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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

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 HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on _____

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^F of the hours that commercial vessels tran-
16 sit 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 transit ice-cov-
23 ered 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.—

7 “(1) IN GENERAL.—The Coast Guard shall not
8 break ice in Canadian harbors or bays unless the re-
9 quirements of subsection (b) will be met during such
10 activity.

11 “(2) WAIVER AUTHORITY.—The Commandant
12 may waive the prohibition in paragraph (1) on a
13 case-by-case basis upon the approval of the Sec-
14 retary for such waiver and notification to Congress
15 of such waiver.

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

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

21 “(2) GREAT LAKES.—The term ‘Great Lakes’
22 has the meaning given such term in section 118 of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1268).

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

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

14 “(5) REASONABLE DEMANDS OF COMMERCE.—
15 The term ‘reasonable demands of commerce’ means
16 the safe movement of commercial vessels transiting
17 ice-covered waterways in the Great Lakes at a speed
18 of 3 knots or greater.”.

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

“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, such Commandant shall submit

1 to the Committee on Transportation and Infrastructure
2 of the House and the Committee on Commerce, Science,
3 and Transportation of the Senate, a report on the cost
4 to the Coast Guard of meeting the requirements of such
5 section.