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Congress and the Regulation of Professional Boxing in the United States

Congress and the federal government have historically played a relatively small role in sports in the United States. With a few notable exceptions—such as Olympic participation, support for female athletes, and youth fitness—the government has left the development and regulation of sporting activities up to participants and states.

Another notable exception to this general history has been professional boxing. Congress has a long history of oversight and policymaking intended to address some of the unique issues that have arisen in the sport. This In Focus briefly summarizes the history of congressional interest in boxing and the federal laws enacted to protect boxers.

Congressional Interest in Boxing

Official congressional interest in boxing arose during the 1950s, an era of peak interest in the sport. At that time there was evidence that boxing across the country had come under the control of organized crime. The mafia was interested in boxing because of the money that could be made on top-level fights and the decentralized organization of the sport, which made it easier to control. This drive for profit by mafia figures as well as managers and promoters led to the physical and financial exploitation of athletes.

During the early 1950s, federal law enforcement successfully prosecuted the International Boxing Club, a mafia-affiliated organization that had taken control of elite boxing across the country, and interest grew in broader reform.

Congress took an active role in 1960, when Senator Estes Kefauver, a seasoned opponent of organized crime, launched an investigation that helped expose the role of the mafia in boxing to the broader public. In four hearings between 1960 and 1964, witnesses described the mafia's growing role in boxing over the previous decade. (See, for example, the June 1960 hearing of the Subcommittee on Antitrust and Monopoly Legislation of the Senate Judiciary Committee.) While Congress did not pass legislation on the matter at that time, many pushed for Congress to create a national organization to govern the sport. Eventually, increasing money and corporate involvement in the sport pushed aside organized crime interests.

Some Members of Congress remained interested in legislation to address other ongoing issues in the sport. First, the health risks inherent in combat sports (for a definition of *combat sport*, see, for example, New York state law) have always made boxing a lightning rod for controversy, even when robust safety measures are in place. Second, the fierce competition for few title opportunities

and decentralized administration of matches allowed promoters, who organize and market matches, to gain significant power in the industry as gatekeepers who could make or break boxers' careers by determining whom they could fight and whether they would have opportunities to compete for titles. This gatekeeping power allowed promoters to push boxers into exclusive contracts that many observers considered exploitative. Similarly, because rankings often determine what opportunities for matches are available to fighters, the organizations that issue rankings and sanction lucrative title fights also gained substantial leverage that could be applied to boxers through ranking decisions.

Congress Acts

In 1996, following renewed interest in Congress and hearings about the state of the sport, Congress passed the Professional Boxing Safety Act (P.L. 104-272). This legislation was intended to address uneven health and safety standards in the sport. Congress also remained interested in exploitative contracts for fighters and passed the Muhammad Ali Boxing Reform Act (P.L. 106-210) in 2000. This act sought to address some of the systemic issues that pressured professional boxers into such contractual agreements.

How Is Professional Boxing Regulated in the United States?

Historically, states determined whether boxing was legal in their jurisdictions and established commissions (or at least rules) to govern professional matches occurring within their boundaries. While the federal government now plays a role as well, regulation of boxing is still largely a state matter.

In the 1980s, a coalition of state boxing commissions formed the Association of Boxing Commissions (ABC). The ABC developed "Unified Rules" that govern competition. These rules have been widely adopted by state commissions and govern most matches in the United States. As discussed below, Congress has used the ABC to develop national guidelines on specific policy matters.

Today, in addition to boxing, state commissions regulate a variety of additional combat sports, many of which operate under unified rules developed by the ABC. As discussed below, the rules enforced by state commissions also include certain federal requirements.

Current Federal Law

The Professional Boxing Safety Act and the Muhammad Ali Boxing Reform Act are codified together in Chapter 89 of Title 15 of the *United States Code*. The purposes of these provisions are to "protect the welfare of professional

boxers” and assist state boxing commissions in overseeing professional boxing.

Health and Safety Standards

A professional match may be conducted only if a doctor examines both boxers in advance and certifies that they will be able to safely compete. For each match, there must also be an ambulance or resuscitation equipment on site and a physician. Additionally, each boxer must have medical insurance coverage for injuries during the match (15 U.S.C. §6304).

Role of State Commissions

Boxing commissions are also required to confirm that boxers have passed the required medical checks and may deny boxers authorization to fight based on health and safety concerns. Additionally, boxing commissions are required to check if a boxer is suspended in another state, including for health and safety reasons. In most circumstances, if a boxer is suspended in one state, he or she may not participate in matches in other states (15 U.S.C. §6306).

Registration of Boxers

Boxers are required to register with the boxing commissions in the states in which they reside (or any state if they reside in foreign countries). State commissions are required to issue identification cards to registered boxers, and boxers are required to present those cards to officials before matches. This system allows officials to identify boxers who may be suspended in other states (15 U.S.C. §6305).

Contract Requirements

The statute bars certain types of provisions from boxing contracts that Congress considered exploitative and deemed those provisions to be unenforceable against boxers. Specifically, provisions are deemed to be coercive if a boxer is required to grant rights to a promoter in order to fight another boxer under contract with the same promoter. It also bars some provisions that require boxers to surrender future promotional rights and applies to contracts between boxers and broadcasters (15 U.S.C. §§6307a, 6307b).

These statutory requirements are designed to address certain contract provisions that some promoters have used to restrict or control the future careers or earnings of boxers.

Regulation of Other Industry Participants

Other individuals and organizations in the boxing industry are also regulated under Title 15, Chapter 89. This includes sanctioning organizations, which, among other things, issue rankings for boxers. These rankings—which might be based, in part, on subjective criteria—can determine which fighters are entitled to title matches—the pinnacle of competitive boxing. Under the statute, the ABC was directed to develop guidelines for “objective and consistent

written criteria” for rankings. Sanctioning organizations are required to have an appeal process for boxers and make certain disclosures via filings with the Federal Trade Commission and by providing information to state boxing commissions (15 U.S.C. §§6307c, 6307d).

Promoters are required to disclose financial information on matches to state boxing commissions and participating boxers (15 U.S.C. §6307e).

Judges and referees must also be certified and approved by state boxing commissions, and matches may proceed only with approved referees and judges. Prior to approval by a state boxing commission, judges and referees must disclose the compensation they will receive for the match (15 U.S.C. §§6307f, 6307h).

Finally, the statute includes a conflict-of-interest rule for members or employees of state boxing commissions and other regulators, which may not receive compensation from participants in the industry (15 U.S.C. §6308).

The Future

The current federal laws regarding boxing have remained unchanged for 25 years despite concerns some have raised about the effectiveness of the statutes, particularly with regard to enforcement. Some observers and stakeholders, including former Senators John McCain and Harry Reid, have raised these concerns. While there are many ways Congress might address these concerns, should it wish to do so, some previous proposals have focused on the creation of a national boxing commission that would oversee professional boxing in the United States. (See, for example, H.R. 5395 [113th] and S. 3306 [112th].) Other proposals, such as H.R. 6931 (116th), have focused on boxing safety standards.

Additionally, since the passage of the Muhammad Ali Boxing Reform Act, other combat sports have grown substantially. In the past 25 years, mixed martial arts (MMA), for instance, has grown from an underground sport that was illegal in most of the country to a multibillion-dollar industry that is legal in all 50 states. Like boxing, MMA has faced criticism regarding both the health and safety of fighters and coercive terms in contracts. During the 114th and 115th Congresses, legislation was introduced (H.R. 5365 and H.R. 44, respectively) that would have expanded federal boxing statutes to include other combat sports, including MMA. Under these proposals, health and safety requirements would apply to those combat sports, and the ABC would be required to develop additional guidelines regarding contracts for participants.

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