AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

109TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPT. 109–209
Part 1

UNITED STATES BOXING COMMISSION ACT

JULY 28, 2005.—Ordered to be printed

Mr. BARTON of Texas, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 1065]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1065) to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Amendment	1
Purpose and Summary	7
Background and Need for Legislation	8
Hearings	9
Committee Consideration	9
Committee Votes	9
Committee Oversight Findings	12
Statement of General Performance Goals and Objectives	12
New Budget Authority, Entitlement Authority, and Tax Expenditures	12
Committee Cost Estimate	12
Congressional Budget Office Estimate	12
Federal Mandates Statement	15
Advisory Committee Statement	15
Constitutional Authority Statement	15
Applicability to Legislative Branch	16
Section-by-Section Analysis of the Legislation	16
Changes in Existing Law Made by the Bill, as Reported	19

AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Boxing Commission Act".

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the United States Boxing Commission established under section 3.

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

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

(4) INDIAN LANDS.—The term "Indian lands" has the meanings given that terms by paragraphs (4) of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

(5) JUDGE.—The term "judge" means an official who scores a boxing match to determine the winner.

(6) 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.

(7) MATCHMAKER.—The term "matchmaker" means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match. Such term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match, or a provider of cable, satellite, or network television programming, unless—

(A) the hotel, casino, resort, or other commercial establishment, or provider of cable, satellite, or network television programming is primarily responsible for proposing, selecting, and arranging for boxers to participate in the professional boxing match; and

(B) there is no other person primarily responsible for proposing, selecting, and arranging for boxers to participate in the match.

(8) REFEREE.—The term "referee" means the official inside the boxing ring who supervises the boxing match.

(9) 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 a duly recognized amateur sports organization, as approved by the Commission.

(10) 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, or a provider of cable, satellite, or network television programming, unless—

(i) the hotel, casino, resort, or other commercial establishment, or provider of cable, satellite, or network television programming 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.

(11) 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.

(12) 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.

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

(14) 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)).

SEC. 3. ESTABLISHMENT OF 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.—No member of the Commission may, while serving as a member of the Commission—

(A) 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;

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

(C) 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. No member of the Commission shall serve more than 2 terms.

(B) 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.

(C) 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) MEETINGS.—The Commission shall hold its first meeting no later than 30 days after all members shall have been appointed, and shall meet thereafter not less frequently than once every 60 days.

(g) 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. 4. FUNCTIONS.

(a) GENERAL FUNCTIONS.—The general functions of the Commission are—

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

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

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

(b) INITIAL RULEMAKING.—Not later than 180 days after the date on which the Commission shall hold its first meeting, the Commission shall, by rule promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions.

(c) ADDITIONAL FUNCTIONS.—In addition to its general functions under subsection (a), the Commission shall—

(1) work with the boxing commissions of the several States and tribal organizations to improve the status and standards of professional boxing in the United States;

(2) 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;

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

(4) if the Commission determines appropriate, publish a newspaper, magazine, or other publication and establish and maintain an Internet website consistent with the provisions of this Act; and

(5) 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 Act.

(d) 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.

SEC. 5. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

(a) LICENSING.—

(1) REQUIREMENT FOR LICENSE.—Beginning 1 year after the date of enactment of this Act, no person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, matchmaker, judge, referee, 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 for licenses granted under this section;

(ii) establish and publish appropriate standards for such licenses;

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

(iv) begin issuing such licenses not later than 270 days after the date on which Commission holds its first meeting.

(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 Act. 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.

SEC. 6. NATIONAL REGISTRY OF BOXING PERSONNEL.

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 such information as the Commission shall prescribe by rule related to the performance of its duties.

SEC. 7. 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 Act; and

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

SEC. 8. 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 Act if the Commission—

(A) finds that the license holder has violated any provision of this Act or a standard prescribed under this Act;

(B) reasonably believes that a standard prescribed by the Commission under this Act 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) finds that the suspension or revocation is in the public interest.

(2) PERIOD OF SUSPENSION.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission.

(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 Act—

(i) any officer designated by the Commission may administer oaths and affirmations, subpoena 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.—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.

(5) INJUNCTIVE RELIEF.—If the Commission or the Executive Director 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 or the Executive Director 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. 9. 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. 10. 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. 11. STUDIES.

(a) HEALTH AND SAFETY STUDY.—

(1) STUDY.—The Commission shall conduct a study on the health and safety aspects of boxing, including an examination of—

(A) the risks or serious injury and the nature of potential injuries, including risks particular to boxers of each sex;

(B) the long term effect of boxing on the health of boxers;

(C) the availability of health insurance for boxers;

(D) the extent to which differences in equipment effect the risks of potential injury; and

(E) the effectiveness of safety standards and regulations.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report on the study required by this section to the Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Energy and Commerce of the House of Representatives, including recommendations to improve the health and safety aspects of boxing.

(b) STUDY ON THE DEFINITION OF PROMOTER.—

(1) STUDY.—The United States Boxing Commission shall conduct a study on how the term "promoter" should be defined for purposes of the United States Boxing Commission Act.

(2) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the United States Boxing Commission Act.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(A) set forth a proposed definition of the term "promoter" for purposes of the United States Boxing Commission Act; and

(B) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 12. REPORTS.

(a) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Commission shall submit a report on its activities to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. The annual report shall include—

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

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

(3) recommendations regarding additional persons or entities within the sport of boxing over whom to extend the licensing requirement established by this Act.

(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.

SEC. 13. SUNSET PROVISION.

This Act shall cease to have effect 12 years after the date of enactment of this Act.

SEC. 14. 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 Act—

(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.

PURPOSE AND SUMMARY

H.R. 1065 establishes a Federal Commission with oversight responsibilities for professional boxing in the United States. The bill intends to improve the integrity and safety of professional boxing in the United States by establishing the United States Boxing Commission (Commission) within the Department of Commerce. The Commission, consisting of three members appointed by the President (and providing for an executive director, general counsel, and such additional staff as necessary), will provide oversight of professional boxing within the United States and coordinate en-

forcement of Federal boxing laws with Federal law enforcement agencies.

Because the states and tribal authorities have regulated professional boxing, laws and regulations governing professional boxing have varied in both nature and enforcement. The Commission will eliminate this inconsistency by establishing uniform minimum standards, which states must follow. The Commission is also empowered to issue additional regulations to improve the integrity and safety of the sport. Among the duties of the Commission is the establishment of a Federal license for certain boxing personnel as a requirement to participate in any professional boxing match in the United States. Entities subject to the license requirement are boxers, managers, promoters, matchmakers, referees, judges, and sanctioning organizations.

BACKGROUND AND NEED FOR LEGISLATION

The states and the Tribal organization authorities regulate professional boxing in the United States. Not all states have boxing or athletic commissions that regulate boxing. In these circumstances, the states must have another state boxing commission supervise a professional boxing match that occurs within their jurisdiction.

Congress has examined professional boxing numerous times, including a four-year investigation in the 1960's regarding the involvement of organized crime. Additional Congressional investigations in the 1980's and 1990's primarily concentrated on the health and safety of fighters and allegations of corruption. As a result, Congress passed legislation in 1996 and again in 2000 (to amend the 1996 Act) in an effort to eliminate egregious conduct in the sport and provide enhanced safety for the boxers.

In 1996, Congress enacted legislation to begin to clean up the sport and provide for improved safety measures for boxers. This legislation, the Professional Boxing Safety Act, (1) required that no professional boxing match may be conducted without the supervision of a State authorized boxing commission; (2) created a uniform system of registration, licensing, and reporting through the association of boxing commissions; (3) implemented procedures for mutual recognition, review, and appeal of boxer suspensions; (4) established minimum safety standards (such as a pre-fight physical exam by a physician, medical personnel present at ringside, and health insurance for boxing injuries); and, (5) prohibited boxing commission employees from belonging to or receiving compensation from those who sanction, arrange, or promote professional boxing matches.

The Muhammad Ali Boxing Reform Act, enacted in 2000, amended the Professional Boxing Safety Act to address business practices and included provisions to (1) prohibit financial conflicts of interest between boxing managers and promoters, (2) regulate boxing sanctioning organizations to require the establishment of objective rating criteria and administrative procedures, (3) restrict gifts from promoters and managers to sanctioning organizations or employees, (4) require various financial disclosures to the Association of Boxing Commissioners (ABC) and the Federal Trade Commission (FTC), and, (5) place certain restrictions on contracts between boxers and promoters/managers (limiting the length of servitude, etc.).

Despite the reforms, many experts believe more needs to be done to enforce the existing law and to require additional safeguards for the physical and economic well being of professional boxers. The Federal laws do not create a national regulatory body; rather they are requirements for the states to follow. Many observers of the boxing industry believe that because there is no regulatory body to enforce the laws, they are being ignored.

In July 2003, the GAO issued a report (GAO–03–699) on professional boxing in response to a request by the U.S. Senate Committee on Commerce. In its report, the GAO listed elements identified by industry experts as essential to improving the health, safety and economic interests of boxers. Regarding the health and safety of professional boxers, the GAO listed the following six elements: medical examinations, including neurological testing; monitoring of training injuries; assessments of medical risks; health and life insurance; the presence of appropriate medical personnel and equipment; and enforcement of suspensions for injuries.

Professional boxers have often been left with little or nothing to show from their match proceeds despite others earning vast wealth off the boxers' talent. Despite enactment of the Muhammad Ali Act in 2000 to address many of these concerns, the GAO found that industry experts believe additional changes are required. The GAO listed the following elements that were identified as essential to improving and protecting the economic interests of professional boxers: (1) require pension plans for boxers; (2) require full disclosure of purses and payments; (3) require minimum uniform contractual terms between boxers and promoters; and, (4) prohibit conflicts of interest.

The Committee agrees that there are additional reforms that are necessary to improve the health and safety as well as the economic interests of professional boxers.

HEARINGS

The Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 1065 on Thursday, March 3, 2005. The Subcommittee received testimony from: Dr. Michael Schwartz, American Association of Professional Ringside Physicians; Linda Torres, International Boxing Federation; and Ron Scott Stevens, New York State Athletic Commission.

COMMITTEE CONSIDERATION

On Wednesday, May 25, 2005, the Subcommittee on Commerce Trade, and Consumer Protection met in open markup session and approved H.R. 1065 for full Committee consideration, amended, by a voice vote, a quorum being present. On Wednesday, June 29, 2005, the full Committee met in open markup session and ordered H.R. 1065 favorably reported to the House, amended, by a recorded vote of 25 yeas and 16 nays, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following is the recorded vote taken on the motion by Mr. Barton to order H.R.

1065 reported to the House, amended, which was agreed to by a recorded vote of 25 yeas and 16 nays.

COMMITTEE ON ENERGY AND COMMERCE -- 109TH CONGRESS
ROLL CALL VOTE # 36

Bill: H.R. 1065, the United States Boxing Commission Act.

MOTION: A motion by Mr. Gillmor to order H.R. 1065 reported to the House, amended.

DISPOSITION: **AGREED TO,** by a roll call vote of 25 yeas to 16 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Barton				Mr. Dingell	X		
Mr. Hall				Mr. Waxman	X		
Mr. Bilirakis		X		Mr. Markey	X		
Mr. Upton	X			Mr. Boucher			
Mr. Stearns	X			Mr. Towns	X		
Mr. Gillmor	X			Mr. Pallone			
Mr. Deal		X		Mr. Brown	X		
Mr. Whitfield	X			Mr. Gordon	X		
Mr. Norwood		X		Mr. Rush	X		
Ms. Cubin				Ms. Eshoo			
Mr. Shimkus		X		Mr. Stupak	X		
Ms. Wilson				Mr. Engel			
Mr. Shadegg		X		Mr. Wynn			
Mr. Pickering				Mr. Green	X		
Mr. Fossella		X		Mr. Strickland	X		
Mr. Blunt				Ms. DeGette	X		
Mr. Buyer				Ms. Capps	X		
Mr. Radanovich		X		Mr. Doyle	X		
Mr. Bass	X			Mr. Allen	X		
Mr. Pitts				Mr. Davis			
Ms. Bono		X		Ms. Schakowsky	X		
Mr. Walden		X		Ms. Solis	X		
Mr. Terry		X		Mr. Gonzalez			
Mr. Ferguson	X			Mr. Inslee	X		
Mr. Rogers		X		Ms. Baldwin	X		
Mr. Otter		X		Mr. Ross			
Ms. Myrick		X					
Mr. Sullivan		X					
Mr. Murphy	X						
Mr. Burgess		X					
Ms. Blackburn		X					

6/29/2005

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held a legislative hearing and made findings that are reflected in this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H.R. 1065 establishes the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1065, the United States Boxing Commission Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1065, the United States Boxing Commission Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Melissa E. Zimmerman.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 1065—United States Boxing Commission Act

Summary: H.R. 1065 would establish the United States Boxing Commission (USBC) within the Department of Commerce. The commission would protect the interests of boxers and would govern the business of professional boxing by regulating the sport of boxing, licensing and registering boxing participants, and overseeing all boxing matches in the United States.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1065 would cost $5 million in 2006 and $26 million over the 2006–2010 period. Enacting the bill would not affect direct spending or revenues.

By placing requirements on boxing commissions run by state and tribal governments, H.R. 1065 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 that act ($62 million in 2005, adjusted annually for inflation).

H.R. 1065 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 ($123 million in 2005, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1065 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				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	6	6	5	5	5
Estimated Outlays	5	6	5	5	5

Basis of estimate: CBO estimates that implementing H.R. 1065 would cost $26 million over the 2006–2010 period, assuming appropriation of the necessary amounts. For this estimate, we assume that the bill will be enacted before the start of 2006 and that the amounts estimated to be necessary will be appropriated for each year beginning in fiscal year 2006. Enacting the bill would not affect direct spending or revenues.

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, H.R. 1065 would create a separate, federal entity to govern the sport of professional boxing with national, minimal standards and licensing requirements.

United States Boxing Commission

H.R. 1065 would create the USBC within the Department of Commerce. It would be headed by three commissioners to be appointed by the President. In addition to those positions, H.R. 1065 would allow the hiring of necessary staff to fulfill the requirements of the bill. The USBC would create and monitor compliance with regulations establishing uniform standards for professional boxing and would oversee all boxing matches held in the United States. Based on information provided by the Department of Commerce, CBO estimates the costs of the USBC would be about $4 million in 2006 and about $23 million over the 2006–2010 period, assuming the appropriation of the necessary amounts.

Licensing and registration

H.R. 1065 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, and promoters, as well as 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 2006–2009 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 2009.

Estimated impact on state, local, and tribal governments: H.R. 1065 contains intergovernmental mandates as defined in UMRA because it would preempt the regulatory authority of certain state and tribal boxing commissions. The bill would create a United States Boxing Commission with the authority to promulgate uniform regulations and to review the regulations of state boxing commissions. 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 regulations to be minimal.

H.R. 1065 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 would be used rarely, it would not be likely to 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 ($62 million in 2005, adjusted annually for inflation).

Estimated impact on the private sector: H.R. 1065 would impose several private-sector mandates, as defined in UMRA, on the boxing industry. Such mandates would require private entities of the industry to be licensed by USBC, comply with USBC standards, and provide testimony, evidence, or materials related to any investigations conducted by the USBC. CBO estimates that the total direct cost of those mandates would fall below the annual threshold established by UMRA for private-sector mandates ($123 million in 2005, adjusted annually for inflation).

The bill would require boxers, managers, promoters, referees, judges, and sanctioning organizations to be licensed by the USBC established in the bill. Those private entities would be required to comply with the minimum standards set forth by the USBC to receive and renew their licenses. USBC would be required to consult with the Association of Boxing Commissions when setting uniform standards for the industry. CBO expects that future uniform standards established by the USBC would be incremental but, in many ways, similar to some combination of current state standards. CBO cannot estimate the costs associated with complying with those future minimum standards due to the uncertainty of what those standards would be. However, CBO expects that the incremental costs to comply with those standards would be minimal compared

to UMRA' s threshold because the boxing industry must currently comply with state standards. According to representatives of the boxing industry, license fees would most likely cost the industry less than $1 million per year.

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. Based on information from the Department of Labor, 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.

Previous CBO estimate: On April 1, 2005, CBO transmitted a cost estimate for S. 148, the Professional Boxing Amendments Act of 2005, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 10, 2005. Both S. 148 and H.R. 1065 would create a United States Boxing Commission that would have similar duties related to the sport of professional boxing. S. 148 would create a medical registry and would make violations of certain provisions of the Professional Boxing Safety Act of 1996 federal crimes, while H.R. 1065 would not. The federal cost estimates for the bills reflect these differences.

S. 148 contains additional testing and reporting requirements for state and tribal boxing commissions. The intergovernmental mandates statements reflect these differences between the two bills.

Both S. 148 and H.R. 1065 would require the professional boxing industry to be licensed by the USBC, to comply with the standards to be established by the USBC licensing, and to attend and provide testimony, evidence, or materials related to any investigations the USBC may conduct. S. 148 includes additional mandates on the boxing industry not found in H.R. 1065 by requiring additional safety standards, standard clauses for contracts, and filing of reports. CBO determined that the aggregate direct costs associated with complying with the mandates found in S. 148 would fall below the annual threshold established by UMRA for private-sector mandates ($123 million in 2005, adjusted annually for inflation).

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

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional au-

thority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides this legislation shall be cited as the "United States Boxing Commission Act".

Section 2. Definitions

Section 2 provides for the definitions relevant to the boxing industry as applicable under this Act. As the Act does not amend any existing statutes, the definitions are needed to clarify the intent of the Committee regarding the entities implicated by the Act. The Committee looked to existing Federal and state law for substantially all of the definitions.

Section 3. Establishment of the United States Boxing Commission

Section 3 creates the United States Boxing Commission within the Department of Commerce. This section stipulates that the three members of the Commission shall be appointed by the President and meet certain requirements, including the prohibition of simultaneously holding certain occupations related to professional boxing that would be in conflict with their purpose to serve as independent commissioners. Additionally, the composition of the Commission requires a balance of geographic representation and bipartisan political affiliation.

This section provides that commissioners shall serve a term of three years each and are eligible to serve up to two terms. This section also provides for the replacement of commissioners in midterm, should such occasion arise, and permits a commissioner to continue a term beyond two years until a successor has taken office. The Committee expects a successor will take office without undue delay. In addition, this section provides that a member of the commission can only be removed for cause.

Further, section 3 provides for the commission to hire an executive director to run the day to day operations of the Commission and such other functions under the authority and direction of the Commission provided by the Act. The Commission is also required to hire a general counsel and such other staff as necessary to carry out the functions of the commission and its executive director and general counsel. The Commission is required by the Act to meet within 30 days of the appointment of all commissioners and meet not less than every 60 days thereafter.

Finally, section 3 sets forth the compensation rates of the Commissioners, executive director, and general counsel at rates based on the Executive Schedule.

Section 4. Functions

Section 4 provides both general and specific duties of the Commission. Specifically, section 4 provides that the Commission shall act to protect the interests of boxers, ensure uniformity in the sport, and oversee all professional boxing in the United States.

Further, section 4 provides the Commission shall, by rule, promulgate uniform standards within 180 days of their first meeting in consultation with the Association of Boxing Commissions. The Committee intends the Commission will utilize the experience of the state commissions to craft rules addressing essential protections for boxers. The lack of uniformity—particularly enforcement—has resulted in inconsistencies in the past, often resulting in the economic or physical harm to one of the boxers.

In addition, this section provides that the Commission shall undertake other actions for the betterment of the sport, including: (1) working with the state boxing commissions to improve the standards of professional boxing; (2) ensure Federal and state laws applicable to professional boxing are enforced; (3) assist state boxing commissions in meeting the minimum standards prescribed by this Act; and, (4) promulgate additional rules, regulations, and guidance to further the purposes of this Act. The Committee intends this provision to apply narrowly regarding the rules and regulations. The Committee is not preempting state regulation of professional boxing, and therefore expects rules and regulations to meet a reasonable standard for which states can comply. The purpose of such rules and regulations should be focused on addressing inadequacies in the sport regarding the health and safety and economic interests. The Committee believes the Government Accountability Office delineated a number of issues (GAO Report 03–699) that potentially could be addressed through rules and regulations.

Section 5. Licensing registration of boxing personnel

Section 5 provides for the requirement that no person may compete in a professional boxing or act in the capacity of a manager, promoter, matchmaker, judge, referee, or sanctioning organization unless they are granted a license under the Act. The Commission will establish licensing standards, procedures for application, forms, and fees within 270 days of their first meeting.

In addition, this section provides that the Commission shall establish license fees such that boxers will pay the smallest portion of fees to the extent possible. The Committee intends this provision to recognize the financial means of the vast majority of professional boxers who are not in the elite class of boxers, do not compete for lucrative financial prizes, and pay annual state license fees.

Section 6. National registry of boxing personnel

Section 6 requires the Commission shall establish (or authorize a third party to establish and maintain) a computerized registry of boxing personnel.

Section 7. Consultation requirements

Section 7 requires the Commission to consult with the Association of Boxing Commissions before prescribing any regulation or establishing any standard under the Act and at least once per year as a matter of business regarding issues in professional boxing.

Section 8. Misconduct

Section 8 provides the Commission with authority to suspend or revoke a license or registration of a license holder under certain conditions, including for violation of the Act. The Commission shall determine periods of suspension and revocation of a license shall not be less than one year for boxers. The Commission is authorized to conduct investigations to determine whether violations of the Act have occurred. The Commission may compel evidence, issue subpoenas and enforce them through the courts, compel testimony, and seek injunctions or temporary restraining orders through the courts when necessary. The Executive Director is empowered to act on behalf of the Commission to seek injunctions or restraining orders in order to ensure the Commission may prevent such actions in situations that require expedited action. Hearings conducted by the Commission shall be public and may be conducted by any officer of the Commission.

Section 9. Noninterference with boxing commissions

Section 9 provides that nothing in the Act shall prohibit any boxing commission from exercising its powers or duties regarding the regulation or supervision of professional boxing or professional boxing matches to the extent such actions are not inconsistent with this Act. Boxing commissions are not prohibited from enforcing standards or requirements that exceed the minimum requirements promulgated by the Commission under this Act.

Section 10. Assistance from other agencies

Section 10 provides that the Commission may have employees from other entities detailed to it upon consent of the proper authority with jurisdiction over the employee.

Section 11. Studies

Section 11 requires the Commission to conduct several studies. The Commission shall report to the Committees of jurisdiction within one year on various aspects regarding the health and safety of boxers, including an examination of: (1) risks or serious injuries, including those particular to each sex; (2) long term effects of boxing on the health of boxers; (3) the availability of health insurance for boxers; (4) the effect of different equipment regarding the risk of potential injury; and, (5) the effectiveness of safety standards and regulations.

The Commission shall also conduct a study on how the definition of the term "promoter" should be defined for purposes of the Act and report to the Committees of jurisdiction, with recommendations, within one year. The Commission shall conduct hearings and solicit the testimony of all interested parties as part of its study.

Section 12. Reports

Section 12 requires the Commission to report within two years of enactment, and annually thereafter, on the activities of the Commission, an overview of the licensing and enforcement activities of the state and Tribal organization boxing commissions, and any recommendations regarding additional entities who should be subject to the licensing provisions of this Act. The Commission shall also

issue a public report annually and comment on the progress of reform at the state and Tribal organization level.

Section 13. Sunset provision

Section 13 requires the Act cease 12 years after the date of enactment.

Section 14. Authorization of appropriations

Section 14 provides that any fees collected pursuant to the Act shall be credited as offsetting collections and available to the Commission until expended.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

