

(II) making the determinations described in paragraphs (2) and (3) of section 6207(a) of this title, with respect to such disclosure or use, and

(III) making the determinations applicable to a foreign antitrust authority under section 6207(a)(1) of this title (other than the determination regarding the assurance described in subparagraph (A) of this paragraph), with respect to each additional governmental entity, if any, to be provided such antitrust evidence in the course of such disclosure or use, after having received adequate written assurances applicable to each such governmental entity.

(F) An assurance that antitrust evidence received under section 6201, 6202, or 6203 of this title from the Attorney General or the Commission, and all copies of such evidence, in the possession or control of the foreign antitrust authority will be returned to the Attorney General or the Commission, respectively, at the conclusion of the foreign investigation or proceeding with respect to which such evidence was so received.

(G) Terms and conditions that specifically provide that such agreement or such memorandum will be terminated if—

(i) the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, and

(ii) adequate action is not taken both to minimize any harm resulting from the violation and to ensure that the confidentiality required under such agreement or such memorandum is not violated again.

(H) Terms and conditions that specifically provide that if the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, notice of the violation will be given—

(i) by the foreign antitrust authority promptly to the Attorney General or the Commission with respect to antitrust evidence provided by the Attorney General or the Commission, respectively, and

(ii) by the Attorney General or the Commission to the person (if any) that provided such evidence to the Attorney General or the Commission.

(3) The term “Attorney General” means the Attorney General of the United States.

(4) The term “Commission” means the Federal Trade Commission.

(5) The term “Federal antitrust laws” has the meaning given the term “antitrust laws” in subsection (a) of section 12 of this title but also includes section 45 of this title to the extent that such section 45 applies to unfair methods of competition.

(6) The term “foreign antitrust authority” means a governmental entity of a foreign state or of a regional economic integration organization that is vested by such state or such organization with authority to enforce the foreign antitrust laws of such state or such organization.

(7) The term “foreign antitrust laws” means the laws of a foreign state, or of a regional

economic integration organization, that are substantially similar to any of the Federal antitrust laws and that prohibit conduct similar to conduct prohibited under the Federal antitrust laws.

(8) The term “person” has the meaning given such term in subsection (a) of section 12 of this title.

(9) The term “regional economic integration organization” means an organization that is constituted by, and composed of, foreign states, and on which such foreign states have conferred sovereign authority to make decisions that are binding on such foreign states, and that are directly applicable to and binding on persons within such foreign states, including the decisions with respect to—

(A) administering or enforcing the foreign antitrust laws of such organization, and

(B) prohibiting and regulating disclosure of information that is obtained by such organization in the course of administering or enforcing such laws.

(Pub. L. 103-438, §12, Nov. 2, 1994, 108 Stat. 4603.)

§ 6212. Authority to receive reimbursement

The Attorney General and the Commission are authorized to receive from a foreign antitrust authority, or from the foreign state or regional economic integration organization represented by such foreign antitrust authority, reimbursement for the costs incurred by the Attorney General or the Commission, respectively, in conducting an investigation under section 6202 of this title requested by such foreign antitrust authority, applying for an order under section 6203 of this title to assist such foreign antitrust authority, or providing antitrust evidence to such foreign antitrust authority under an antitrust mutual assistance agreement in effect under this chapter with respect to such foreign antitrust authority.

(Pub. L. 103-438, §13, Nov. 2, 1994, 108 Stat. 4605.)

CHAPTER 89—PROFESSIONAL BOXING SAFETY

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§ 6301. Definitions

For purposes of this chapter:

(1) Boxer

The term “boxer” means an individual who fights in a professional boxing match.

(2) Boxing commission

(A)¹ 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.

(Pub. L. 104-272, §2, Oct. 9, 1996, 110 Stat. 3309; Pub. L. 106-210, §7(a), May 26, 2000, 114 Stat. 327.)

CODIFICATION

Pub. L. 106-210, §7(a), which directed amendments to subsec. (a) of this section, was executed as if it directed amendments to this section rather than to subsec. (a) of this section to reflect the probable intent of Congress because this section does not contain a subsec. (a). See 2000 Amendment notes below.

AMENDMENTS

2000—Par. (9). Pub. L. 106-210, §7(a)(1), inserted last sentence. See Codification note above.

Par. (10). Pub. L. 106-210, §7(a)(2), inserted “, including the Virgin Islands” before the period at end. See Codification note above.

Par. (11) to (15). Pub. L. 106-210, §7(a)(3), added pars. (11) to (15). See Codification note above.

EFFECTIVE DATE

Pub. L. 104-272, §23, formerly §15, Oct. 9, 1996, 110 Stat. 3314, as renumbered §23 by Pub. L. 106-210, §4(1), May 26, 2000, 114 Stat. 322, provided that: “The provisions of this Act [enacting this chapter] shall take effect on January 1, 1997, except as follows:

“(1) Section 9 [now section 17, enacting section 6308 of this title] shall not apply to an otherwise authorized boxing commission in the Commonwealth of Virginia until July 1, 1998.

“(2) Sections 5 through 9 [enacting sections 6304 to 6308 of this title] shall take effect on July 1, 1997.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-210, §1, May 26, 2000, 114 Stat. 321, provided that: “This Act [enacting sections 6307a to 6307h of this title, amending this section and sections 6303, 6305, 6306, and 6308 to 6313 of this title, and enacting and amending provisions set out as notes under this section] may be cited as the ‘Muhammad Ali Boxing Reform Act.’”

SHORT TITLE

Section 1 of Pub. L. 104-272 provided that: “This Act [enacting this chapter] may be cited as the ‘Professional Boxing Safety Act of 1996.’”

FINDINGS

Pub. L. 106-210, §2, May 26, 2000, 114 Stat. 321, provided that: “The Congress makes the following findings:

“(1) Professional boxing differs from other major, interstate professional sports industries in the United States in that it operates without any private sector

¹ So in original. No subpar. (B) has been enacted.

association, league, or centralized industry organization to establish uniform and appropriate business practices and ethical standards. This has led to repeated occurrences of disreputable and coercive business practices in the boxing industry, to the detriment of professional boxers nationwide.

“(2) State officials are the proper regulators of professional boxing events, and must protect the welfare of professional boxers and serve the public interest by closely supervising boxing activity in their jurisdiction. State boxing commissions do not currently receive adequate information to determine whether boxers competing in their jurisdiction are being subjected to contract terms and business practices which may violate State regulations, or are onerous and confiscatory.

“(3) Promoters who engage in illegal, coercive, or unethical business practices can take advantage of the lack of equitable business standards in the sport by holding boxing events in States with weaker regulatory oversight.

“(4) The sanctioning organizations which have proliferated in the boxing industry have not established credible and objective criteria to rate professional boxers, and operate with virtually no industry or public oversight. Their ratings are susceptible to manipulation, have deprived boxers of fair opportunities for advancement, and have undermined public confidence in the integrity of the sport.

“(5) Open competition in the professional boxing industry has been significantly interfered with by restrictive and anticompetitive business practices of certain promoters and sanctioning bodies, to the detriment of the athletes and the ticket-buying public. Common practices of promoters and sanctioning organizations represent restraints of interstate trade in the United States.

“(6) It is necessary and appropriate to establish national contracting reforms to protect professional boxers and prevent exploitive business practices, and to require enhanced financial disclosures to State athletic commissions to improve the public oversight of the sport.”

PURPOSES OF 2000 AMENDMENT

Pub. L. 106-210, §3, May 26, 2000, 114 Stat. 322, provided that: “The purposes of this Act [see Short Title of 2000 Amendment note above] are—

“(1) to protect the rights and welfare of professional boxers on an interstate basis by preventing certain exploitive, oppressive, and unethical business practices;

“(2) to assist State boxing commissions in their efforts to provide more effective public oversight of the sport; and

“(3) to promote honorable competition in professional boxing and enhance the overall integrity of the industry.”

§ 6302. Purposes

The purposes of this chapter 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.

(Pub. L. 104-272, §3, Oct. 9, 1996, 110 Stat. 3310.)

§ 6303. Boxing matches in States without boxing commissions

(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 chapter, if no State commission is available to supervise a boxing match according to subsection (a) of this section, 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 shall be deemed to refer to the entity described in paragraph (1).

(Pub. L. 104-272, §4, Oct. 9, 1996, 110 Stat. 3310; Pub. L. 106-210, §7(e), May 26, 2000, 114 Stat. 328.)

AMENDMENTS

2000—Pub. L. 106-210 designated existing provisions as subsec. (a) and added subsec. (b).

§ 6304. Safety standards

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:

(1) A physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely compete, copies of which must be provided to the boxing commission.

(2) Except as otherwise expressly provided under regulation of a boxing commission promulgated subsequent to October 9, 1996, an ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.

(3) A physician continuously present at ring-side.

(4) Health insurance for each boxer to provide medical coverage for any injuries sustained in the match.

(Pub. L. 104-272, §5, Oct. 9, 1996, 110 Stat. 3310.)

§ 6305. Registration

(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 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) of this section, 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) of this section, make a health and safety disclosure to that boxer as that commission considers appropriate. The health and safety disclosure should 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.

(Pub. L. 104-272, § 6, Oct. 9, 1996, 110 Stat. 3310; Pub. L. 106-210, § 7(c), (f), May 26, 2000, 114 Stat. 328.)

AMENDMENTS

2000—Subsec. (b)(2). Pub. L. 106-210, § 7(c), substituted “4 years” for “2 years”.

Subsec. (c). Pub. L. 106-210, § 7(f), added subsec. (c).

§ 6306. Review

(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) of this section, 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 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.

(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) of this section 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 chapter.

(Pub. L. 104-272, § 7, Oct. 9, 1996, 110 Stat. 3311; Pub. L. 106-210, § 7(b), (d), May 26, 2000, 114 Stat. 328.)

AMENDMENTS

2000—Subsec. (a)(2)(E). Pub. L. 106-210, § 7(b), added subpar. (E).

Subsec. (a)(3). Pub. L. 106-210, § 7(d), substituted “boxer, licensee, manager, matchmaker, promoter, or other boxing service provider” for “boxer” the first place appearing.

§ 6307. Reporting

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

(Pub. L. 104-272, § 8, Oct. 9, 1996, 110 Stat. 3311.)

§ 6307a. Contract requirements

Within 2 years after May 26, 2000, 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.

(Pub. L. 104-272, § 9, as added Pub. L. 106-210, § 4(2), May 26, 2000, 114 Stat. 322.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 104-272 was renumbered section 17 and is classified to section 6308 of this title.

§ 6307b. Protection from coercive contracts

(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 May 26, 2000.

(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 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 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) of this section to "promoter" shall be considered a reference to "commercial broadcaster".

(Pub. L. 104-272, §10, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 322.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 104-272 was renumbered section 18 and is classified to section 6309 of this title.

§ 6307c. Sanctioning organizations

(a) Objective criteria

Within 2 years after May 26, 2000, 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.

(Pub. L. 104-272, §11, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 323.)

PRIOR PROVISIONS

A prior section 11 of Pub. L. 104-272 was renumbered section 19 and is classified to section 6310 of this title.

§ 6307d. Required disclosures to State boxing commissions by sanctioning organizations

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—

(1) all charges, fees, and costs the organization will assess any boxer participating in that match;

(2) all payments, benefits, complimentary benefits, and fees the organization 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.

(Pub. L. 104-272, §12, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 324.)

PRIOR PROVISIONS

A prior section 12 of Pub. L. 104-272 was renumbered section 20 and is classified to section 6311 of this title.

§ 6307e. Required disclosures for promoters

(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—

(1) a copy of any agreement in writing 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 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) all payments, gifts, or benefits the promoter is providing to any sanctioning organization affiliated with the event; and

(C) 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 con-

nection with a boxing match until it provides to the boxer it promotes—

(1) the amounts of any compensation or consideration that a promoter has contracted to receive from such 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.

(Pub. L. 104-272, §13, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 324.)

PRIOR PROVISIONS

A prior section 13 of Pub. L. 104-272 was renumbered section 21 and is classified to section 6312 of this title.

§ 6307f. Required disclosures for judges and referees

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.

(Pub. L. 104-272, §14, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 325.)

PRIOR PROVISIONS

A prior section 14 of Pub. L. 104-272 was renumbered section 22 and is classified to section 6313 of this title.

§ 6307g. Confidentiality

(a) In general

Neither a boxing commission or¹ an Attorney General may disclose to the public any matter furnished by a promoter under section 6307e of this title except to the extent required in a legal, administrative, or judicial proceeding.

(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 6307e of this title 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.

(Pub. L. 104-272, §15, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 325.)

PRIOR PROVISIONS

A prior section 15 of Pub. L. 104-272 was renumbered section 23 and is set out as a note under section 6301 of this title.

¹ So in original. Probably should be "nor".

§ 6307h. Judges and referees

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 by the boxing commission responsible for regulating the match in the State where the match is held.

(Pub. L. 104-272, §16, as added Pub. L. 106-210, §4(2), May 26, 2000, 114 Stat. 325.)

§ 6308. Conflicts of interest**(a) Regulatory personnel**

No member or employee of a boxing commission, no person who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, 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 6303 of this title.

(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.

(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.

(Pub. L. 104-272, §17, formerly §9, Oct. 9, 1996, 110 Stat. 3311; renumbered §17 and amended Pub. L. 106-210, §§4(1), 5, May 26, 2000, 114 Stat. 322, 325.)

AMENDMENTS

2000—Pub. L. 106-210, §5, designated existing provisions as subsec. (a), inserted subsec. heading, and added subsecs. (b) and (c).

§ 6309. Enforcement**(a) Injunctions**

Whenever the Attorney General of the United States has reasonable cause to believe that a person is engaged in a violation of this chapter, 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 chapter.

(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 chapter, other than section 6307a(b),¹ 6307b, 6307c, 6307d, 6307e, 6307f, or 6307h of this title, 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 6307a(b),¹ 6307b, 6307c, 6307d, 6307e, 6307f, or 6307h 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, and any member of the Association of Boxing Commissions who knowingly violates section 6308(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 chapter shall, upon conviction, be fined not more than \$1,000.

¹ So in original. Section 6307a does not contain a subsec. (b).

(c) Actions by States

Whenever the chief law enforcement officer of any State has reason to believe that a person or organization is engaging in practices which violate any requirement of this chapter, 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 chapter;
- (3) to obtain the fines provided under subsection (b) of this section or appropriate restitution; or
- (4) to obtain such other relief as the court may deem appropriate.

(d) Private right of action

Any boxer who suffers economic injury as a result of a violation of any provision of this chapter 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, State Attorneys General, etc.

Nothing in this chapter authorizes the enforcement of—

- (1) any provision of this chapter against the Federal Trade 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 6307b of this title against a boxer acting in his capacity as a boxer.

(Pub. L. 104-272, §18, formerly §10, Oct. 9, 1996, 110 Stat. 3312; renumbered §18 and amended Pub. L. 106-210, §§4(1), 6, May 26, 2000, 114 Stat. 322, 326.)

AMENDMENTS

2000—Subsec. (b)(1). Pub. L. 106-210, §6(1), inserted “, other than section 6307a(b), 6307b, 6307c, 6307d, 6307e, 6307f, or 6307h of this title,” after “this chapter”.

Subsec. (b)(2). Pub. L. 106-210, §6(3), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3), (4). Pub. L. 106-210, §6(2), (4), redesignated pars. (2) and (3) as (3) and (4), respectively, and in par. (3) substituted “section 6308(a)” for “section 6308”.

Subsecs. (c) to (e). Pub. L. 106-210, §6(5), added subsecs. (c) to (e).

§ 6310. Notification of supervising boxing commission

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 6303 of this title. Such notification shall contain each of the following:

- (1) Assurances that, with respect to that professional boxing match, all applicable requirements of this chapter 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).

(Pub. L. 104-272, §19, formerly §11, Oct. 9, 1996, 110 Stat. 3312; renumbered §19, Pub. L. 106-210, §4(1), May 26, 2000, 114 Stat. 322.)

§ 6311. Studies**(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 October 9, 1996, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a) of this section. Not later than 180 days after October 9, 1996, 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) of this section.

(Pub. L. 104-272, §20, formerly §12, Oct. 9, 1996, 110 Stat. 3313; renumbered §20, Pub. L. 106-210, §4(1), May 26, 2000, 114 Stat. 322.)

§ 6312. Professional boxing matches conducted on Indian reservations**(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 450b(e) of title 25.

(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 450b(l) of title 25.

(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 published by the Association of Boxing Commissions.

(Pub. L. 104-272, §21, formerly §13, Oct. 9, 1996, 110 Stat. 3313; renumbered §21, Pub. L. 106-210, §4(1), May 26, 2000, 114 Stat. 322.)

§ 6313. Relationship with State law

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

(Pub. L. 104-272, §22, formerly §14, Oct. 9, 1996, 110 Stat. 3313; renumbered §22, Pub. L. 106-210, §4(1), May 26, 2000, 114 Stat. 322.)

CHAPTER 90—PROPANE EDUCATION AND RESEARCH

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§ 6401. Findings

The Congress finds that—

(1) propane gas, or liquefied petroleum gas, is an essential energy commodity providing heat, hot water, cooking fuel, and motor fuel among its many uses to millions of Americans;

(2) the use of propane is especially important to rural citizens and farmers, offering an efficient and economical source of gas energy;

(3) propane has been recognized as a clean fuel and can contribute in many ways to reducing the pollution in our cities and towns; and

(4) propane is primarily domestically produced and its use provides energy security and jobs for Americans.

(Pub. L. 104-284, §2, Oct. 11, 1996, 110 Stat. 3370.)

SHORT TITLE

Section 1 of Pub. L. 104-284 provided that: "This Act [enacting this chapter] may be cited as the 'Propane Education and Research Act of 1996'."

§ 6402. Definitions

For the purposes of this chapter—

(1) the term "Council" means a Propane Education and Research Council created pursuant to section 6403 of this title;

(2) the term "industry" means those persons involved in the production, transportation, and sale of propane, and in the manufacture and distribution of propane utilization equipment, in the United States;

(3) the term "industry trade association" means an organization exempt from tax, under section 501(c)(3) or (6) of title 26, representing the propane industry;

(4) the term "odorized propane" means propane which has had odorant added to it;

(5) the term "producer" means the owner of propane at the time it is recovered at a gas processing plant or refinery;

(6) the term "propane" means a hydrocarbon whose chemical composition is predominantly C³H⁸, whether recovered from natural gas or crude oil, and includes liquefied petroleum gases and mixtures thereof;

(7) the term "public member" means a member of the Council, other than a representative of producers or retail marketers, representing significant users of propane, public safety officials, academia, the propane research community, or other groups knowledgeable about propane;

(8) the term "qualified industry organization" means the National Propane Gas Association, the Gas Processors Association, a successor association of such associations, or a group of retail marketers or producers who collectively represent at least 25 percent of the volume of propane sold or produced in the United States;

(9) the term "retail marketer" means a person engaged primarily in the sale of odorized propane to the ultimate consumer or to retail propane dispensers;

(10) the term "retail propane dispenser" means a person who sells odorized propane to the ultimate consumer but is not engaged primarily in the business of such sales; and

(11) the term "Secretary" means the Secretary of Energy.

(Pub. L. 104-284, §3, Oct. 11, 1996, 110 Stat. 3370.)

§ 6403. Referenda

(a) Creation of program

The qualified industry organizations may conduct, at their own expense, a referendum among producers and retail marketers for the creation of a Propane Education and Research Council. The Council, if established, shall reimburse the qualified industry organizations for the cost of the referendum accounting and documentation. Such referendum shall be conducted by an independent auditing firm agreed to by the qualified industry organizations. Voting rights in such referendum shall be based on the volume of propane produced or odorized propane sold in the previous calendar year or other representative period. Upon approval of those persons representing two-thirds of the total volume of propane voted in the retail marketer class and two-thirds of all propane voted in the producer class, the Council shall be established, and shall be authorized to levy an assessment on odorized pro-