

112TH CONGRESS
1ST SESSION

S. 1759

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “America’s Cup Act
3 of 2011”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) 34TH AMERICA’S CUP.—The term “34th
7 America’s Cup”—

8 (A) means the sailing competitions, com-
9 mencing in 2011, to be held in the United
10 States in response to the challenge to the de-
11 fending team from the United States, in accord-
12 ance with the terms of the America’s Cup gov-
13 erning Deed of Gift, dated October 24, 1887;
14 and

15 (B) if a United States yacht club success-
16 fully defends the America’s Cup, includes addi-
17 tional sailing competitions conducted by Amer-
18 ica’s Cup Race Management during the 1-year
19 period beginning on the last date of such de-
20 fense.

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

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

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

7 (A) is recognized by America’s Cup Race
8 Management as an official competing vessel, or
9 supporting vessel of, the 34th America’s Cup,
10 as evidenced in writing to the Administrator of
11 the Maritime Administration of the Department
12 of Transportation;

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

15 (C) is not a ferry (as defined under section
16 2101(10b)) of title 46, United States Code;

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

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

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

24 (A) positioning a competing vessel on the
25 race course;

1 (B) transporting equipment and supplies
2 utilized for the staging, operations, or broadcast
3 of the competition; or

4 (C) transporting individuals who—

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

7 (ii) who are engaged in the staging,
8 operations, or broadcast of the competi-
9 tion, race team personnel, members of the
10 media, or event sponsors.

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

12 Notwithstanding sections 55102, 55103, and 55111
13 of title 46, United States Code, an eligible vessel, oper-
14 ating only in preparation for, or in connection with, the
15 34th America's Cup competition, may position competing
16 vessels and may transport individuals and equipment and
17 supplies utilized for the staging, operations, or broadcast
18 of the competition from and around the ports in the
19 United States.

20 **SEC. 4. CERTIFICATION.**

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

24 (b) **ISSUANCE.**—The Administrator of the Maritime
25 Administration of the Department of Transportation is

1 authorized to issue an Eligibility Certification with respect
2 to any vessel that the Administrator determines, in his or
3 her sole discretion, meets the requirements set forth in
4 section 2(4).

5 **SEC. 5. ENFORCEMENT.**

6 Notwithstanding sections 55102, 55103, and 55111
7 of title 46, United States Code, an Eligibility Certification
8 shall be conclusive evidence to the Secretary of the De-
9 partment of Homeland Security of the qualification of the
10 vessel for which it has been issued to participate in the
11 34th America's Cup as a competing vessel or a supporting
12 vessel.

13 **SEC. 6. PENALTY.**

14 Any vessel participating in the 34th America's Cup
15 as a competing vessel or supporting vessel that has not
16 received an Eligibility Certification or is not in compliance
17 with section 12112 of title 46, United States Code, shall
18 be subject to the applicable penalties provided in chapters
19 121 and 551 of title 46, United States Code.

20 **SEC. 7. VESSEL DOCUMENTATION EXEMPTION.**

21 (a) IN GENERAL.—Notwithstanding sections 12112
22 and 12132 and chapter 551 of title 46, United States
23 Code, the Secretary of the department in which the Coast
24 Guard is operating may issue a certificate of documenta-

1 tion with a coastwise endorsement for each of the following
2 vessels:

3 (1) LNG GEMINI (United States official num-
4 ber 595752).

5 (2) LNG LEO (United States official number
6 595753).

7 (3) LNG VIRGO (United States official num-
8 ber 595755).

9 (b) LIMITATION ON OPERATION.—Coastwise trade
10 authorized under subsection (a) shall be limited to car-
11 riage of natural gas, as that term is defined in section
12 3(13) of the Deepwater Port Act of 1974 (33 U.S.C.
13 1502(13)).

14 (c) TERMINATION OF EFFECTIVENESS OF ENDORSE-
15 MENTS.—The coastwise endorsement issued under sub-
16 section (a) for a vessel shall expire on the date of the sale
17 of the vessel by the owner of the vessel on the date of
18 enactment of this Act to a person who is not related by
19 ownership or control to such owner.

20 **SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.**

21 A vessel transported in Dry Dock #2 (State of Alas-
22 ka registration AIDEA FDD-2) is not merchandise for
23 purposes of section 55102 of title 46, United States Code,
24 if, during such transportation, Dry Dock #2 remains con-

- 1 nected by a utility or other connecting line to pierside
- 2 moorage located in Ketchikan, Alaska.

Passed the Senate November 3, 2011.

Attest:

Secretary.

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