

112TH CONGRESS  
1ST SESSION

# H. R. 3311

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2011

Mr. BILBRAY (for himself, Mr. FILNER, Mr. HUNTER, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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” means the America's Cup World Se-

1       ries held in San Diego, California, from November  
2       12–20, 2011.

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

8               (3) ELIGIBILITY CERTIFICATION.—The term  
9       “Eligibility Certification” means a certification  
10      issued under section 4.

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

14                      (A) is recognized by America’s Cup Race  
15                      Management as an official competing vessel, or  
16                      supporting vessel of, the 34th America’s Cup,  
17                      as evidenced in writing to the Administrator of  
18                      the Maritime Administration of the Department  
19                      of Transportation;

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

22                      (C) is not a ferry (as defined under section  
23                      2101(10b) of title 46, United States Code);

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

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

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

6 (A) positioning a competing vessel on the  
7 race course;

8 (B) transporting equipment and supplies  
9 utilized for the staging, operations, or broadcast  
10 of the competition; or

11 (C) transporting individuals who—

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

14 (ii) who are engaged in the staging,  
15 operations, or broadcast of the competi-  
16 tion, race team personnel, members of the  
17 media, or event sponsors.

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

19 Notwithstanding sections 55102, 55103, and 55111  
20 of title 46, United States Code, an eligible vessel, oper-  
21 ating only in preparation for, or in connection with, the  
22 34th America’s Cup competition, may position competing  
23 vessels and may transport individuals and equipment and  
24 supplies utilized for the staging, operations, or broadcast

1 of the competition from and around the ports in the  
2 United States.

3 **SEC. 4. CERTIFICATION.**

4 (a) REQUIREMENT.—A vessel may not operate under  
5 section 3 unless the vessel has received an Eligibility Cer-  
6 tification.

7 (b) ISSUANCE.—The Administrator of the Maritime  
8 Administration of the Department of Transportation is  
9 authorized to issue an Eligibility Certification with respect  
10 to any vessel that the Administrator determines, in his or  
11 her sole discretion, meets the requirements set forth in  
12 section 2(4).

13 **SEC. 5. ENFORCEMENT.**

14 Notwithstanding sections 55102, 55103, and 55111  
15 of title 46, United States Code, an Eligibility Certification  
16 shall be conclusive evidence to the Secretary of the De-  
17 partment of Homeland Security of the qualification of the  
18 vessel for which it has been issued to participate in the  
19 34th America's Cup as a competing vessel or a supporting  
20 vessel.

21 **SEC. 6. PENALTY.**

22 Any vessel participating in the 34th America's Cup  
23 as a competing vessel or supporting vessel that has not  
24 received an Eligibility Certification or is not in compliance  
25 with section 12112 of title 46, United States Code, shall

- 1 be subject to the applicable penalties provided in chapters
- 2 121 and 551 of title 46, United States Code.

