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Federal Regulation of Boxing: Current Law and Proposed Legislation

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Summary

For almost all of the twentieth century, the states exercised complete regulatory control over the sport of boxing. Beginning in 1960, some members of Congress began to investigate a possible federal regulatory role. It was not until the passage of the Professional Boxing Safety Act (PBSA) of 1996, however, that the federal government carved out a place for itself within boxing's regulatory framework. Four years later, Congress passed the Muhammad Ali Boxing Reform Act of 2000, which, together with the PBSA forms the federal regulatory structure of boxing. This structure contains no national regulatory body, but rather consists mainly of minimum requirements with which the states must comply. Amidst concerns that the federally-mandated minimum requirements are being largely ignored, there is currently a movement to establish a national regulatory body for boxing. In the 109th Congress, Senator McCain has introduced S. 148, the Professional Boxing Amendment Act of 2005, which was passed by the Senate on May 9. Representative King has introduced his own very similar bill (H.R. 468) in the House, as has Representative Stearns (H.R. 1065). This report summarizes the current federal regulatory framework and the bills before the 109th Congress.

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Federal Regulation of Boxing: Current Law Proposed Legislation

Introduction

Despite a history rife with corruption and scandal, professional boxing is currently the only major professional sport without a national governing body.¹ Regulation of the sport has traditionally resided in the states, with the result that rules can vary significantly from state to state.² The federal government became interested in creating a more uniform system of boxing regulations in the 1960's, and has passed two laws to that end since 1996: the Professional Boxing Safety Act of 1996 (PBSA)³ and the Muhammad Ali Boxing Reform Act of 2000 (the "Ali Act").⁴ After a brief overview of the sport of boxing, this report analyzes the federal regulatory framework created by these two laws and the bills before the 109th Congress. Before examining the federal government's regulatory role, it is first important to understand how the boxing world operates.

Background

It is the interaction of five distinct groups which determines the shape of American boxing: the boxers, managers, promoters, state boxing commissions, and sanctioning organizations.⁵ The manager is generally responsible for handling the boxer's business affairs, arranging for training, and negotiating with promoters for various fights. The manager and the trainer (who prepares the boxer for the fight itself) generally split a percentage of the boxer's purse for each fight.⁶

The dominant figure outside of the ring is the promoter. Even nationally known fighters need promotion contracts in order to compete in the ring, creating a power balance that tends to favor the promoter.⁷ The promoter sets up the bout between the

¹ See S.Rept. 108-47, at 1 (2003).

² *Id.*, at 2.

³ P.L. 104-272 (codified, as amended, at 15 U.S.C. § 6301 et seq.).

⁴ P.L. 106-210 (codified at 15 U.S.C. § 6301 et seq.).

⁵ For a discussion of the roles and responsibilities of these groups, see Scott Baglio, Note, *The Muhammad Ali Boxing Reform Act: The First Jab at Establishing Credibility in Professional Boxing*, 68 Fordham L. Rev. 2257, 2260-2264 (May 2000).

⁶ *Id.*

⁷ See David Altschuler, Note, *On the Ropes: New Regulations and State Cooperation Step into the Ring to Protect Boxing from Itself*, 4 Vand. J. Ent. L. & Prac. 74, 75-76 (Winter (continued...))

two boxers and assumes the risk associated with the event by guaranteeing each fighter a certain purse for the match. The promoter does not normally receive a percentage of either fighter's purse, but rather is compensated by the difference between the total revenues generated from the fight and the total expenses incurred in promoting it.⁸ One important consequence of the typical fighter-promoter arrangement is that the promoter's financial interest can run counter to that of the fighter, in that the smaller the fighter's purse, the greater the promoter's profits. Given that fighters generally have little bargaining power relative to the promoters, promoters have in the past been able to coerce fighters into signing contracts that maximize promoters' profits, while minimizing those of the boxers.⁹ As will be discussed later, this conflict has been a serious area of focus for federal boxing legislation.

State boxing commissions are responsible for regulating the matches themselves, and the commissions promulgate policies to keep track of boxers' medical records, conduct medical examinations, and select officials and judges for non-championship bouts.¹⁰ Currently, 44 states have boxing commissions or similar bodies to regulate fights, and their effectiveness varies greatly. Those states that consistently host well-publicized fights (e.g. Nevada, New York, Florida, California, and New Jersey) have relatively strong state commissions and strict medical regulations, as well as comprehensive requirements governing qualifications for boxing match officials.¹¹ Conversely, other states have comparatively lax regulations or, in some cases, none at all.¹² In the past, the disparity among state regulations - along with the lack of information-sharing between state commissions - allowed boxers who were suspended in one state to journey to other states to fight.¹³ Some have even charged that the profitability of holding boxing matches has encouraged state commissions to enter a "race to the regulatory bottom" in order to encourage promoters to set up fights in their respective states.¹⁴ In recent years, the state boxing

⁷ (...continued)
2002).

⁸ Revenues from each fight generally come from three sources: the ticket gate; domestic and foreign television rights; and proceeds from advertising rights, fight programs, etc.

⁹ See, e.g., H.Rept. 106-449, at 8 (2000), reprinted in 2000 U.S.C.C.A.N. 329, 330-331.

¹⁰ Scott Baglio, Note, *The Muhammad Ali Boxing Reform Act: The First Jab at Establishing Credibility in Professional Boxing*, 68 Fordham L. Rev. 2257, 2262 (May 2000).

¹¹ See Kelley C. Howard, *Regulating the Sport of Boxing - Congress Throws the First Punch with the Professional Boxing Safety Act*, 7 Seton Hall J. Sports L. 103, 105 (1997).

¹² *Id.*

¹³ See S.Rept. 104-159, at 2 (1996).

¹⁴ See April R. Anderson, *The Punch that Landed: the Professional Boxing Safety Act of 1996*, 9 Marq.Sports. L.J. 191, 193 (Fall 1998) ("The income generated by commercial, subscription, and closed circuit television coverage has minimized the importance of gate receipts to a financially successful match. Promoters, therefore, my maximize profits and minimize government intervention by staging fights in states with more relaxed regulations, even if ticket sales are likely to be lower there. The states which offer the greatest medical
(continued...)

commissions have worked to establish a closer relationship and achieve a degree of uniformity with the formation of the voluntary Association of Boxing Commissions (ABC).¹⁵

The sanctioning organizations rank the top ten-to-twenty contenders in each weight division, and are only involved with championship and title-elimination matches.¹⁶ These organizations lend an air of importance to fights that they sanction as “championship bouts.” In addition, even though state boxing rules make no exceptions for championship bouts, sanctioning organizations are usually allowed to choose the judges for those fights.¹⁷ The three most widely-recognized sanctioning organizations are the International Boxing Federation (IBF), the World Boxing Council (WBC), and the World Boxing Association (WBA). While each sanctioning organization has its own rules, generally a champion is required to face the top contender at least once every nine months and can only defend the title against the top fifteen contenders.¹⁸ There is a widespread perception that, in the past, the rankings often reflected the subjective judgments of the sanctioning organizations, competition among those organizations, and improper relationships between the sanctioning organizations and the various promoters.¹⁹

The Evolution of Boxing Regulations

Early Attempts at Regulation. Although boxing has been around since the time of the Ancient Greeks, until relatively recently in its history matches were unregulated and incredibly violent. The first modern rules took root in nineteenth century England in the form of “Broughton’s Rules” and the “Marquess of Queensbury Rules,”²⁰ both early examples of boxing’s attempt to regulate itself

¹⁴ (...continued)

safeguards may well have the fewest boxers to protect. States with little regulation, and perhaps few fans, will attract an increased share of boxing business.”)

¹⁵ In addition, the National Association of Attorneys General formed a Boxing Task Force and charged it with promulgating uniform boxing regulations for states to adopt. The Task Force’s report and recommendations can be found at [http://www.oag.state.ny.us/press/reports/boxing_task_force/table_of_contents.html] (last visited March 8, 2004).

¹⁶ There are currently seventeen weight classes: strawweights (weight limit: 105 lbs.); junior flyweights (108 lbs.); flyweights (112 lbs.); junior bantamweights (115 lbs.); bantamweights (118 lbs.); junior featherweights (122 lbs.); featherweights (126 lbs.); junior lightweights (130 lbs.); lightweights (135 lbs.); junior welterweights (140 lbs.); welterweights (147 lbs.); junior middleweights (154 lbs.); middleweights (160 lbs.); super middleweights (168 lbs.); light heavyweights (175 lbs.); cruiserweights (200 lbs.); and heavyweights (unlimited).

¹⁷ See Scott Baglio, Note, *The Muhammad Ali Boxing Reform Act: The First Jab at Establishing Credibility in Professional Boxing*, 68 Fordham L. Rev. 2257, 2263 (May 2000).

¹⁸ *Id.*

¹⁹ See S.Rept. 108-47, at 3 (2003).

²⁰ For a discussion of the evolution of boxing rules, see Peter E. Millsbaugh, *The Federal* (continued...)

without government intervention. Boxing became incredibly popular in the United States in the early 1900s, and with this newfound popularity came calls for stricter regulation of the sport.

This groundswell of support for government intervention was largely confined to the states where boxing was most popular, and consequently, state governments led the way in drafting boxing regulations. At the forefront was New York, which, after experimenting briefly with banning the sport altogether, passed in 1920 the nation's first comprehensive boxing law - commonly known as the "Walker Law" - which created a state boxing commission, instituted certain medical safeguards, and limited fights to fifteen rounds.²¹ Other states soon followed suit, establishing a tradition of primary regulation at the state level.

In the 1940's and 1950's, boxing's entanglement with elements of the criminal underworld became increasingly apparent, prompting Senator Estes Kefauver to launch four years of hearings in the 1960's with an eye toward establishing federal regulations.²² Several pieces of legislation to that end were introduced in the wake of Kefauver's hearings, but the movement lost momentum following the Senator's death in 1963.²³

Legislation to establish federal oversight of boxing was introduced sporadically over the next three decades, with no success. In the mid-1990's, however, interest in federal regulation of the sport grew as criticism of the sport mounted on a variety of grounds, including the exploitation of boxers, fixing of fights, criminal influence on the sport, and inadequate state regulation.²⁴ Beginning in 1994, legislation attempting to address these concerns was introduced unsuccessfully every year until 1996, when Congress passed the PBSA and entered into the realm of professional boxing oversight. The PBSA focused on the physical well-being of boxers, and four years after its enactment Congress addressed the economic well-being of boxers with the Ali Act. These two laws form the current federal regulatory structure, the primary characteristic of this structure being its almost complete reliance on the states for implementation and oversight. Rather than create a national regulatory

²⁰ (...continued)

Regulation of Boxing: Will Congress Answer the Bell?, 19 Seton Hall Legis. J. 33, 35-44 (1994).

²¹ *Id.*, at 40-41.

²² The federal government's ability to regulate boxing is grounded in the powers granted to Congress in the Interstate Commerce Clause of the United States Constitution. The Supreme Court recognized the interstate nature of the sport in *United States v. International Boxing Club*, 348 U.S. 236 (1955).

²³ *Id.*, at 43. One important law outlawing bribery in sporting contests did emerge from the Kefauver hearings. See P.L. 88-316 (1964), codified as amended at 18 U.S.C. § 224.

²⁴ See April R. Anderson, *The Punch that Landed: the Professional Boxing Safety Act of 1996*, 9 Marq.Sports. L.J. 191, 199 (Fall 1998).

body, the current framework imposes mandatory minimum standards and requirements which the state commissions must adopt.²⁵

The Current Federal Regulatory Framework. Under current law, no one may arrange a professional boxing bout without the approval of the host state's boxing commission. If the fight is held in a state without a boxing commission, then the match must be supervised by another state's boxing commission and be subject to the ABC's regulatory guidelines.²⁶ In addition, every boxing match must provide a minimum amount of health and safety protections to the fighters. These include a certification by a certified physician that each fighter is fit to safely compete in the match; on-site medical personnel with resuscitation equipment; a physician at ringside; and health insurance for each boxer to cover any injuries during the fight.²⁷ Federal law also regulates boxing matches on Indian reservations. Such matches must at least conform with the standards and regulations of the boxing commission of the state in which the reservation is located or the most recent ABC guidelines.²⁸

Each boxing commission must honor the suspension determinations of other boxing commissions where the suspensions stem from medical concerns, a string of losses, drug abuse, fraud, or unsportsmanlike or inappropriate behavior.²⁹ The boxer must have the opportunity to review such suspensions,³⁰ however, and each commission must establish procedures for revoking suspensions where they are no longer warranted.³¹

Every boxer is required to register with a state boxing commission,³² which must then issue the boxer an identification card containing a recent photograph of the

²⁵ In 1994, Sen. Roth originally introduced a bill that would have established a national regulatory body, but amidst concerns that a federal takeover was unwarranted, Sen. McCain introduced a compromise bill (eventually enacted as the PBSA) leaving the state-based framework in place. See Kelley C. Howard, *Regulating the Sport of Boxing - Congress Throws the First Punch with the Professional Boxing Safety Act*, 7 Seton Hall J. Sports L. 103, 110-111 (1997).

²⁶ 15 U.S.C. § 6303.

²⁷ *Id.*, at § 6304. In addition, each boxing commission must establish mechanisms for reviewing the physician's certification and denying permission to box if appropriate. *Id.*, at § 6306(a)(1).

²⁸ *Id.*, at § 6312.

²⁹ *Id.*, at § 6306(a)(2). A boxing commission can allow a boxer suspended in another state to fight if the suspension stems from a different reason than the ones listed above upon notification to the commission that originally suspended the boxer. In addition, a boxing commission can allow a boxer suspended in another state to fight, even if the suspension stems from one of the enumerated reasons, if the ABC gives its approval. *Id.*, at § 6306(b).

³⁰ *Id.*, at § 6306(a)(3).

³¹ *Id.*, at § 6306(a)(4).

³² Registration must be made with the boxer's home-state commission or, in the case of a foreign boxer or a boxer from a state without a commission, then with any state commission. *Id.*, at § 6305(a).

boxer, a social security number (or similar identification number for foreign boxers), and the personal identification number assigned to the boxer by a boxing registry.³³ The boxer must present the ID card to the local boxing commission before every match,³⁴ and after the match the local boxing commission must report the results of the fight to every boxing registry.³⁵ Boxers must renew their ID cards at least once every two years.³⁶ The boxing commission must also keep track of judges and referees, and no fight can take place unless the judges and referees are certified and approved by the appropriate boxing commission.³⁷

The law also attempts to protect boxers from unfair promotional contracts. As mentioned above, the inequality in bargaining power between boxers and promoters has in the past resulted in contract terms unfavorable to the boxer. One infamous provision that became standard in promotion contracts extended the life of the contract if that boxer were ever to become world champion, constraining the boxer's financial freedom during what would likely be the most lucrative period of that fighter's career.³⁸ Current law prohibits a "coercive" contract provision that is for any greater than twelve months. A provision is "coercive" if it grants rights to either the boxer or the promoter that are contingent upon the boxer agreeing to fight another boxer under contract to the same promoter.³⁹ This restriction also holds true for contracts between boxers and commercial broadcasters, which reflects concern that the line between the promoters and the television networks is becoming increasingly blurry.⁴⁰ In addition, no promoter, manager, sanctioning organization, licensee, or matchmaker may require a boxer to grant future promotional rights as a requirement for competing in a sanctioning organization's mandatory bout.⁴¹ Promoters are also required to make certain disclosures regarding contracts, benefits, and payment arrangements to the local boxing commission, the boxer, and the appropriate State Attorney General.⁴²

Current federal regulation of the sport also draws lines between the various figures in boxing in an effort to protect the boxer from collusion. Before the enactment of the Ali Act, there was great concern that the close relationships

³³ *Id.*, at § 6305(b)(1).

³⁴ *Id.*, at § 6305(b)(3).

³⁵ *Id.*, at § 6307.

³⁶ *Id.*, at § 6305(b)(2).

³⁷ *Id.*, at § 6307h. Judges and referees must also submit to the appropriate boxing commission disclosures related to compensation for each bout. *Id.*, at § 6307f.

³⁸ See Scott Baglio, Note, *The Muhammad Ali Boxing Reform Act: The First Jab at Establishing Credibility in Professional Boxing*, 68 Fordham L. Rev. 2257, 2272 (May 2000).

³⁹ 15 U.S.C. § 6307b(a)(1)(B).

⁴⁰ See S.Rept. 108-47, at 4 (2003).

⁴¹ *Id.*, at § 6307b(b).

⁴² *Id.*, at § 6307e. Neither the boxing commissions nor the State Attorney General are allowed to make such disclosures public. *Id.*, at § 6307g.

maintained between managers, promoters, sanctioning organizations, and boxing commissions created conflicts of interest, with none of the parties looking out for the good of the fighter. Of particular concern was the increasing control that promoters exerted over managers. Oftentimes, the promoter handpicked the manager, sometimes from the promoter's own family.⁴³ For these reasons, the law prohibits members of boxing commissions or the ABC from receiving compensation from anyone with a financial stake in a fight or a boxer registered with a boxing registry.⁴⁴ The law also prohibits: a promoter from having a financial interest in the management of a boxer; a manager from taking compensation from a promoter;⁴⁵ and a sanctioning organization from receiving compensation - other than that organization's published fees for its services - from a boxer, promoter, or manager.⁴⁶

Each sanctioning organization is required to annually submit to the Federal Trade Commission (FTC) or post on the internet a description of the organization's rankings system and appeals process, a copy of its bylaws, and a list of the organization's officials who vote on rankings.⁴⁷ Sanctioning organizations are also required to disclose to state boxing commissions the payments and benefits the organization receives for each fight with which it is affiliated.⁴⁸ The law requires the ABC to promulgate guidelines to help the sanctioning organizations and boxing commissions develop objective criteria for ranking fighters, although the boxing commissions and sanctioning organizations are under no obligation to follow the guidelines.⁴⁹ If an organization makes any change in a top-ten boxer's ranking, that organization must post a public notice of the change and an explanation for it.⁵⁰ Also, a sanctioning organization must provide to any boxer challenging that organization's rankings system and to the ABC a written explanation of the rankings criteria and the organization's rationale for the ranking assigned to that particular boxer.⁵¹

The United States Attorney General is empowered to initiate actions in the federal courts to enjoin those in violation of the boxing laws from continuing to do so.⁵² The law also sets out various fines for violations, and in some cases

⁴³ See Scott Baglio, Note, *The Muhammad Ali Boxing Reform Act: The First Jab at Establishing Credibility in Professional Boxing*, 68 Fordham L. Rev. 2257, 2271 (May 2000).

⁴⁴ 15 U.S.C. § 6308(a).

⁴⁵ *Id.*, at § 6308(b)(1). This "firewall" between managers and promoters does not apply to fights of less than 10 rounds. *Id.*, at § 6308(b)(2).

⁴⁶ *Id.*, at § 6308(c).

⁴⁷ *Id.*, at § 6307c(d).

⁴⁸ *Id.*, at § 6307d.

⁴⁹ *Id.*, at § 6307c(a).

⁵⁰ *Id.*, at § 6307c(c).

⁵¹ *Id.*, at § 6307c(b).

⁵² *Id.*, at § 6309(a).

imprisonment not to exceed one year in duration.⁵³ State officials may also institute proceedings in federal court to enjoin violators or impose penalties,⁵⁴ and federal law creates a private right of action for boxers to recover damages as a result of violations.⁵⁵

Further Efforts at Reform

While the PBSA and Ali Act established a framework for the interaction of federal and state regulation, lingering concerns have been voiced regarding oversight and enforcement. A report of the Senate Commerce, Science and Transportation Committee found that “[B]oth the PBSA (as amended by the Muhammad Ali Act) and State laws have not been adequately enforced by Federal and State law enforcement officials. The primary reasons for this lack of enforcement have been either a lack of resources in federal and state budgets or simply a lack of interest.”⁵⁶

This concern in part motivated both pieces of boxing legislation introduced in the 108th Congress: S. 275, introduced by Senator John McCain, and H.R. 1281, introduced by Representative Peter King. Both bills would have amended current law and establish a central body to coordinate federal oversight and enforcement with regard to boxing. This central body would have been charged with promulgating minimum standards with respect to promotion contracts and ranking guidelines for the sanctioning organizations. In addition, both bills would have empowered tribal boxing commissions to issue regulations equal in stature to those of the state boxing commissions.

When these two bills were introduced, they were identical. By the time the McCain bill passed the Senate, however, it had undergone some major changes. Instead of putting the central governing body in the Department of Labor as in the original bill, S. 275 as passed in the Senate would have placed this body in the Department of Commerce.

One of the most controversial aspects of legislative efforts to reform boxing has been the question of how to bring certain powerful interests surrounding a boxing match — most notably television networks — under the regulatory umbrella.⁵⁷ Both the King and McCain bills, as introduced, would have included television networks within the PBSA’s definition of “promoter.” This provision was taken out of the McCain bill before it passed the Senate, and in its stead was inserted language subjecting broadcasters to certain disclosure requirements.

⁵³ *Id.*, at § 6309(b).

⁵⁴ *Id.*, at § 6309(c).

⁵⁵ *Id.*, at § 6309(d).

⁵⁶ S.Rept. 108-47, at 2 (2003).

⁵⁷ *See* S.Rept. 108-47, at 4 (2003) (“Those who testified acknowledged that...[television companies] may be at times acting as de facto promoters and should be subject to the same requirements that other promoters must satisfy.”).

The McCain Bill. On January 5, 2005, Senator John McCain introduced S. 148, the Professional Boxing Amendment Act of 2005, which is virtually identical to the Senator's bill at the end of the 108th Congress. On May 9, S. 148 passed the Senate by unanimous consent.

The McCain bill would establish the United States Boxing Commission (USBC) within the Department of Commerce.⁵⁸ The USBC would be charged with promulgating uniform standards for professional boxing, in consultation with the ABC. The USBC would consist of three members - at least one of whom must have formerly served on a State or tribal boxing commission - appointed to three-year terms by the President with the advice and consent of the Senate, and removable by the President only for cause.⁵⁹ The three USBC members could not all come from the same political party⁶⁰ or region of the country.⁶¹ The USBC would employ an Executive Director to carry out the USBC's administrative functions and whatever other functions delegated to the Executive Director by the USBC.⁶²

Under the bill, no boxing match could take place without the approval of the USBC and the supervision of either the ABC or a boxing commission that is a member of the ABC.⁶³ Every boxer, promoter, or sanctioning organizations connected with a fight would be required to obtain from the USBC a license⁶⁴ which could be revoked for violations of the amended PBSA or a standard promulgated by the USBC.⁶⁵ Also, the USBC would be required to establish a national registry of boxing personnel⁶⁶ and a medical registry to track each boxer's medical records and suspension and denial history.⁶⁷

Under the McCain bill, tribal organizations would be empowered to establish boxing commissions - equal in status and responsibility to the state boxing commissions - in order to regulate boxing matches on tribal lands.⁶⁸ Tribal and state

⁵⁸ S. 148, § 21 (proposed § 202(a) of PBSA).

⁵⁹ S. 148, § 21 (proposed § 202(b) of PBSA). This provision also recommends that one member of the USBC should, if practicable, be drawn from the health care field. *Id.*

⁶⁰ S. 148, § 21 (proposed § 202(b)(3) of PBSA).

⁶¹ For the purposes of this provision, the bill divides the nation into two regions divided by the Mississippi River. S. 148, § 21 (proposed § 202(b)(4) of PBSA).

⁶² S. 148, § 21 (proposed § 202(c) of PBSA).

⁶³ S. 148, § 5 (proposed § 4 of USBA). USBA approval would be assumed if, unless the USBA has been informed of a possible violation, the match is advertised to the public or is a championship bout, or the fight is scheduled to go at least ten rounds. *Id.*

⁶⁴ S. 148, § 21 (proposed § 204(a)(1) of PBSA). Licenses would be valid for four years for boxers and two years for everyone else. S. 148, § 21 (proposed § 204(a)(2)(B) of PBSA).

⁶⁵ S. 148, § 21 (proposed § 207(a) of PBSA).

⁶⁶ S. 148, § 21 (proposed § 205 of the PBSA).

⁶⁷ S. 148, § 16 (proposed § 14 of the PBSA).

⁶⁸ S. 148, § 3(b) (proposed § 21 of the PBSA)). An increasing number of boxing matches (continued...)

boxing commissions would be required to forward to the USBC fight results⁶⁹ and copies of the registrations of each boxer, promoter, manager and sanctioning organization.⁷⁰ The USBC would also be charged with working with the USAG and other state officials to ensure that all federal and state boxing laws are enforced.⁷¹

S. 148 would add to the current law's health testing provision a requirement to test for infectious diseases under procedures established by the USBC.⁷² The bill would also include in its definition of "physician" the requirement that such a person must have experience dealing with sports related injuries, particularly head trauma.⁷³ Also, the bill would create as another exception to the presumption of USBC approval of a fight situations where the boxer has suffered 10 consecutive defeats or been knocked out five consecutive times.⁷⁴ However, if the USBC delegates its authority over that particular match to the appropriate State boxing commission, then the exceptions to the presumption of USBC approval would not apply.

The bill would also require the USBC, in consultation with the ABC, to develop minimum contractual provisions for fight contracts, manager-promoter contracts, and promotional contracts, and would leave to the boxing commissions the responsibility to ensure that the mandated provisions are included in the aforementioned contracts.⁷⁵ Managers and promoters would be required to submit relevant contracts to the appropriate boxing commission prior to each fight, and also to the USBC for filing.⁷⁶

As with Senator McCain's bill that passed the Senate in the 108th Congress, S. 148 does not contain provisions allowing for television networks to be defined as "promoters" and thereby subject to the bill's promoter restrictions. In addition, under S. 148, hotels and casinos could only be considered "promoters" if they are the only parties responsible for organizing a match.⁷⁷ The bill would require the USBC to conduct a study of how the term "promoter" should be defined. Within a year of the bill's enactment, the USBC would have to submit a proposed definition and rationale

⁶⁸ (...continued)

are held at tribal casinos.

⁶⁹ S. 148, § 9 (proposed § 8 of the PBSA).

⁷⁰ S. 148, § 7 (proposed § 6 of the PBSA).

⁷¹ S. 148, § 21 (proposed § 203(b)(5) of PBSA). The USBA would be prohibited from promoting fights itself or ranking pro boxers. S. 148, § 21 (proposed § 203(c)(1) of PBSA).

⁷² S. 148, § 6 (proposed § 5 of the PBSA).

⁷³ S. 148, § 3 (proposed § 2(12) of PBSA).

⁷⁴ S. 148, § 5 (proposed § 4(b)(1)(D) of PBSA).

⁷⁵ S. 148, § 10 (proposed § 9 of the PBSA).

⁷⁶ *Id.* In addition, promoters would be required to post a surety bond before the match to ensure that the boxer is paid. *Id.*

⁷⁷ S. 148, § 2 (proposed § 2(14) of PBSA).

to the Senate Commerce, Science, and Transportation Committee and the House Energy and Commerce Committee.⁷⁸

While television broadcasters would not be considered “promoters” under the McCain bill, broadcasters (and promoters) would be subject to certain disclosure requirements. Within seven days of a boxing match, the broadcaster with television rights to that fight would be required to submit to the USBC a statement of any monies the broadcaster paid to the fight’s promoter, a copy of any contracts between the broadcaster and the boxer or the boxer’s manager, and a list of the broadcaster’s sources of income from the match.⁷⁹

The USBC would be required under S. 148 to develop guidelines for the sanctioning organizations to use in rating boxers. Further, the sanctioning organizations would have to make available to the public and to the USBC any changes in rank for top-ten boxers or challenges to such rankings.⁸⁰

Whereas current law provides that the appropriate boxing commission must approve judges and referees, the McCain bill would require the boxing commissions to affirmatively *select* the judges and referees for each fight.⁸¹ Judges and referees, who are currently required to disclose all compensation received from a match to the appropriate boxing commission, would also under the bill be required to disclose that information (for fights scheduled for ten rounds or more) to the USBC.⁸² The McCain bill would also add a provision to the current standard governing conflicts of interest that would make it illegal for a boxer to own or control the entity promoting the fight if that entity has a contract with or pays money to the opposing boxer, or the promoter pays money to the local boxing commission, judges, or referees associated with the bout.⁸³

The bill would require the USBC to report on its activities once a year to both the Senate and House Commerce Committees.⁸⁴ In addition, the USBC would be required to publish an annual report on its efforts to reform pro boxing.⁸⁵

The King Bill. On February 1, 2005, Representative King introduced H.R. 468, also titled the Professional Boxing Amendment Act of 2005. The King bill is virtually identical to the McCain bill, except that the King bill would make two technical corrections not contained in the McCain bill. Presently, attorneys general

⁷⁸ S. 148, § 22.

⁷⁹ S. 148, § 14 (proposed § 13(d)(1) of PBSA).

⁸⁰ S. 148, § 12 (proposed § 11 of the PBSA).

⁸¹ S. 148, § 15 (proposed § 16 of the PBSA). Sanctioning organizations would be allowed to recommend referees and judges to the boxing commission. *Id.*

⁸² *Id.*

⁸³ S. 148, § 17 (proposed § 17(b) of PBSA).

⁸⁴ S. 148, § 21 (proposed § 210(a) of PBSA).

⁸⁵ S. 148, § 21 (proposed § 210(b) of PBSA).

and boxing commissions are prohibited from making available to the public any disclosures made by promoters pursuant to the PBSA.⁸⁶ The King bill would also subject the USBC to this same prohibition.⁸⁷ Further, while the McCain bill would subject Commission members to the PBSA's fines for conflicts of interest,⁸⁸ the King bill would extend such fines to Commission members *and* tribal officials.⁸⁹

The Stearns Bill. Representative Stearns' bill, H.R. 1065 ("The United States Boxing Commission Act"), was referred to the House Education and Workforce Committee and the House Energy and Commerce Committee, and was reported out of the latter on June 29, 2005. The bill is very similar to title II of the McCain bill (i.e., the title that would establish the USBC). Unlike the McCain bill, the Stearns bill would not impose new safety or promoter restrictions.⁹⁰ Significantly, the Stearns bill would sunset six years after enactment.⁹¹

H.R. 1065 would establish the United States Boxing Commission (USBC) within the Department of Commerce.⁹² The USBC would be charged with promulgating uniform standards for professional boxing, in consultation with the ABC.⁹³ The USBC would consist of three members appointed to three-year terms by the President with the advice and consent of the Senate, and removable by the President only for cause.⁹⁴ The three USBC members could not all come from the same political party or region of the country.⁹⁵ The USBC would employ an Executive Director to carry out the USBC's administrative functions and whatever other functions delegated to the Executive Director by the USBC.⁹⁶

Under the Stearns bill, every boxer, promoter, or sanctioning organizations connected with a fight would be required to obtain from the USBC a license⁹⁷ which could be revoked for violations of the bill or a standard promulgated by the USBC.⁹⁸

⁸⁶ 15 U.S.C. § 6307g.

⁸⁷ H.R. 468, § 16.

⁸⁸ S. 148, § 18 (amending 15 U.S.C. § 6309(b)(3)).

⁸⁹ H.R. 486, § 19.

⁹⁰ The bill would, however, require the USBC to conduct a study of the health effects of boxing and the effectiveness of safety standards and regulations. H.R. 1065, § 10.

⁹¹ *Id.* at § 13.

⁹² *Id.* at § 2(a).

⁹³ *Id.* at § 3(b)(1).

⁹⁴ *Id.* at § 2(b).

⁹⁵ For the purposes of this provision, the bill divides the nation into two regions divided by the Mississippi River. *Id.*

⁹⁶ *Id.* at § 2(c).

⁹⁷ *Id.* at § 4.

⁹⁸ *Id.* at § 7.

Also, the USBC would be required to establish a national registry of boxing personnel.⁹⁹

⁹⁹ *Id.* at § 5.

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