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110TH CONGRESS, *1st Session* | SENATE | REPORT 110–28

PROFESSIONAL BOXING AMENDMENTS ACT OF 2007

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 84

MARCH 1, 2007.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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MARCH 1, 2007.—Ordered to be printed

Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 84]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 84) to establish a United States Boxing Commission to administer the Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 84 would amend the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.), as amended by the Muhammad Ali Boxing Reform Act of 2000 (P.L. 106–210), to strengthen existing Federal boxing laws by standardizing certain health and safety requirements, establishing a centralized medical registry to be used by local boxing commissions to protect boxers, reducing arbitrary practices of sanctioning organizations, and providing uniformity in ranking criteria and contractual guidelines. The bill would also establish a Federal entity, the United States Boxing Commission (USBC), to promulgate minimum uniform standards for professional boxing and enforce Federal boxing laws. The purpose of the USBC would not be to micro-manage boxing by interfering with the daily operations of local boxing commissions. Instead, the USBC would work in consultation with local commissions, and only exercise its authority should reasonable grounds exist for intervention. [1]

[1] See Senator John S. McCain, "*A Fighting Chance for Professional Boxing*," 15 STANFORD LAW AND POLICY REVIEW 7–34 (2004) (the article details the history of the sport of boxing, and explains the bases for the efforts of Senator McCain and the actions of the Senate Commerce Committee in reforming the sport).

BACKGROUND AND NEEDS

Professional boxing is the only major sport in the United States that does not have a strong, centralized association or league to establish and enforce uniform rules and practices. There is no widely-established union of boxers, no collective body of promoters or managers, and no consistent level of State regulation among State athletic commissions. This vacuum of effective public or private oversight has contributed to decades of scandals, controversies and unethical practices in professional boxing.

The professional boxing industry is regulated on a state-by-state basis, which results in varying degrees of oversight, depending on the will and resources of each State's athletic commission or boxing regulatory office. Due to the lack of uniform business practices or ethical standards, the sport of boxing has suffered from the physical and financial exploitation of its athletes.

To truly understand professional boxing, one must grasp the reality that the boxing industry in the United States is bifurcated. There is the premier side of the sport, comprised of well-known boxers and promoters who share in purses that can reach levels above tens of millions of dollars. But the premier side has little in common with the vast majority of professional boxing events that are held in States and on tribal lands across the country. Most boxing matches feature unknown journeymen and women who apply their trade for small crowds in exchange for nominal purse amounts. Most of these athletes come from economically disadvantaged backgrounds, and often boxing is the only way that they know to make a living.

But these athletes are too often exploited physically and financially by chosen representatives who do not share their best interests, and often fall victim to the misconduct of promoters, sanctioning organizations, and others. Specific examples of business misconduct in boxing include: promoters deducting large percentages of a boxer's purse for their own use; promoters coercing boxers into signing long-term, onerous contracts as a condition for competing; promoters forcing boxers to hire an associate or relative of the promoter; and illegitimate ratings systems wherein sanctioning organizations rank boxers and award "championship titles" based upon with whom boxers are connected rather than their athletic merit. Under the current system, business relationships between promoters and sanctioning organizations take precedence over the abilities of fighters.

Federal and State Boxing Law

In 1996, the Professional Boxing Safety Act (PBSA) was signed into law. The Act was a bipartisan measure that sought to establish a minimum level of health and safety requirements to protect the welfare of the athletes who sustain the sport of professional boxing. Prior to the Act, while many States had boxing laws on the books, others did not require any public oversight of boxing. The absence of enforced regulations resulted in fraudulent bouts, the exploitation of boxers, and a lack of adequate medical services at many events. The PBSA was enacted to help address these problems. Among other things, the PBSA requires State athletic commissions to oversee all professional boxing events; prohibits medically-suspended fighters from participating; assures that States are

aware that a fighter may be suspended in another State; requires adequate medical services to be available at ringside; and requires all boxers to be given an identification card issued by their State commission. Also included in the PBSA was a conflict of interest provision that prohibits State commissioners from receiving compensation from business interests in the industry.

In 1998, Congress sought further reform of the professional boxing industry. The Senate passed a bipartisan measure, the Muhammad Ali Boxing Reform Act of 2000 (Muhammad Ali Act), but the House did not act on the bill. The legislation was reintroduced during the 106th Congress, approved by the House and Senate, and signed into law in May 2000. The Muhammad Ali Act protects the rights and welfare of professional boxers by preventing exploitive, oppressive, and unethical business practices; assists State boxing commissions to provide more effective public oversight of the sport; and promotes honorable competition to enhance the overall integrity of the boxing industry.

Unfortunately, both the PBSA (as amended by the Muhammad Ali Act) and State laws have not been adequately enforced by Federal and State law enforcement officials. The primary reasons for this lack of enforcement have been either a lack of resources in Federal and State budgets or simply a lack of interest.

The U.S. General Accounting Office (GAO) confirmed the inconsistency of State and Federal enforcement in its July 2003 report on professional boxing regulation, in which it concluded that, because professional boxing is regulated predominantly on a State-by-State basis, there is a varying degree of oversight depending on the resources and priorities of each State or tribal commission.[2] The report also indicated that the lack of consistency in compliance with Federal boxing law among State and tribal commissions "does not provide adequate assurance that professional boxers are receiving the minimum protections established in Federal law."[3] In sum, State and tribal commissions are not upholding minimum contractual and safety standards to provide boxers with adequate protection in their workplace, the ring.[4]

The report also concluded that Federal action under the PBSA, as amended by the Ali Act, has been "limited," and, per the U.S. Department of Justice (DOJ), that "there were no records of cases brought by the U.S. Attorneys' offices under the Federal boxing legislation during fiscal years 1996 through 2002 and . . . no referrals from law enforcement agencies were made."[5] The explanation provided the DOJ when questioned about the lack of prosecutions under Federal boxing law is that violations of these laws are misdemeanors, which do not receive significant resources from the DOJ.[6]

SUMMARY OF PROVISIONS

S. 84 would amend the PBSA to: (1) establish and maintain a confidential (except for the use by boxing commissions) medical reg-

[2] U.S. GEN. ACCOUNTING OFFICE, PROFESSIONAL BOXING: ISSUES RELATED TO THE PROTECTION OF BOXERS' HEALTH, SAFETY, AND ECONOMIC INTERESTS 4-6 (2003).
[3] *Id.* at 7.
[4] *Id.*
[5] *Id.* at 5.
[6] *Id.*

istry that would contain comprehensive medical records and medical suspension information for every licensed professional boxer, (2) make uniform certain "safety standards" for all boxing commissions, including a requirement that emergency medical personnel and an ambulance be continually present at all professional boxing matches, (3) require testing for infectious diseases (e.g., hepatitis), (4) require promoters to post some form of security (e.g., performance bond, cashiers check, etc.) prior to a match with the appropriate boxing commission to ensure payment of purse monies to boxers who participate and are contractually entitled to receive it, (5) make several changes to definitions, including the term "boxing commission" to include tribal organizations, (6) authorize tribal organizations to establish boxing commissions as long as a certain level of safety standards and other requirements are established, (7) mandate that sanctioning organizations adopt and follow ratings guidelines/criteria, (8) require that judges and referees be assigned for each match by the appropriate boxing commission without interference from sanctioning organizations, (9) require a newly-created regulatory entity, in consultation with the Association of Boxing Commissions (ABC), to develop guidelines for minimal contractual provisions that should be included in all bout agreements and boxer/manager contracts, and (10) require more stringent financial disclosures (within a specified period) by promoters and sanctioning organizations.

S. 84 also would create the USBC, a Federal entity located within the Department of Commerce, to promulgate minimum uniform standards for professional boxing and enforce Federal boxing laws. The USBC would be comprised of three members, each of whom would be required to be a U.S. citizen with extensive experience in professional boxing activities or a field directly related to professional sports. Each member would be required to have outstanding character and integrity, and selected without regard to political affiliation. At least one member would be a former local boxing member, and, if practicable, one member would be a physician. Members would be precluded from any dealings in the boxing industry, and not more than two members would be from the same political party or reside in the same geographical region (split by the Mississippi River). The USBC would be authorized to employ an executive director to implement the policies of the USBC, a general counsel, and any additional staff as needed to carry out the Commission's statutory mandate.

The USBC's primary functions would be to protect the health, safety, and general interests of boxers. The USBC, among other things, would oversee and administer Federal boxing laws, and work with those who participate in professional boxing to improve the sport. The USBC would promulgate minimum uniform standards for boxing (in consultation with the ABC and sanctioning organizations). The USBC would also ensure, through the U.S. Attorney General and the chief law enforcement officer of a State, that Federal and State boxing laws are vigorously, effectively and fairly enforced. The USBC would require all boxers to be licensed every 4 years, as is currently required under the Federal identification system, but would also require all promoters, managers, and sanctioning organizations to be licensed by the USBC every 2 years. The USBC would be authorized to charge reasonable fees for li-

censing and all fees and fines collected by the USBC would be deposited in a revolving fund to be used to offset the USBC's appropriation. After notice and opportunity for a hearing, the USBC would be permitted to suspend or revoke any license issued under the PBSA if it finds that action is necessary to protect the health or safety of a boxer, or there are reasonable grounds to believe that a USBC standard is not being met or another unlawful act has occurred. The USBC also would be granted authority to conduct investigations, subpoena, administer oaths and affirmations, require the production of information, and seek injunctions to further the purposes of the PBSA.

The USBC would maintain a unified national computerized registry for collecting, storing and retrieving information related to professional boxing. The USBC would be required to consult with local boxing commissions before establishing any regulation or standard under the PBSA. The USBC would be required to submit to Congress an annual report containing a detailed description of its activities, including, within 12 months of enactment, the results of a USBC study to determine the appropriate definition of the term "promoter."

LEGISLATIVE HISTORY

For more than a decade, the Senate Commerce Committee has taken action to address the problems that plague the sport of professional boxing. As mentioned, the Committee developed two Federal boxing laws that have been enacted, the PBSA, and the Muhammad Ali Act. While these laws have had a positive impact on professional boxing, the sport remains beset by a variety of problems, some beyond the scope of State and local regulation.

On May 22, 2002, Senator McCain introduced the Professional Boxing Amendments Act in an effort to enhance existing boxing law and create a Federal regulatory entity—the U.S. Boxing Administration—to oversee the interstate aspects of the sport. The Commerce Committee reported the bill unanimously on October 17, 2002, but no further action was taken on the measure. Senator McCain reintroduced a nearly identical bill in the 108th Congress, S. 275, which again was reported by the Committee unanimously to the Senate. This time the bill passed the Senate unanimously on March 31, 2004, but the House of Representatives did not act on the bill.

Last Congress, Senators McCain, Stevens and Dorgan re-introduced the measure, S. 148, and it was reported by the Committee and passed by the Senate, unanimously. House Energy and Commerce Committee Chairman Barton offered a boxing bill similar to title II of S. 148 (the title to create the U.S. Boxing Commission), and received floor time. The bill passed by voice vote, but failed in a recorded vote.

This bill (S. 84) as ordered reported by the Commerce Committee was introduced by Senator McCain on January 4, 2007, along with cosponsors Vice Chairman Stevens and Senator Dorgan. The bill is identical to measures that were reported by the Commerce Committee and passed the Senate in both the 108th and 109th Congresses.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

FEBRUARY 26, 2007.

Hon. DANIEL K. INOUYE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 84, the Professional Boxing Amendments Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susan Willie (for federal costs), Sarah Puro (for the state and local impact), and Craig Cammarata (for the private-sector impact).

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 84—Professional Boxing Amendments Act of 2007

Summary: S. 84 would establish the United States Boxing Commission (USBC) within the Department of Commerce. The commission would protect the safety and interests of boxers and would govern the business of professional boxing by regulating boxing contracts, licensing and registering boxing participants, and issuing guidelines for ranking boxers.

Assuming the appropriation of the necessary amounts, CBO estimates that implementing S. 84 would cost $7 million in 2008 and $34 million over the 2008–2012 period.

S. 84 also would make violations of certain provisions of the Professional Boxing Safety Act of 1996 federal crimes. CBO estimates that this provision would not have a significant effect on direct spending or revenues.

By placing requirements on boxing commissions run by state and tribal governments, S. 84 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost of those mandates would not be significant and would not exceed the threshold established in UMRA ($66 million in 2007, adjusted annually for inflation).

S. 84 would impose several private-sector mandates, as defined in UMRA, on the boxing industry. CBO estimates that the total direct cost of those mandates would fall below the annual threshold established by UMRA for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 84 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION [a]					
Estimated Authorization Level	8	8	7	6	6
Estimated Outlays	7	8	7	6	6

a. S. 84 also could increase direct spending and revenues, but CBO estimates that any such effects would be less than $500,000 a year.

Basis of Estimate: For this estimate, CBO assumes that the bill will be enacted before the start of 2008 and that the amounts estimated to be necessary will be appropriated for each year beginning in fiscal year 2008.

Spending subject to appropriation

S. 84 would authorize the appropriation of such sums as necessary for establishing a boxing commission to regulate professional boxing matches and those individuals involved in the sport. Based on information from the Department of Commerce, CBO estimates that those activities would cost $7 million in 2008 and $34 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

United States Boxing Commission. S. 84 would create the USBC within the Department of Commerce. It would be headed by a three-person commission to be appointed by the President. In addition to those positions, the bill would allow the hiring of the necessary staff to fulfill the requirements of the bill. The USBC would monitor compliance with provisions in the bill that would establish minimum safety standards for matches and would require medical testing and disclosures. The USBC would issue regulations concerning the ranking of boxers by sanctioning organizations, contractual requirements, and other issues. Finally, the commission would review contracts for boxing matches and prove certain types of boxing matches before they could occur.

CBO estimates that the USBC would employ about 30 people to write regulations, oversee boxing matches, and establish and maintain the registries, among other activities. Assuming the appropriation of the necessary amounts, CBO estimates that the cost of salaries and other benefits would be $3 million in 2008 and $18 million over the 2008–2012 period. In addition to those costs, CBO estimates that the startup and administrative costs of the commission would be $1 million in 2008 and $6 million over the 2008–2012 period.

Licensing and Registration. S. 84 would require the USBC to license boxers, managers, and promoters every two-to-four years. CBO assumes that license fees would be similar to those currently charged by state boxing commissions. The bill would require the USBC to maintain a registry with the names of licensed boxers, managers, promoters, boxing judges, and referees. Based on spending for similar registries, CBO estimates that the cost of developing the boxing registry would be about $2 million over the 2008–2012 period, assuming the appropriation of the necessary amounts. CBO estimates that the licensing fees (considered offsetting collections) would offset the cost of maintaining the registry by about 2012.

Medical Registry. S. 84 also would establish a medical registry that would contain information about the health of each boxer, including medical records and incidents of medical suspensions. CBO

estimates that developing and maintaining the medical registry would cost about $2 million in 2008 and about $8 million over the 2008–2012 period, assuming the appropriation of the necessary amounts.

Direct spending and revenues

The bill would allow the Attorney General of the United States to pursue criminal actions for violations of laws related to the boxing industry. The law already allows criminal prosecution of managers, promoters, matchmakers, and licensees. Because those prosecuted and convicted under S. 84 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental revenues, deposited in the Crime Victims Fund, and spent in subsequent years. CBO expects that any additional receipts and direct spending would total less than $500,000 each year.

Estimated impact on state, local, and tribal governments: S. 84 contains intergovernmental mandates as defined in UMRA because state and tribal boxing commissions would be required to meet certain health and safety standards and reporting requirements. Currently, tribal and state boxing commissions act as governing bodies—issuing licenses, ensuring boxing safety, and monitoring boxing contracts and fights within their jurisdiction. The USBC would not replace those entities or the activities they undertake; however, the bill would specify the minimum safety standards and licensing requirements those entities must maintain.

Most boxing commissions maintain various levels of health and safety standards. This bill would make those standards uniform. It would require boxers to be tested for infectious diseases, require commissions to make health and safety disclosures to boxers when they are registered, and expand safety requirements for boxing matches. Boxing commissions would be required to report all registries of boxers to the USBC and to meet uniform standards to be set by the USBC.

Information from tribes involved in professional boxing and from the Association of Boxing Commissions indicates that many state and tribal boxing commissions already regulate boxing matches using standards similar to those that would be required by this bill. CBO therefore expects any costs associated with additional health and safety measures and other USBC reporting requirements to be minimal.

S. 84 also would give the USBC authority to subpoena witnesses and evidence from any place in the United States, including Indian land. This authority would be considered a mandate under UMRA, but because it probably would be used rarely, it would probably not impose significant costs.

CBO estimates that the cost of complying with all of the intergovernmental mandates in the bill would not be significant and, therefore, would not exceed the threshold established in UMRA ($66 million in 2007, adjusted annually for inflation).

Estimated impact on the private sector: S. 84 would impose several private-sector mandates, as defined in UMRA, on the boxing industry. CBO estimates that the total direct cost of those mandates would fall below the annual threshold established by UMRA

for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

S. 84 would require boxers, managers, promoters, referees, judges, and sanctioning organizations to be licensed by the United States Boxing Commission established in the bill. According to representatives of the boxing industry, license fees would most likely cost the industry less than $1 million per year.

S. 84 also would impose mandates on the industry by requiring additional safety standards, standard clauses for contracts, and the filing of reports. The bill would require boxers, managers, promoters, and sanctioning organizations to meet certain uniform standards addressing the health and safety of boxers. It also would require minimum contractual provisions meeting guidelines developed by the commission to be included in each bout agreement, boxer-manager contract, and promotional agreement and would require those agreements to be filed with the USBC. Sanctioning organizations would have to adopt guidelines to be promulgated by the USBC for the rating of professional boxers. Under the bill, promoters, broadcasters, judges, referees, and sanctioning organizations would be required to report certain information about boxing matches to the USBC. Such disclosures would include information about fees assessed and other financial information related to boxing matches. Information from the Department of Labor and representatives of the boxing industry indicates that much of the industry already complies in large part with the bill's requirements under regulations issued by state boxing commissions. Therefore, CBO estimates that the incremental cost for the boxing industry to comply with those mandates would fall well below the annual threshold.

In addition, entities in the private sector, if subpoenaed, would be required to attend and provide testimony, evidence, or materials related to any investigations the USBC may conduct. Such a requirement would be a private-sector mandate under UMRA. CBO expects that the commission would likely exercise its subpoena power sparingly and that the costs to comply with a subpoena would not be significant.

Estimate prepared by: Federal Costs: Susan Willie. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The legislation would apply to professional boxers, local boxing commissions, boxing promoters, boxing managers, boxing judges and referees, ringside physicians, boxing registries, sanctioning organizations, as well as premium or other cable or satellite program service providers, casinos, hotels, resorts, and other commercial es-

tablishments that may act as promoters. The legislation would not apply to amateur boxing.

ECONOMIC IMPACT

The economic impact of this legislation would be minimal.

PRIVACY

The impact on the personal privacy of the persons covered by this legislation is expected to be minimal. The USBC, in establishing and maintaining a medical registry for all licensed professional boxers, is expected to take appropriate action to ensure the confidentiality of such records.

PAPERWORK

The impact on paperwork is difficult to determine prior to the formation of the USBC. Local boxing commissions may be required by the USBC to perform minimal processing of licensing and boxing data.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; Table of contents.

Section 1 would provide that this Act may be cited as the "Professional Boxing Amendments Act of 2007." This section also provides a table of contents for this Act.

Section 2. Amendment of Professional Boxing Safety Act of 1996

Section 2 would provide that all references to amendments to, or repeal of, certain sections, are to be considered to be made to a section or other provision of the PBSA (15 U.S.C. 6301 et seq.).

Section 3. Definitions

Subsection (a) would amend section 2 of the PBSA by providing several changes to definitions. Most notable, the term "boxing commission" would be revised to include entities authorized under tribal law to regulate professional boxing. Only State commissions are considered "boxing commissions" under current law. In addition, the terms "bout agreement" and "promotional agreement" would be modified to provide a distinction between them.

Subsection (b) would amend section 21 of the PBSA with respect to professional boxing matches conducted on Indian lands. This provision would provide authority to a tribal organization to establish a boxing commission to regulate professional boxing held on tribal land. Should a tribal organization establish a boxing commission, the standards adopted by the tribal organization should be at least as restrictive as the requirements of the State in which the tribal organization is located, or the guidelines established by the United States Boxing Commission (USBC).

Section 4. Purpose

Section 4 would amend section 3(2) of the PBSA by striking "State" in "State boxing commissions" to allow tribal organizations to be included as boxing commissions.

Section 5. Matches in jurisdictions without commissions

Section 5 would amend section 4 of the PBSA to provide that no person may arrange, promote, organize, produce, or fight in a professional boxing match in the United States without approval by the USBC and held in a State or by a tribal commission that regulates professional boxing matches in accordance with standards established by the USBC. Approval by the USBC is presumed unless the USBC has been informed of a violation of the PBSA and has notified the supervising boxing commission that it does not approve, the match is advertised as a championship match, the match is scheduled for 10 rounds or more, or a boxer in the match has suffered 10 consecutive defeats or has been knocked out five consecutive times. This section would authorize the USBC to delegate its approval authority to a local commission.

Section 6. Safety standards

Section 6 would amend section 5 of the PBSA to require that the physical examination currently required by the PBSA include testing for infectious diseases in accordance with standards established by the USBC. This section also would require that an ambulance and medical personnel with appropriate resuscitation equipment be continuously present on the site of professional boxing matches. Current law requires either an ambulance or medical personnel with appropriate resuscitation equipment to be on site.

Section 7. Registration

Section 7 would amend section 6 of the PBSA to require that State and tribal boxing commissions provide professional boxers with a health and safety disclosure when issuing a boxer a Federal identification card currently required under the PBSA. This disclosure is a "Sense of the Congress" in the PBSA. This section also would require that boxing commissions furnish to the USBC a copy of each professional boxer's registration, as well as the registrations of boxing promoters, managers, and sanctioning organizations.

Section 8. Review

Section 8 would amend section 7 of the PBSA to clarify the appeal procedure should a boxing commission impose a summary suspension on a professional boxer. Current law creates an inference that, not only must a boxing commission establish appeal procedures regarding the suspension of a boxer, but it must also establish procedures to enable a boxer to have a second hearing regarding the revocation of the suspension. This section would clarify the intent of the current law and require that a boxing commission establish procedures to provide a hearing in the event a boxer seeks to contest the imposition of a summary suspension.

Section 9. Reporting

Section 9 would amend section 8 of the PBSA by requiring that supervising boxing commissions report the results of a professional boxing match to the USBC within 2 business days. Under current law, supervising boxing commissions must report results to each boxer registry not later than 48 business hours.

Section 10. Contract requirements

Section 10 would amend section 9 of the PBSA.

Subsection (a) would authorize the USBC, in consultation with the ABC, to develop minimum contractual provisions to be included in all bout agreements, boxer-manager contracts, and promotional agreements. Boxing commissions would be required to ensure that the minimum provisions are included in such agreements or contracts.

Subsection (b) would require managers or promoters to submit a copy of each boxer-manager contract and each promotional agreement between the manager or promoter and the boxer to the USBC. This subsection also would prohibit a boxing commission from approving a professional boxing match unless a copy of the bout agreement related to the match is filed with and approved by the Commission.

Subsection (c) would prohibit a boxing commission from approving a professional boxing match unless the promoter of that match posts a surety bond, cashier's check, letter of credit, cash, or other security acceptable to the boxing commission. This is intended to ensure that the boxer is paid at the conclusion of each match.

Section 11. Coercive contracts

This section would amend section 10 of the PBSA to establish minimum guidelines for bout agreements, boxer-manager contracts, and promotional agreements.

Section 12. Sanctioning organizations

This section would amend section 11 of the PBSA.

Subsection (a) would require within 1 year after the date of enactment that, the USBC develop guidelines for written criteria for rating professional boxers based on their athletic merits. Within 90 days of the promulgation of the guidelines, each sanctioning organization would be required to adopt the guidelines and follow them.

Subsection (b) would require sanctioning organizations, when making ratings changes, to post, within 7 days and for a period of not less than 30 days, a copy of the new ratings on its Internet website or homepage with an explanation of the change posted for a period not less than 30 days, provide a copy of the rating change and an explanation to the boxer and the USBC, provide the boxer an opportunity to appeal the ratings change, and apply the ratings guidelines required under subsection (a) of this section.

Subsection (c) would require sanctioning organizations that receive inquiries from boxers challenging ratings decisions to provide to the boxer, within 7 days, a written explanation of the sanctioning organizations rating criteria, its rating of the boxer, and its rationale or basis for its rating, and submit a copy of its explanation to the ABC and the USBC.

Section 13. Required disclosures by sanctioning organizations

Section 13 would amend section 12 of the PBSA, which bars a sanctioning organization from receiving compensation from a boxing match until it provides the supervising boxing commission with a statement of fees assessed to the fighter or received for the fight. This section would be modified to require sanctioning organizations to provide, within 7 days after a professional boxing match of 10

rounds or more, a statement of all fees that a sanctioning organization "has assessed, or will assess" to any boxer in the match, a written statement of fees that a sanctioning organization "has received, or will receive" from all sources affiliated with a boxing event, and any other information that the supervising boxing commission may require.

Section 14. Required disclosures by promoters and broadcasters

Section 14 would amend section 13 of the PBSA, which bars a promoter from receiving compensation from a boxing match until it provides the supervising boxing commission with certain financial information regarding the match. This section would require promoters to provide to the supervising boxing commission, within 7 days after a professional boxing match of 10 rounds or more, that same financial information. This section also would require promoters to make similar financial disclosures to each boxer in the match within 7 days after a professional boxing match of 10 rounds or more, including what the promoter has paid, or agreed to pay, to any other person in connection with the match.

This section also would require a broadcaster that owns television broadcast rights to a professional boxing match of 10 rounds or more to provide to the USBC within 7 days subsequent to the match a statement of any fee owed to a promoter in connection with the match, a copy of any contract the broadcaster has with a boxer in the match, and a list identifying sources of income received from the broadcast of the match. This section would require that the information disclosed by the broadcaster would be held as confidential by the USBC or local commission.

Section 15. Judges and referees

Section 15 would amend section 16 of the PBSA.

Subsection (a) would require that no person may arrange, promote, organize, produce, or fight in a professional match unless the referees and judges participating in the match have been "selected" by the supervising boxing commission. Current law requires that all referees and judges participating in the match are "certified and approved" by the supervising boxing commission.

Subsection (b) would require in addition to subsection (a) that no person may arrange, promote, organize, produce, or fight in a professional match advertised to the public as a championship match or in a match scheduled for 10 rounds or more unless the referees and judges participating in the match have been licensed by the USBC.

Subsection (c) would prohibit sanctioning organizations from influencing, directly or indirectly, the selection of judges and referees, but would allow the organizations to provide a list of judges or referees that the sanctioning organization deems qualified.

Subsection (d) would permit a boxing commission to assign judges and referees who reside outside a commission's jurisdiction.

Subsection (e) would require that a judge or referee provide to a supervising boxing commission a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. This statement also would be provided to the USBC if the match is scheduled for 10 rounds or more.

Section 16. Medical registry

Section 16 would create a new section 14 in the PBSA.

Subsection (a) would require that the USBC establish and maintain, or certify a third party to establish and maintain, a medical registry to contain the comprehensive medical records and medical denials or suspensions for every licensed boxer in the United States.

Subsection (b) would direct the USBC to determine the nature of the medical records to be forwarded to the USBC and the time within which they are to be submitted to the registry.

Subsection (c) would require the USBC to establish confidentiality standards for the disclosure of personally-identifiable information to boxing commissions to ensure that the information is used for the intended purpose, which is to protect the health and safety of professional boxers, and that it is not publicly disclosed.

Section 17. Conflicts of interest

Section 17 would amend section 17(a) of the PBSA by including officers and employees of the USBC in the current list of persons who may not hold office, contract with, or receive any compensation from, any person who sanctions, arranges, or promotes professional boxing matches or who otherwise has a financial interest in an active boxer currently registered with a boxer registry. This section also would preclude a boxer from owning or controlling an entity that promotes the boxer's bouts in certain instances.

Section 18. Enforcement

Section 18 would amend section 18 of the PBSA. Under the PBSA, the United States Attorney General has the authority to bring a civil action in the appropriate district court to prevent or punish a violation of the PBSA. This section would expand that authority to include criminal actions. This section also would make officers and employees of the USBC subject to civil or criminal action for violation of the PBSA. This section would allow the chief law enforcement officer of a State to bring an action if that officer has reason to believe that a person "has engaged in, or is engaging" in conduct that violates the PBSA. Current law only allows the chief law enforcement officer of a State to act while the violator is engaging in, but not after, the unlawful conduct.

Section 19. Repeal of deadwood

Section 19 would repeal section 20 of the PBSA, which required the Secretary of Labor to conduct a study on the feasibility and cost of a national pension system for professional boxers and report the results to Congress. Section 20 of the PBSA also required the Secretary of Health and Human Services "to conduct a study to develop recommendations for health, safety, and equipment standards for boxers and for professional boxing matches." The expiration of these deadlines makes this language no longer necessary in the PBSA.

Section 20. Recognition of tribal law

Section 20 would amend section 22 of the PBSA by allowing tribal organization, not just States, to adopt or enforce supplemental or more stringent laws or regulations not inconsistent with the

PBSA, or criminal, civil, or administrative fines for violations of such laws or regulations.

Section 21. Establishment of United States Boxing Commission

Subsection (a) would amend the PBSA by adding a new title II establishing the USBC, as follows:

Section 201. Purpose.

This section states that the purpose of the USBC is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

Section 202. Establishment of United States Boxing Commission.

Subsection (a) would establish the USBC as a commission within the Department of Commerce.

Subsection (b) would provide that the USBC would consist of three members appointed by the President, by and with the advice and consent of the Senate. Each member would be required to be a U.S. citizen with extensive experience in professional boxing activities or a field directly related to professional sports. Each member would be required to have outstanding character and integrity, and selected without regard to political affiliation. At least one member would be a former local boxing member, and, if practicable, one member would be a physician. Members would be precluded from any dealings in the boxing industry, and not more than two members would be from the same political party or reside in the same geographical region (split by the Mississippi River). Members would serve three-year terms, with the possibility of reappointment.

Subsection (b) would require the USBC to employ an executive director to perform the administrative functions of the Commission. In addition, the Commission would be required to hire a general counsel and any additional staff as needed to carry out the functions of the Commission.

Section 203. Functions.

Subsection (a) would provide the primary functions of the USBC.

Subsection (b) lists the specific functions of the USBC.

Subsection (c) would provide that the USBC may not promote boxing events or rank professional boxers; or provide technical assistance to, or authorize the use of the name of the USBC by, boxing commissions that do not comply with the requirements of the USBC.

Subsection (d) would provide that the USBC shall have the exclusive right to the name "United States Boxing Commission." This subsection also provides that any person who uses the name, USBC, without permission is subject to a civil action by the Commission under the Trademark Act of 1946.

Section 204. Licensing and registration of boxing personnel.

Subsection (a) would require that boxers, managers, promoters, and sanctioning organizations be licensed by the USBC to participate in a professional boxing match. The USBC shall establish procedures and fees for applying for, granting, and issuing licenses. Licenses issued by the USBC are for 4-year terms for professional boxers and 2-year terms for any other

person. The USBC may issue licenses through boxing commissions.

Subsection (b) would authorize the USBC to prescribe and charge reasonable licensing fees. In setting fees, this subsection cautions that, to the maximum extent possible, the USBC should ensure that club boxing is not adversely affected, sanctioning organizations and promoters pay the largest portion of the fees, and boxers pay as small a portion as possible. The USBC may collect fees through boxing commissions.

Section 205. National registry of boxing personnel.

Subsection (a) would require the USBC to establish (or certify a third party to establish) a national registry of boxing personnel. This registry is to include relevant information about boxers, as well as information on promoters, matchmakers, managers, trainers, cut men, referees, judges, physicians, and any other professional boxing personnel deemed appropriate by the USBC.

Section 206. Consultation requirements.

This section would require the USBC to consult with the ABC before prescribing any regulation or establishing any standard, and not less than once each year regarding matters related to professional boxing.

Section 207. Misconduct.

Subsection (a) would authorize the USBC, after notice and opportunity for a hearing, to suspend or revoke any license issued under this title if the USBC finds that such actor is necessary to protect health and safety or is otherwise in the public interest; there are reasonable grounds to believe that a USBC standard is not being met or that certain criminal acts have occurred; or the licensee has violated a provision of the PBSA. The USBC would determine the period of suspension. In the case of a revocation of the license of a boxer, the revocation would be for a period of not less than one year.

Subsection (b) would authorize the USBC to conduct investigations and seek injunctions to further the purposes of the PBSA. This subsection also would authorize the USBC to subpoena, administer oaths and affirmations, and require the production of information.

Subsection (c) would authorize the USBC to intervene or file an amicus brief on behalf of the public interest in any civil action relating to professional boxing filed in a United States district court.

Subsection (d) would require that hearings conducted by the USBC be public and may be held before any officer of the USBC or before a boxing commission that is a member of the ABC.

Section 208. Noninterference with local boxing commissions.

Subsection (a) would provide that nothing in this title shall prohibit any boxing commission from exercising its powers, duties, or functions with respect to the regulation or supervision of professional boxing to the extent such exercises is not inconsistent with this title.

Subsection (b) would provide that nothing in this title prohibits any boxing commission from enforcing local standards or requirements that exceed those promulgated by the USBC.

Section 209. Assistance from other agencies.

This section would authorize the USBC to request that any employee of an entity be detailed to the USBC on a reimbursable or non-reimbursable basis with the employees' consent.

Section 210. Reports.

Subsection (a) would require the USBC to submit an annual report to the Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce. The report shall include a detailed discussion of the activities of the USBC and an overview of the licensing and enforcement activities of boxing commissions.

Subsection (b) would require the USBC to publish and publicize an annual report regarding the progress made by the Commission to reform professional boxing at the Federal and State levels, including on Indian lands, and comment on continuing concerns of the USBC.

Subsection (c) would require that the first annual report be submitted not later than 2 years after the effective date of this title.

Section 211. Initial implementation.

Subsection (a) would provide that the licensing requirements of this title do not apply to boxers, judges or referees, or any other activity in relation to professional boxing, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

Subsection (b) would provide that the exemption in subsection (a) expires on the earlier of the date on which the license expires, or the date that is 2 years after the date of enactment of this legislation.

Section 212. Authorization of appropriations.

Subsection (a) would authorize to be appropriated for the USBC for each fiscal year such sums as may be necessary to perform its functions for that fiscal year.

Subsection (b) would provide that any fee collected under this title be credited as offsetting collections to the account that finances the USBC.

Subsection (c) would provide several conforming amendments.

Section 22. Study and report on definition of promoter

This section would create a new section of the PBSA to require the USBC to conduct a study of how the term "promoter" should be defined for the purposes of the PBSA and report back to the House and Senate committees of jurisdiction within 12 months of the enactment of this legislation.

Section 23. Effective date

This section would create a new section of the PBSA to provide that the amendments made by this legislation would take effect on the date of enactment of this legislation, except for the provisions creating the USBC, which will take effect one year after the date of enactment of this legislation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

PROFESSIONAL BOXING SAFETY ACT OF 1996

[15 U.S.C. 6301 et seq.]

[SECTION 1. SHORT TITLE. [15 U.S.C. 6301 note]

[This Act may be cited as the "Professional Boxing Safety Act of 1996".]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROFESSIONAL BOXING SAFETY

Sec. 101. Purposes.
Sec. 102. Approval or sanction requirement.
Sec. 103. Safety standards.
Sec. 104. Registration.
Sec. 105. Review.
Sec. 106. Reporting.
Sec. 107. Contract requirements.
Sec. 108. Protection from coercive contracts.
Sec. 109. Sanctioning organizations.
Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
Sec. 111. Required disclosures by promoters and broadcasters.
Sec. 112. Medical registry.
Sec. 113. Confidentiality.
Sec. 114. Judges and referees.
Sec. 115. Conflicts of interest.
Sec. 116. Enforcement.
Sec. 117. Professional boxing matches conducted on Indian lands.
Sec. 118. Relationship with State or Tribal law.

TITLE II—UNITED STATES BOXING COMMISSION

Sec. 201. Purpose.
Sec. 202. United States Boxing Commission.
Sec. 203. Functions.
Sec. 204. Licensing and registration of boxing personnel.
Sec. 205. National registry of boxing personnel.
Sec. 206. Consultation requirements.
Sec. 207. Misconduct.
Sec. 208. Noninterference with boxing commissions.
Sec. 209. Assistance from other agencies.
Sec. 210. Reports.
Sec. 211. Initial implementation.
Sec. 212. Authorization of appropriations.

[SEC. 2. DEFINITIONS. [15 U.S.C. 6301]

[For purposes of this Act:

[(1) BOXER.—The term "boxer" means an individual who fights in a professional boxing match.

[(2) BOXING COMMISSION.—(A) The term "boxing commission" means an entity authorized under State law to regulate professional boxing matches.

[(3) BOXER REGISTRY.—The term "boxer registry" means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

[(4) LICENSEE.—The term "licensee" means an individual who serves as a trainer, second, or cut man for a boxer.

[(5) MANAGER.—The term "manager" means a person who receives compensation for service as an agent or representative of a boxer.

[(6) MATCHMAKER.—The term "matchmaker" means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

[(7) PHYSICIAN.—The term "physician" means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

[(8) PROFESSIONAL BOXING MATCH.—The term "professional boxing match" means a boxing contest held in the United States between individuals for financial compensation. Such term does not include a boxing contest that is regulated by an amateur sports organization.

[(9) PROMOTER.—The term "promoter" means the person primarily responsible for organizing, promoting, and producing a professional boxing match. The term "promoter" does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

[(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

[(B) there is no other person primarily responsible for organizing, promoting, and producing the match.

[(10) STATE.—The term "State" means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

[(11) EFFECTIVE DATE OF THE CONTRACT.—The term "effective date of the contract" means the day upon which a boxer becomes legally bound by the contract.

[(12) BOXING SERVICE PROVIDER.—The term "boxing service provider" means a promoter, manager, sanctioning body, licensee, or matchmaker.

[(13) CONTRACT PROVISION.—The term "contract provision" means any legal obligation between a boxer and a boxing service provider.

[(14) SANCTIONING ORGANIZATION.—The term "sanctioning organization" means an organization that sanctions professional boxing matches in the United States—

[(A) between boxers who are residents of different States; or

[(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

[(15) SUSPENSION.—The term "suspension" includes within its meaning the revocation of a boxing license.]

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the United States Boxing Commission.

(2) BOUT AGREEMENT.—The term "bout agreement" means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

(3) BOXER.—The term "boxer" means an individual who fights in a professional boxing match.

(4) BOXING COMMISSION.—The term "boxing commission" means an entity authorized under State or tribal law to regulate professional boxing matches.

(5) BOXER REGISTRY.—The term "boxer registry" means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

(6) BOXING SERVICE PROVIDER.—The term "boxing service provider" means a promoter, manager, sanctioning body, licensee, or matchmaker.

(7) CONTRACT PROVISION.—The term "contract provision" means any legal obligation between a boxer and a boxing service provider.

(8) INDIAN LANDS; INDIAN TRIBE.—The terms "Indian lands" and "Indian tribe" have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

(9) LICENSEE.—The term "licensee" means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

(10) MANAGER.—The term "manager" means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

(11) MATCHMAKER.—The term "matchmaker" means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

(12) PHYSICIAN.—The term "physician" means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

(13) PROFESSIONAL BOXING MATCH.—The term "professional boxing match" means a boxing contest held in the United States between individuals for financial compensation. The term "professional boxing match" does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

(14) PROMOTER.—The term "promoter"—

(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

(15) PROMOTIONAL AGREEMENT.—The term "promotional agreement" means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

(A) the boxer who is to participate in the match or matches; or

(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

(16) STATE.—The term "State" means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

(17) SANCTIONING ORGANIZATION.—The term "sanctioning organization" means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

(A) between boxers who are residents of different States; or

(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

(18) SUSPENSION.—The term "suspension" includes within its meaning the temporary revocation of a boxing license.

(19) TRIBAL ORGANIZATION.—The term "tribal organization" has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

TITLE I—PROFESSIONAL BOXING SAFETY

SEC. [3.] *101.* PURPOSES. [15 U.S.C. 6302]

The purposes [of this Act] *of this title* are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist [State] boxing commissions to provide proper oversight for the professional boxing industry in the United States.

[SEC. 4. BOXING MATCHES IN STATES WITHOUT BOXING COMMISSIONS. [15 U.S.C. 6303]

[(a) No person may arrange, promote, organize, produce, or fight in a professional boxing match held in a State that does not have a boxing commission unless the match is supervised by a boxing commission from another State and subject to the most recent version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions as well as any

additional relevant professional boxing regulations and requirements of such other State.

[(b) For the purpose [of this Act,] *of this title,* if no State commission is available to supervise a boxing match according to subsection (a), then—

[(1) the match may not be held unless it is supervised by an association of boxing commissions to which at least a majority of the States belong; and

[(2) any reporting or other requirement relating to a supervising commission allowed under this section.]

SEC. 102. APPROVAL OR SANCTION REQUIREMENT.

(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

(1) is approved by the Commission; and

(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

(b) APPROVAL PRESUMED.—

(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

(A) a match with respect to which the Commission has been informed of an alleged violation of this title and with respect to which it has notified the supervising boxing commission that it does not approve;

(B) a match advertised to the public as a championship match;

(C) a match scheduled for 10 rounds or more; or

(D) a match in which 1 of the boxers has—

(i) suffered 10 consecutive defeats in professional boxing matches; or

(ii) has been knocked out 5 consecutive times in professional boxing matches.

(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

(A) the Commission has delegated its approval authority with respect to that match to a boxing commission; and

(B) the boxing commission has approved the match.

(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term "knocked out" means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.

SEC. [5.] *103.* SAFETY STANDARDS. [15 U.S.C. 6304]

No person may arrange, promote, organize, produce, or fight in a professional boxing match without meeting each of the following [requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:] *requirements:*

(1) A physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely com-

pete, copies of which must be provided to the boxing commission. *The examination shall include testing for infectious diseases in accordance with standards established by the Commission.*

[(2) Except as otherwise expressly provided under regulation of a boxing commission promulgated subsequent to the enactment of this Act, an ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.]

(2) An ambulance continuously present on site.

(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.

[(3)] *(4)* A physician continuously present at ringside.

[(4)] *(5)* Health insurance for each boxer to provide medical coverage for any injuries sustained in the [match.] *match in an amount prescribed by the Commission.*

SEC. [6.] *104.* REGISTRATION. [15 U.S.C. 6305]

(a) REQUIREMENTS.—Each boxer shall register with—

(1) the boxing commission of the State in which such boxer resides; or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no boxing commission, the boxing commission of any State *or Indian tribe* that has such a commission.

(b) IDENTIFICATION CARD.—

(1) ISSUANCE.—A boxing commission shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains each of the following:

(A) A recent photograph of the boxer.

(B) The social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer).

(C) A personal identification number assigned to the boxer by a boxing registry.

(2) RENEWAL.—Each professional boxer shall renew his or her identification card at least once every 4 years.

(3) PRESENTATION.—Each professional boxer shall present his or her identification card to the appropriate boxing commission not later than the time of the weigh-in for a professional boxing match.

(c) HEALTH AND SAFETY DISCLOSURES.—[It is the sense of the Congress that a boxing commission should, upon issuing an identification card to a boxer under subsection (b)(1), make a health and safety disclosure to that boxer as that commission considers appropriate.] *A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.* The health and safety disclosure [should] *shall, at a minimum,* include the health and safety risks associated with boxing, and, in particular, the risk and frequency of brain injury and the advisability that a boxer periodically undergo medical procedures designed to detect brain injury.

(d) COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy

of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.

SEC. [7.] *105.* REVIEW. [15 U.S.C. 6306]

[(a) PROCEDURES.—]Each boxing commission shall establish each of the following procedures:

(1) Procedures to evaluate the professional records and physician's certification of each boxer participating in a professional boxing match in the State, and to deny authorization for a boxer to fight where appropriate.

(2) Procedures to ensure [that, except as provided in subsection (b), no] *that no* boxer is permitted to box while under suspension from any boxing commission due to—

(A) a recent knockout or series of consecutive losses;

(B) an injury, requirement for a medical procedure, or physician denial of certification;

(C) failure of a drug test;

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents; or

(E) unsportsmanlike conduct or other inappropriate behavior inconsistent with generally accepted methods of competition in a professional boxing match.

[(3) Procedures to review a suspension where appealed by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider, including an opportunity for a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider to present contradictory evidence.

[(4) Procedures to revoke a suspension where a boxer—

[(A) was suspended under subparagraph (A) or (B) of paragraph (2) of this subsection, and has furnished further proof of a sufficiently improved medical or physical condition; or

[(B) furnishes proof under subparagraph (C) or (D) of paragraph (2) that a suspension was not, or is no longer, merited by the facts.]

(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.

[(b) SUSPENSION IN ANOTHER STATE.—A boxing commission may allow a boxer who is under suspension in any State to participate in a professional boxing match—

[(1) for any reason other than those listed in subsection (a) if such commission notifies in writing and consults with the designated official of the suspending State's boxing commission prior to the grant of approval for such individual to participate in that professional boxing match; or

[(2) if the boxer appeals to the Association of Boxing Commissions, and the Association of Boxing Commissions determines that the suspension of such boxer was without sufficient grounds, for an improper purpose, or not related to the health and safety of the boxer or the purposes of this Act.]

SEC. [8.] *106.* REPORTING. [15 U.S.C. 6307]

Not later than [48 business hours] *2 business days* after the conclusion of a professional boxing match, the supervising boxing commission shall report the results of such [bxoing] *boxing* match and any related suspensions to [each boxer registry.] *the Commission.*

[SEC. 9. CONTRACT REQUIREMENTS. [15 U.S.C. 6307a]

[Within 2 years after the date of the enactment of the Muhammad Ali Boxing Reform Act, the Association of Boxing Commissions (ABC) shall develop and shall approve by a vote of no less than a majority of its member State boxing commissioners, guidelines for minimum contractual provisions that should be included in bout agreements and boxing contracts. It is the sense of the Congress that State boxing commissions should follow these ABC guidelines.]

SEC. 107. CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

(b) FILING AND APPROVAL REQUIREMENTS.—

(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.

SEC. [10.] *108.* PROTECTION FROM COERCIVE CONTRACTS. [15 U.S.C. 6307b]

(a) GENERAL RULE.—

(1)(A) A contract provision shall be considered to be in restraint of trade, contrary to public policy, and unenforceable against any boxer to the extent that it—

(i) is a coercive provision described in subparagraph (B) and is for a period greater than 12 months; or

(ii) is a coercive provision described in subparagraph (B) and the other boxer under contract to the promoter came under that contract pursuant to a coercive provision described in subparagraph (B).

(B) A coercive provision described in this subparagraph is a contract provision that grants any rights between a boxer and a promoter, or between promoters with respect to a boxer, if the boxer is required to grant such rights, or a boxer's promoter is required to grant such rights with respect to a boxer

to another promoter, as a condition precedent to the boxer's participation in a professional boxing match against another boxer who is under contract to the promoter.

(2) This subsection shall only apply to contracts entered into after the date of the enactment of the Muhammad Ali Boxing Reform Act.

[(3) No subsequent contract provision extending any rights or compensation covered in paragraph (1) shall be enforceable against a boxer if the effective date of the contract containing such provision is earlier than 3 months before the expiration of the relevant time period set forth in paragraph (1).**]**

(b) PROMOTIONAL RIGHTS UNDER MANDATORY *OR ELIMINATION* BOUT CONTRACTS.—No boxing service provider may require a boxer to grant any future promotional rights as a requirement of competing in a professional boxing match that is a mandatory *or elimination* bout under the rules of a sanctioning organization.

(c) PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this subsection, any reference in subsection (a)(1)(B) to "promoter" shall be considered a reference to "commercial broadcaster".

[SEC. 11. SANCTIONING ORGANIZATIONS. [15 U.S.C. 6307c]

[(a) OBJECTIVE CRITERIA.—Within 2 years after the date of the enactment of the Muhammad Ali Boxing Reform Act, the Association of Boxing Commissions shall develop and shall approve by a vote of no less than a majority of its member State boxing commissioners, guidelines for objective and consistent written criteria for the ratings of professional boxers. It is the sense of the Congress that sanctioning bodies and State boxing commissions should follow these ABC guidelines.

[(b) APPEALS PROCESS.—A sanctioning organization shall not be entitled to receive any compensation, directly or indirectly, in connection with a boxing match, until it provides the boxers with notice that the sanctioning organization shall, within 7 days after receiving a request from a boxer questioning that organization's rating of the boxer—

[(1) provide to the boxer a written explanation of the organization's criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

[(2) submit a copy of its explanation to the Association of Boxing Commissions.

[(c) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall not be entitled to receive any compensation, directly or indirectly, in connection with a boxing match, until, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers, the organization—

[(1) posts a copy, within 7 days of such change, on its Internet website or home page, if any, including an explanation of such change, for a period of not less than 30 days; and

[(2) provides a copy of the rating change and explanation to an association to which at least a majority of the State boxing commissions belong.

[(d) PUBLIC DISCLOSURE.—

[(1) FEDERAL TRADE COMMISSION FILING.—A sanctioning organization shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match unless, not later than January 31 of each year, it submits to the Federal Trade Commission and to the ABC—

[(A) a complete description of the organization's ratings criteria, policies, and general sanctioning fee schedule;

[(B) the bylaws of the organization;

[(C) the appeals procedure of the organization for a boxer's rating; and

[(D) a list and business address of the organization's officials who vote on the ratings of boxers.

[(2) FORMAT; UPDATES.—A sanctioning organization shall—

[(A) provide the information required under paragraph (1) in writing, and, for any document greater than 2 pages in length, also in electronic form; and

[(B) promptly notify the Federal Trade Commission of any material change in the information submitted.

[(3) FEDERAL TRADE COMMISSION TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Federal Trade Commission shall make information received under this subsection available to the public. The Commission may assess sanctioning organizations a fee to offset the costs it incurs in processing the information and making it available to the public.

[(4) INTERNET ALTERNATIVE.—In lieu of submitting the information required by paragraph (1) to the Federal Trade Commission, a sanctioning organization may provide the information to the public by maintaining a website on the Internet that—

[(A) is readily accessible by the general public using generally available search engines and does not require a password or payment of a fee for full access to all the information;

[(B) contains all the information required to be submitted to the Federal Trade Commission by paragraph (1) in an easy to search and use format; and

[(C) is updated whenever there is a material change in the information.]

SEC. 109. SANCTIONING ORGANIZATIONS.

(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2007, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.

SEC. [12.] *110.* REQUIRED DISCLOSURES TO STATE BOXING COMMISSIONS BY SANCTIONING ORGANIZATIONS. [15 U.S.C. 6307d]

[A sanctioning organization shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match until it provides to the boxing commission responsible for regulating the match in a State a statement of—]

Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—

(1) all charges, fees, and costs the organization [will assess] *has assessed, or will assess,* any boxer participating in that match;

(2) all payments, benefits, complimentary benefits, and fees the organization [will receive] *has received, or will receive,* for its affiliation with the event, from the promoter, host of the event, and all other sources; and

(3) such additional information as the commission may require.

SEC. [13.] *111.* REQUIRED DISCLOSURES FOR [PROMOTERS.] *PROMOTERS AND BROADCASTERS.* [15 U.S.C. 6307e]

[(a) DISCLOSURES TO THE BOXING COMMISSIONS.—A promoter shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match until it provides to the boxing commission responsible for regulating the match in a State a statement of—]

(a) DISCLOSURES TO BOXING COMMISSIONS AND THE COMMISSION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—

(1) a copy of any agreement in [writing] *writing, other than a bout agreement previously provided to the commission,* to which the promoter is a party with any boxer participating in the match;

(2) a statement made under penalty of perjury that there are no other agreements, written or oral, between the promoter and the boxer with respect to that match; and

(3)(A) [all fees, charges, and expenses that will be] *a written statement of all fees, charges, and expenses that have been, or will be,* assessed by or through the promoter on the boxer pertaining to the event, including any portion of the boxer's purse that the promoter will receive, and training expenses;

(B) *a written statement of* all payments, gifts, or benefits the promoter is providing to any sanctioning organization affiliated with the event; and

(C) *a statement of* any reduction in a boxer's purse contrary to a previous agreement between the promoter and the boxer or a purse bid held for the event.

(b) DISCLOSURES TO THE BOXER.—[A promoter shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match until it provides to the boxer it promotes—] *Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—*

(1) the amounts of any compensation or consideration that a promoter has contracted to receive from such [match;] *match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;*

(2) all fees, charges, and expenses that will be assessed by or through the promoter on the boxer pertaining to the event, including any portion of the boxer's purse that the promoter will receive, and training expenses; and

(3) any reduction in a boxer's purse contrary to a previous agreement between the promoter and the boxer or a purse bid held for the event.

(c) INFORMATION TO BE AVAILABLE TO STATE ATTORNEY GENERAL.—A promoter shall make information required to be disclosed under this section available to the chief law enforcement officer of the State in which the match is to be held upon request of such officer.

(d) REQUIRED DISCLOSURES BY BROADCASTERS.—

(1) IN GENERAL.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

(B) a copy of any contract executed by or on behalf of the broadcaster with—

(i) a boxer who participated in that match; or

(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

(C) a list identifying sources of income received from the broadcast of the match.

(2) COPY TO BOXING COMMISSION.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

(3) CONFIDENTIALITY.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

(4) TELEVISION BROADCAST RIGHTS.—In paragraph (1), the term "television broadcast rights" means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).

[SEC. 14. REQUIRED DISCLOSURES FOR JUDGES AND REFEREES. [15 U.S.C. 6307f]

[A judge or referee shall not be entitled to receive any compensation, directly or indirectly, in connection with a boxing match until it provides to the boxing commission responsible for regulating the match in a State a statement of all consideration, including reimbursement for expenses, that will be received from any source for participation in the match.]

SEC. 112. MEDICAL REGISTRY.

(a) IN GENERAL.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

(b) CONTENT; SUBMISSION.—The Commission shall determine—

(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

(c) CONFIDENTIALITY.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

(2) ensure that the privacy of the boxers is protected.

SEC. [15.] *113.* CONFIDENTIALITY. [15 U.S.C. 6307g]

[(a) IN GENERAL.—Neither a boxing commission or an Attorney General may disclose to the public any matter furnished by a promoter under section 13 except to the extent required in a legal, administrative, or judicial proceeding.]

(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney

General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.

(b) EFFECT OF CONTRARY STATE LAW.—If a State law governing a boxing commission requires that information that would be furnished by a promoter under [section 13] *section 111* shall be made public, then a promoter is not required to file such information with such State if the promoter files such information with the ABC.

SEC. [16.] *114.* JUDGES AND REFEREES. [15 U.S.C. 6307h]

(a) LICENSING AND ASSIGNMENT REQUIREMENT.—No person may arrange, promote, organize, produce, or fight in a professional boxing match unless all referees and judges participating in the match have been [certified and approved] *selected* by the boxing commission responsible for regulating the match in the State *or Indian lands* where the match is held.

(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

(c) ROLE OF SANCTIONING ORGANIZATION.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.

SEC. [17.] *115* CONFLICTS OF INTEREST. [15 U.S.C. 6308]

(a) REGULATORY PERSONNEL.—No member or employee of a boxing commission, no person who administers or [enforces State boxing laws,] *implements State or tribal boxing laws, no officer or employee of the Commission,* and no member of the Association of Boxing Commissions may [belong to,] *hold office in,* contract with, or receive any compensation from, any person who sanctions, arranges, or promotes professional boxing matches or who otherwise has a financial interest in an active boxer currently registered with a boxer registry. For purposes of this section, the term "compensation" does not include funds held in escrow for payment to another person in connection with a professional boxing match. [The prohibition set forth in this section shall not apply to any contract entered into, or any reasonable compensation received, by a boxing commission to supervise a professional boxing match in another State as described in section 4.]

[(b) FIREWALL BETWEEN PROMOTERS AND MANAGERS.—

[(1) IN GENERAL.—It is unlawful for—

[(A) a promoter to have a direct or indirect financial interest in the management of a boxer; or

[(B) a manager—

[(i) to have a direct or indirect financial interest in the promotion of a boxer; or

[(ii) to be employed by or receive compensation or other benefits from a promoter, except for amounts received as consideration under the manager's contract with the boxer.

[(2) EXCEPTIONS.—Paragraph (1)—

[(A) does not prohibit a boxer from acting as his own promoter or manager; and

[(B) only applies to boxers participating in a boxing match of 10 rounds or more.]

(b) BOXERS.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

(2) providing any payment or other compensation to—

(A) the boxer's opponent for participation in a bout with the boxer;

(B) the boxing commission that will regulate the bout; or

(C) ring officials who officiate at the bout.

(c) SANCTIONING ORGANIZATIONS.—

(1) PROHIBITION ON RECEIPTS.—Except as provided in paragraph (2), no officer or employee of a sanctioning organization may receive any compensation, gift, or benefit, directly or indirectly, from a promoter, boxer, or manager.

(2) EXCEPTIONS.—Paragraph (1) does not apply to—

(A) the receipt of payment by a promoter, boxer, or manager of a sanctioning organization's published fee for sanctioning a professional boxing match or reasonable expenses in connection therewith if the payment is reported to the responsible boxing commission; or

(B) the receipt of a gift or benefit of de minimis value.

SEC. [18.] *116.* ENFORCEMENT. [15 U.S.C. 6309]

[(a) INJUNCTIONS.—] *(a) ACTIONS BY ATTORNEY GENERAL.—* Whenever the Attorney General of the United States has reasonable cause to believe that a person is engaged in a violation [of this Act,] *of this title,* the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person, as the Attorney General determines to be necessary to restrain the person from continuing to engage in, sanction, promote, or otherwise participate in a professional boxing match in violation [of this Act.] *of this title.*

(b) CRIMINAL PENALTIES.—

(1) MANAGERS, PROMOTERS, MATCHMAKERS, AND LICENSEES.—Any manager, promoter, matchmaker, and licensee who knowingly violates, or coerces or causes any other person to violate, any provision [of this Act,] *of this title* other than section [9(b), 10, 11, 12, 13, 14, or 16,] *107, 108, 109, 110, 111, or 114,*

shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(2) VIOLATION OF ANTIEXPLOITATION, SANCTIONING ORGANIZATION, OR DISCLOSURE PROVISIONS.—Any person who knowingly violates any provision of section [9(b), 10, 11, 12, 13, 14, or 16 of this Act] *107, 108, 109, 110, 111, or 114 of this title* shall, upon conviction, be imprisoned for not more than 1 year or fined not more than—

(A) $100,000; and

(B) if a violation occurs in connection with a professional boxing match the gross revenues for which exceed $2,000,000, an additional amount which bears the same ratio to $100,000 as the amount of such revenues compared to $2,000,000, or both.

(3) CONFLICT OF INTEREST.—Any member or employee of a boxing commission, any person who administers or enforces State boxing laws, *any officer or employee of the Commission,* and any member of the Association of Boxing Commissions who knowingly violates [section 17(a) of this Act] *section 115(a) of this title* shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(4) BOXERS.—Any boxer who knowingly violates any provision [of this Act] *of this title* shall, upon conviction, be fined not more than $1,000.

(c) ACTIONS BY STATES.—Whenever the chief law enforcement officer of any State has reason to believe that a person or organization *has engaged in or* is engaging in practices which violate any requirement [of this Act,] *of this title,* the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States—

(1) to enjoin the holding of any professional boxing match which the practice involves;

(2) to enforce compliance with this Act;

(3) to obtain the fines provided under [subsection (b)] *subsection (b), a civil penalty, or* appropriate restitution; or

(4) to obtain such other relief as the court may deem appropriate.

(d) PRIVATE RIGHT OF ACTION.—Any [boxer] *person* who suffers economic injury as a result of a violation of any provision [of this Act] *of this title* may bring an action in the appropriate Federal or State court and recover the damages suffered, court costs, and reasonable attorneys fees and expenses.

(e) ENFORCEMENT AGAINST [FEDERAL TRADE COMMISSION,] *UNITED STATES BOXING COMMISSION,* STATE ATTORNEYS GENERAL, ETC.—Nothing in this Act authorizes the enforcement of—

(1) any provision [of this Act] *of this title* against the [Federal Trade Commission,] *United States Boxing Commission,* the United States Attorney General, or the chief legal officer of any State for acting or failing to act in an official capacity;

(2) subsection (d) of this section against a State or political subdivision of a State, or any agency or instrumentality thereof; or

(3) [section 10] *section 108* against a boxer acting in his capacity as a boxer.

[SEC. 19. NOTIFICATION OF SUPERVISING BOXING COMMISSION. [15 U.S.C. 6310]

[Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide written notification to the supervising boxing commission designated under section 4. Such notification shall contain each of the following:

[(1) Assurances that, with respect to that professional boxing match, all applicable requirements [of this Act] *of this title* will be met.

[(2) The name of any person who, at the time of the submission of the notification—

[(A) is under suspension from a boxing commission; and

[(B) will be involved in organizing or participating in the event.

[(3) For any individual listed under paragraph (2), the identity of the boxing commission that issued the suspension described in paragraph (2)(A).]

[SEC. 20. STUDIES. [15 U.S.C. 6311]

[(a) PENSION.—The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for boxers, including potential funding sources.

[(b) HEALTH, SAFETY AND EQUIPMENT.—The Secretary of Health and Human Services shall conduct a study to develop recommendations for health, safety, and equipment standards for boxers and for professional boxing matches.

[(c) REPORTS.—Not later than one year after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a). Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (b).]

[SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN RESERVATIONS. [15 U.S.C. 6312]

[(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

[(1) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

[(2) RESERVATION.—The term "reservation" means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

[(3) TRIBAL ORGANIZATION.—The term "tribal organization" has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

[(b) REQUIREMENTS.—

[(1) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

[(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

[(B) carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

[(2) STANDARDS AND LICENSING.—If a tribal organization regulates professional boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

[(A) the otherwise applicable standards and requirements of a State in which the reservation is located; or

[(B) the most recently published version of the recommended regulatory guidelines certified and publsihed by the Association of Boxing Commissions.]

SEC. 117. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

(2) the guidelines established by the United States Boxing Commission.

(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this title apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.

SEC. [22.] *118.* RELATIONSHIP WITH STATE *OR TRIBAL* LAW. [15 U.S.C. 6313]

Nothing in this Act shall prohibit a State *or Indian tribe* from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act, or criminal, civil, or administrative fines for violations of such laws or regulations.

TITLE II—UNITED STATES BOXING COMMISSION

SEC. 201. PURPOSE.

The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

SEC. 202. UNITED STATES BOXING COMMISSION.

(a) IN GENERAL.—The United States Boxing Commission is established as a commission within the Department of Commerce.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Each member of the Commission shall be a citizen of the United States who—

(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

(ii) is of outstanding character and recognized integrity; and

(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

(B) SPECIFIC QUALIFICATIONS FOR CERTAIN MEMBERS.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

(C) DISINTERESTED PERSONS.—No member of the Commission may, while serving as a member of the Commission—

(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

(iii) serve as a member of a boxing commission.

(3) BIPARTISAN MEMBERSHIP.—Not more than 2 members of the Commission may be members of the same political party.

(4) GEOGRAPHIC BALANCE.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

(5) TERMS.—

(A) IN GENERAL.—The term of a member of the Commission shall be 3 years.

(B) REAPPOINTMENT.—Members of the Commission may be reappointed to the Commission.

(C) MIDTERM VACANCIES.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

(D) CONTINUATION PENDING REPLACEMENT.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(6) REMOVAL.—A member of the Commission may be removed by the President only for cause.

(c) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

(2) DISCHARGE OF FUNCTIONS.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

(d) GENERAL COUNSEL.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

(e) STAFF.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

(f) COMPENSATION.—

(1) MEMBERS OF COMMISSION.—

(A) IN GENERAL.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE DIRECTOR AND STAFF.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 203. FUNCTIONS.

(a) PRIMARY FUNCTIONS.—The primary functions of the Commission are—

(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

(2) to ensure uniformity, fairness, and integrity in professional boxing.

(b) SPECIFIC FUNCTIONS.—The Commission shall—

(1) administer title I of this Act;

(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

(4) work with the boxing commissions of the several States and tribal organizations—

(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

(C) to improve the status and standards of professional boxing in the United States;

(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

(c) PROHIBITIONS.—The Commission may not—

(1) promote boxing events or rank professional boxers; or

(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

(d) USE OF NAME.—The Commission shall have the exclusive right to use the name "United States Boxing Commission". Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the "Trademark Act of 1946"; 15 U.S.C. 1051 et seq.).

SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

(a) LICENSING.—

(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

(2) APPLICATION AND TERM.—

(A) IN GENERAL.—The Commission shall—

(i) establish application procedures, forms, and fees;

(ii) establish and publish appropriate standards for licenses granted under this section; and

(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

(B) DURATION.—A license issued under this section shall be for a renewable—

(i) 4-year term for a boxer; and

(ii) 2-year term for any other person.

(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

(b) LICENSING FEES.—

(1) AUTHORITY.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

(A) club boxing is not adversely effected;

(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

(C) boxers pay as small a portion of the fees as is possible.

(3) COLLECTION.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

(a) REQUIREMENT FOR REGISTRY.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

(b) CONTENTS.—The information in the registry shall include the following:

(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

SEC. 206. CONSULTATION REQUIREMENTS.

The Commission shall consult with the Association of Boxing Commissions—

(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

(2) not less than once each year regarding matters relating to professional boxing.

SEC. 207. MISCONDUCT.

(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

(A) the license holder has violated any provision of this Act;

(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

(2) PERIOD OF SUSPENSION.—

(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

(b) INVESTIGATIONS AND INJUNCTIONS.—

(1) AUTHORITY.—The Commission may—

(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

(C) in its discretion, publish information concerning any violations; and

(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

(2) POWERS.—

(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

(i) any officer designated by the Commission may administer oaths and affirmations, subpena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

(3) ENFORCEMENT OF SUBPOENAS.—

(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

(c) INTERVENTION IN CIVIL ACTIONS.—

(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

SEC. 210. REPORTS.

(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and

Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

SEC. 211. INITIAL IMPLEMENTATION.

(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

(1) the date on which the license expires; or

(2) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2005.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

(3) shall remain available until expended.

UNITED STATES CODE

TITLE 5, PART III, SUBPART D

CHAPTER 53. PAY RATES AND SYSTEMS

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

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Members of the United States Boxing Commission.

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