

112TH CONGRESS
1ST SESSION

S. 1759

To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2011

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. REED, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

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 “America's Cup Act
5 of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) 34TH AMERICA'S CUP.—The term “34th
9 America's Cup”—

1 (A) means the sailing competitions, com-
2 mencing in 2011, to be held in the United
3 States in response to the challenge to the de-
4 fending team from the United States, in accord-
5 ance with the terms of the America’s Cup gov-
6 erning Deed of Gift, dated October 24, 1887;
7 and

8 (B) if a United States yacht club success-
9 fully defends the America’s Cup, includes addi-
10 tional sailing competitions conducted by Amer-
11 ica’s Cup Race Management during the 1-year
12 period beginning on the last date of such de-
13 fense.

14 (2) AMERICA’S CUP RACE MANAGEMENT.—The
15 term “America’s Cup Race Management” means the
16 entity established to provide for independent, profes-
17 sional, and neutral race management of the Amer-
18 ica’s Cup sailing competitions.

19 (3) ELIGIBILITY CERTIFICATION.—The term
20 “Eligibility Certification” means a certification
21 issued under section 4.

22 (4) ELIGIBLE VESSEL.—The term “eligible ves-
23 sel” means a competing vessel or supporting vessel
24 of any registry that—

1 (A) is recognized by America’s Cup Race
2 Management as an official competing vessel, or
3 supporting vessel of, the 34th America’s Cup,
4 as evidenced in writing to the Administrator of
5 the Maritime Administration of the Department
6 of Transportation;

7 (B) transports not more than 25 individ-
8 uals, in addition to the crew;

9 (C) is not a ferry (as defined under section
10 2101(10b)) of title 46, United States Code;

11 (D) does not transport individuals in point-
12 to-point service for hire; and

13 (E) does not transport merchandise be-
14 tween ports in the United States.

15 (5) SUPPORTING VESSEL.—The term “sup-
16 porting vessel” means a vessel that is operating in
17 support of the 34th America’s Cup by—

18 (A) positioning a competing vessel on the
19 race course;

20 (B) transporting equipment and supplies
21 utilized for the staging, operations, or broadcast
22 of the competition; or

23 (C) transporting individuals who—

24 (i) have not purchased tickets or di-
25 rectly paid for their passage; and

1 (ii) who are engaged in the staging,
2 operations, or broadcast of the competi-
3 tion, race team personnel, members of the
4 media, or event sponsors.

5 **SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.**

6 Notwithstanding sections 55102, 55103, and 55111
7 of title 46, United States Code, an eligible vessel, oper-
8 ating only in preparation for, or in connection with, the
9 34th America's Cup competition, may position competing
10 vessels and may transport individuals and equipment and
11 supplies utilized for the staging, operations, or broadcast
12 of the competition from and around the ports in the
13 United States.

14 **SEC. 4. CERTIFICATION.**

15 (a) **REQUIREMENT.**—A vessel may not operate under
16 section 3 unless the vessel has received an Eligibility Cer-
17 tification.

18 (b) **ISSUANCE.**—The Administrator of the Maritime
19 Administration of the Department of Transportation is
20 authorized to issue an Eligibility Certification with respect
21 to any vessel that the Administrator determines, in his or
22 her sole discretion, meets the requirements set forth in
23 section 2(4).

1 **SEC. 5. ENFORCEMENT.**

2 Notwithstanding sections 55102, 55103, and 55111
3 of title 46, United States Code, an Eligibility Certification
4 shall be conclusive evidence to the Secretary of the De-
5 partment of Homeland Security of the qualification of the
6 vessel for which it has been issued to participate in the
7 34th America's Cup as a competing vessel or a supporting
8 vessel.

9 **SEC. 6. PENALTY.**

10 Any vessel participating in the 34th America's Cup
11 as a competing vessel or supporting vessel that has not
12 received an Eligibility Certification or is not in compliance
13 with section 12112 of title 46, United States Code, shall
14 be subject to the applicable penalties provided in chapters
15 121 and 551 of title 46, United States Code.

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