



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. BALDWIN (for herself and Mr. YOUNG)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Lakes Winter  
5 Commerce Act of 2021”.

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

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

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

11 “(a) GAO REPORT.—

1           “(1) IN GENERAL.—Not later than 1 year after  
2           the date of the enactment of this section, the Comp-  
3           troller General of the United States shall submit to  
4           the Committee on Commerce, Science, and Trans-  
5           portation of the Senate and the Committee on  
6           Transportation and Infrastructure of the House of  
7           Representatives, a report on the Coast Guard Great  
8           Lakes icebreaker program.

9           “(2) ELEMENTS.—The report required under  
10          paragraph (1) shall include the following:

11                 “(A) An evaluation of the economic impact  
12                 related to vessel delays or cancellations associ-  
13                 ated with ice coverage on the Great Lakes.

14                 “(B) An evaluation of mission needs.

15                 “(C) An evaluation of the impact that the  
16                 proposed standards described in subsection (b)  
17                 would have on—

18                         “(i) Coast Guard operations in the  
19                         Great Lakes;

20                         “(ii) Northeast icebreaking missions;  
21                         and

22                         “(iii) inland waterway operations.

23                 “(D) A fleet mix analysis for meeting such  
24                 proposed standards.

1           “(E) A description of any resources nec-  
2           essary to support the fleet mix resulting from  
3           such fleet mix analysis, including for crew and  
4           operating costs.

5           “(F) Recommendations to the Com-  
6           mandant for improvements to the Great Lakes  
7           icebreaking program, including with respect to  
8           facilitating commerce and meeting all Coast  
9           Guard mission needs.

10       “(b) PROPOSED STANDARDS FOR ICEBREAKING OP-  
11       ERATIONS.—The proposed standards described in this  
12       subsection are the following:

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

18           “(2) In a year in which the Great Lakes are  
19       not open to navigation because of ice of a thickness  
20       that occurs on average only once every 10 years, the  
21       Commandant 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.

1       “(c) REPORT BY COMMANDANT.—Not later than 90  
2 days after the date on which the Comptroller General sub-  
3 mits the report under subsection (a), the Commandant  
4 shall submit to the Committee on Commerce, Science, and  
5 Transportation of the Senate and the Committee on  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives a report that includes the following:

8               “(1) A plan for Coast Guard implementation of  
9 any recommendation made by the Comptroller Gen-  
10 eral under subparagraph (F) of subsection (a)(2) the  
11 Commandant considers appropriate.

12               “(2) With respect to any recommendation made  
13 under such subparagraph that the Commandant de-  
14 clines to implement, a justification for such decision.

15               “(3) A review of, and a proposed implementa-  
16 tion plan for, the results of the fleet mix analysis  
17 under subparagraph (D) of that subsection.

18               “(4) Any proposed modifications to the stand-  
19 ards for icebreaking operations in the Great  
20 Lakes.”.

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

“564. Great Lakes icebreaking operations.”.

1 **SEC. 3. DATABASE ON ICEBREAKING OPERATIONS IN THE**  
2 **GREAT LAKES.**

3 (a) IN GENERAL.—The Commandant shall establish  
4 and maintain a database for collecting, archiving, and dis-  
5 seminating data on icebreaking operations and commercial  
6 vessel transit in the Great Lakes during ice season.

7 (b) ELEMENTS.—The database required under para-  
8 graph (1) shall include the following:

9 (1) Attempts by commercial vessels and ferries  
10 to transit ice-covered waterways in the Great Lakes  
11 that are unsuccessful because of inadequate  
12 icebreaking.

13 (2) The period of time that each commercial  
14 vessel or ferry was unsuccessful at transiting due to  
15 inadequate icebreaking.

16 (3) The amount of time elapsed before each  
17 such commercial vessel or ferry was successfully bro-  
18 ken out of the ice and whether it was accomplished  
19 by the Coast Guard or commercial icebreaking as-  
20 sets.

21 (4) Relevant communications of each such com-  
22 mercial vessel or ferry with the Coast Guard and  
23 commercial icebreaking services during such period.

24 (5) A description of any mitigating cir-  
25 cumstance, such as Coast Guard icebreaker diver-  
26 sions to higher priority missions that may have con-

1       tributed to the amount of time described in para-  
2       graph (3).

3       (c) VOLUNTARY REPORTING.—Any reporting by op-  
4       erators of commercial vessels under this Act shall be vol-  
5       untary.

6       (d) PUBLIC AVAILABILITY.—The Commandant shall  
7       make the database available to the public on a publicly  
8       accessible internet website of the Coast Guard.

9       (e) CONSULTATION WITH INDUSTRY.—With respect  
10      to the Great Lakes icebreaking operations of the Coast  
11      Guard and the development of the database required  
12      under subsection (a), the Commandant shall consult oper-  
13      ators of commercial vessels and ferries.

14      (f) DEFINITIONS.—In this section:

15           (1) COMMERCIAL VESSEL.—The term “commer-  
16      cial vessel” means any privately owned cargo vessel  
17      of at least 500 tons, as measured under section  
18      14502 of title 46 or an alternate tonnage measured  
19      under section 14302 of such title as prescribed by  
20      the Secretary under section 14104 of such title, op-  
21      erating in the Great Lakes during the winter season.

22           (2) GREAT LAKES.—The term “Great Lakes”  
23      means the United States waters of Lake Superior,  
24      Lake Michigan, Lake Huron, Lake Erie, and Lake

1 Ontario, their connecting waterways, and their adja-  
2 cent harbors.

3 (3) ICE-COVERED WATERWAY.—The term “ice-  
4 covered waterway” means any portion of the Great  
5 Lakes in which commercial vessels operate that is 70  
6 percent or greater covered by ice, but does not in-  
7 clude any waters adjacent to piers or docks for  
8 which commercial icebreaking services are available  
9 and adequate for the ice conditions.

10 (4) OPEN TO NAVIGATION.—The term “open to  
11 navigation” means navigable to the extent necessary  
12 to meet the reasonable demands of commerce, mini-  
13 mize delays to passenger ferries, extricate vessels  
14 and persons from danger, prevent damage due to  
15 flooding, and conduct other Coast Guard missions as  
16 required.

17 (5) REASONABLE DEMANDS OF COMMERCE.—  
18 The term “reasonable demands of commerce” means  
19 the safe movement of commercial vessels transiting  
20 ice-covered waterways in the Great Lakes, regardless  
21 of type of cargo, at a speed consistent with the de-  
22 sign capability of Coast Guard icebreakers operating  
23 in the Great Lakes.

24 (g) PUBLIC BRIEFING.—Not later than the first July  
25 1 after the first winter in which the Commandant of the

1 Coast Guard is subject to the requirements of section 564  
2 of title 14, United States Code, the Commandant shall  
3 publish on a publicly accessible internet website of the  
4 Coast Guard a briefing on the cost to the Coast Guard  
5 of meeting the requirements of such section.

6 **SEC. 4. GREAT LAKES ICEBREAKER ACQUISITION.**

7       Of the amounts authorized to be appropriated by sec-  
8 tion 4902(2)(A)(ii) of title 14, United States Code,  
9 \$350,000,000 shall be made available to the Commandant  
10 for fiscal year 2022 for the acquisition of a Great Lakes  
11 icebreaker at least as capable as Coast Guard Cutter  
12 Mackinaw (WLBB-30).