ferries, extricate vessels
7 and persons from danger, prevent damage due to
8 flooding, and conduct other Coast Guard missions as
9 required.

10 “(5) REASONABLE DEMANDS OF COMMERCE.—
11 The term ‘reasonable demands of commerce’ means
12 the safe movement of commercial vessels transiting
13 ice-covered waterways in the Great Lakes at a speed
14 consistent with the design capability of Coast Guard
15 icebreakers operating in the Great Lakes.”.

16 (b) CLERICAL AMENDMENT.—The table of analysis
17 for such chapter is amended by adding at the end the fol-
18 lowing:

“564. Great Lakes icebreaking operations.”.

19 (c) REPORT.—Not later than the first July 1 after
20 the first winter in which the Commandant of the Coast
21 Guard is subject to the requirements of section 564 of title
22 14, United States Code, such Commandant shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House and the Committee on Commerce, Science,
25 and Transportation of the Senate, a report on the cost

1 to the Coast Guard of meeting the requirements of such
2 section.

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