

117TH CONGRESS  
1ST SESSION

# H. R. 1561

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2021

Mr. GALLAGHER (for himself, Ms. KAPTUR, Mr. GIBBS, Mrs. DINGELL, Mrs. McCLAIN, Mr. BERGMAN, Ms. MOORE of Wisconsin, Mr. HUIZENGA, Mr. JOYCE of Ohio, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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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