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PART A - TEXT OF AMENDMENT TO BE CONSIDERED AS AN ORIGINAL BILL FOR
THE PURPOSE OF AMENDMENT

Strike all the enacting clause and insert:
~~P.A.B.J.V.D. 2005 10 06 10:51 AM~~

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. DEFINITIONS.

5 As used in this Act, the following definitions apply:

6 (1) COMMISSION.—The term "Commission"
7 means the United States Boxing Commission estab-
8 lished under section 3.

9 (2) BOXER.—The term "boxer" means an indi-
10 vidual who fights in a professional boxing match.

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

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

19 (5) JUDGE.—The term "judge" means an offi-
20 cial who scores a boxing match to determine the
21 winner.

22 (6) MANAGER.—The term "manager" means a
23 person other than a promoter who, under contract,
24 agreement, or other arrangement with a boxer, un-
25 dertakes to control or administer, directly or indi-
26 rectly, a boxing-related matter on behalf of that



1 boxer, including a person who is a booking agent for
2 a boxer.

3 (7) MATCHMAKER.—The term “matchmaker”
4 means a person that proposes, selects, and arranges
5 for boxers to participate in a professional boxing
6 match. Such term does not include a hotel, casino,
7 resort, or other commercial establishment hosting or
8 sponsoring a professional boxing match, or a pro-
9 vider of cable, satellite, or network television pro-
10 gramming, unless—

11 (A) the hotel, casino, resort, or other com-
12 mercial establishment, or provider of cable, sat-
13 ellite, or network television programming is pri-
14 marily responsible for proposing, selecting, and
15 arranging for boxers to participate in the pro-
16 fessional boxing match; and

17 (B) there is no other person primarily re-
18 sponsible for proposing, selecting, and arrang-
19 ing for boxers to participate in the match.

20 (8) REFEREE.—The term “referee” means the
21 official inside the boxing ring who supervises the
22 boxing match.

23 (9) PROFESSIONAL BOXING MATCH.—The term
24 “professional boxing match” means a boxing contest
25 held in the United States between individuals for fi-



1 nancial compensation. Such term does not include a
2 boxing contest that is regulated by a duly recognized
3 amateur sports organization, as approved by the
4 Commission.

5 (10) PROMOTER.—The term “promoter”—

6 (A) means the person primarily responsible
7 for organizing, promoting, and producing a pro-
8 fessional boxing match; but

9 (B) does not include a hotel, casino, resort,
10 or other commercial establishment hosting or
11 sponsoring a professional boxing match, or a
12 provider of cable, satellite, or network television
13 programming, unless—

14 (i) the hotel, casino, resort, or other
15 commercial establishment, or provider of
16 cable, satellite, or network television pro-
17 gramming is primarily responsible for or-
18 ganizing, promoting, and producing the
19 match; and

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

23 (11) STATE.—The term “State” means each of
24 the 50 States, Puerto Rico, the District of Columbia,



1 and any territory or possession of the United States,
2 including the Virgin Islands.

3 (12) SANCTIONING ORGANIZATION.—The term
4 “sanctioning organization” means an organization,
5 other than a boxing commission, that sanctions pro-
6 fessional boxing matches, ranks professional boxers,
7 or charges a sanctioning fee for professional boxing
8 matches in the United States—

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

11 (B) that are advertised, otherwise pro-
12 moted, or broadcast (including closed circuit
13 television) in interstate commerce.

14 (13) SUSPENSION.—The term “suspension” in-
15 cludes within its meaning the temporary revocation
16 of a boxing license.

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

21 **SEC. 3. ESTABLISHMENT OF UNITED STATES BOXING COM-**
22 **MISSION.**

23 (a) IN GENERAL.—The United States Boxing Com-
24 mission is established as a commission within the Depart-
25 ment of Commerce.



1 (b) MEMBERS.—

2 (1) IN GENERAL.—The Commission shall con-
3 sist of 3 members appointed by the President, by
4 and with the advice and consent of the Senate.

5 (2) QUALIFICATIONS.—No member of the Com-
6 mission may, while serving as a member of the
7 Commission—

8 (A) be engaged as a professional boxer,
9 boxing promoter, agent, fight manager, match-
10 maker, referee, judge, or in any other capacity
11 in the conduct of the business of professional
12 boxing;

13 (B) have any pecuniary interest in the
14 earnings of any boxer or the proceeds or out-
15 come of any boxing match; or

16 (C) serve as a member of a boxing commis-
17 sion.

18 (3) BIPARTISAN MEMBERSHIP.—Not more than
19 2 members of the Commission may be members of
20 the same political party.

21 (4) GEOGRAPHIC BALANCE.—Not more than 2
22 members of the Commission may be residents of the
23 same geographic region of the United States when
24 appointed to the Commission. For purposes of the
25 preceding sentence, the area of the United States



1 east of the Mississippi River is a geographic region,
2 and the area of the United States west of the Mis-
3 sissippi River is a geographic region.

4 (5) TERMS.—

5 (A) IN GENERAL.—The term of a member
6 of the Commission shall be 3 years. No member
7 of the Commission shall serve more than 2
8 terms.

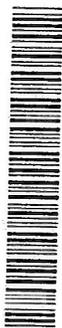
9 (B) MIDTERM VACANCIES.—A member of
10 the Commission appointed to fill a vacancy in
11 the Commission occurring before the expiration
12 of the term for which the member's predecessor
13 was appointed shall be appointed for the re-
14 mainder of that unexpired term.

15 (C) CONTINUATION PENDING REPLACE-
16 MENT.—A member of the Commission may
17 serve after the expiration of that member's
18 term until a successor has taken office.

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

21 (c) EXECUTIVE DIRECTOR.—

22 (1) IN GENERAL.—The Commission shall em-
23 ploy an Executive Director to perform the adminis-
24 trative functions of the Commission under this Act,



1 and such other functions and duties of the Commis-
2 sion as the Commission shall specify.

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

7 (d) GENERAL COUNSEL.—The Commission shall em-
8 ploy a General Counsel to provide legal counsel and advice
9 to the Executive Director and the Commission in the per-
10 formance of its functions under this Act, and to carry out
11 such other functions and duties as the Commission shall
12 specify.

13 (e) STAFF.—The Commission shall employ such addi-
14 tional staff as the Commission considers appropriate to
15 assist the Executive Director and the General Counsel in
16 carrying out the functions and duties of the Commission
17 under this Act.

18 (f) MEETINGS.—The Commission shall hold its first
19 meeting no later than 30 days after all members shall have
20 been appointed, and shall meet thereafter not less fre-
21 quently than once every 60 days.

22 (g) COMPENSATION.—

23 (1) MEMBERS OF COMMISSION.—

24 (A) IN GENERAL.—Each member of the
25 Commission shall be compensated at a rate



1 equal to the daily equivalent of the annual rate
2 of basic pay prescribed for level IV of the Exec-
3 utive Schedule under section 5315 of title 5,
4 United States Code, for each day (including
5 travel time) during which such member is en-
6 gaged in the performance of the duties of the
7 Commission.

8 (B) TRAVEL EXPENSES.—The members of
9 the Commission shall be allowed travel ex-
10 penses, including per diem in lieu of subsist-
11 ence, at rates authorized for employees of agen-
12 cies under subchapter I of chapter 57 of title 5,
13 United States Code, while away from their
14 homes or regular places of business in the per-
15 formance of services for the Commission.

16 (2) EXECUTIVE DIRECTOR AND STAFF.—The
17 Commission shall fix the compensation of the Execu-
18 tive Director, the General Counsel, and other per-
19 sonnel of the Commission. The rate of pay for the
20 Executive Director, the General Counsel, and other
21 personnel may not exceed the rate payable for level
22 V of the Executive Schedule under section 5316 of
23 title 5, United States Code.



1 SEC. 4. FUNCTIONS.

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

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

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

8 (3) except as otherwise determined by the Com-
9 mission, oversee all professional boxing matches in
10 the United States.

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

16 (c) ADDITIONAL FUNCTIONS.—In addition to its gen-
17 eral functions under subsection (a), the Commission
18 shall—

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

23 (2) ensure, in cooperation with the Attorney
24 General, or a designee of the Attorney General, (who
25 shall represent the Commission in any judicial pro-
26 ceeding under this Act), the chief law enforcement



1 officer of the several States, and other appropriate
2 officers and agencies of Federal, State, and local
3 government, that Federal and State laws applicable
4 to professional boxing matches in the United States
5 are vigorously, effectively, and fairly enforced;

6 (3) review State boxing commission regulations
7 for professional boxing and provide assistance to
8 such authorities in meeting minimum standards pre-
9 scribed by the Commission under this Act;

10 (4) if the Commission determines appropriate,
11 publish a newspaper, magazine, or other publication
12 and establish and maintain an Internet website con-
13 sistent with the provisions of this Act; and

14 (5) promulgate rules, regulations, and guidance,
15 and take any other action necessary and proper to
16 accomplish the purposes of, and consistent with, the
17 provisions of this Act.

18 (d) PROHIBITIONS.—The Commission may not—

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

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



1 SEC. 5. LICENSING AND REGISTRATION OF BOXING PER-
2 SONNEL.

3 (a) LICENSING.—

4 (1) REQUIREMENT FOR LICENSE.—Beginning 1
5 year after the date of enactment of this Act, no per-
6 son may compete in a professional boxing match or
7 serve as a boxing manager, boxing promoter, match-
8 maker, judge, referee, or sanctioning organization
9 for a professional boxing match except as provided
10 in a license granted to that person under this sub-
11 section.

12 (2) APPLICATION AND TERM.—

13 (A) IN GENERAL.—The Commission
14 shall—

15 (i) establish application procedures,
16 forms, and fees for licenses granted under
17 this section;

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

20 (iii) issue a license to any person who,
21 as determined by the Commission, meets
22 the standards established by the Commis-
23 sion under this Act; and

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



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

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

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

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

9 (b) LICENSING FEES.—

10 (1) AUTHORITY.—The Commission may pre-
11 scribe and charge reasonable fees for the licensing of
12 persons under this Act. The Commission may set,
13 charge, and adjust varying fees on the basis of clas-
14 sifications of persons, functions, and events deter-
15 mined appropriate by the Commission.

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

19 (A) club boxing is not adversely effected;

20 (B) sanctioning organizations and pro-
21 moters pay comparatively the largest portion of
22 the fees; and

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



1 **SEC. 6. NATIONAL REGISTRY OF BOXING PERSONNEL.**

2 The Commission shall establish and maintain (or au-
3 thorize a third party to establish and maintain) a unified
4 national computerized registry for the collection, storage,
5 and retrieval of such information as the Commission shall
6 prescribe by rule related to the performance of its duties.

7 **SEC. 7. CONSULTATION REQUIREMENTS.**

8 The Commission shall consult with the Association of
9 Boxing Commissions—

10 (1) before prescribing any regulation or estab-
11 lishing any standard under the provisions of this
12 Act; and

13 (2) not less than once each year regarding mat-
14 ters relating to professional boxing.

15 **SEC. 8. MISCONDUCT.**

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

18 (1) **AUTHORITY.—**The Commission may, after
19 notice and opportunity for a hearing, suspend or re-
20 voke any license issued under this Act if the
21 Commission—

22 (A) finds that the license holder has vio-
23 lated any provision of this Act or a standard
24 prescribed under this Act;

25 (B) reasonably believes that a standard
26 prescribed by the Commission under this Act is



1 not being met, or that bribery, collusion, inten-
2 tional losing, racketeering, extortion, or the use
3 of unlawful threats, coercion, or intimidation
4 have occurred in connection with a license; or

5 (C) finds that the suspension or revocation
6 is in the public interest.

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

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

13 (b) INVESTIGATIONS AND INJUNCTIONS.—

14 (1) AUTHORITY.—The Commission may—

15 (A) conduct any investigation that it con-
16 siders necessary to determine whether any per-
17 son has violated, or is about to violate, any pro-
18 vision of this Act or any regulation prescribed
19 under this Act;

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



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

3 (D) investigate any facts, conditions, prac-
4 tices, or matters to aid in the enforcement of
5 the provisions of this Act, in the prescribing of
6 regulations under this Act, or in securing infor-
7 mation to serve as a basis for recommending
8 legislation concerning the matters to which this
9 Act relates.

10 (2) POWERS.—

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

14 (i) any officer designated by the Com-
15 mission may administer oaths and affirma-
16 tions, subpoena or otherwise compel the at-
17 tendance of witnesses, take evidence, and
18 require the production of any books, pa-
19 pers, correspondence, memoranda, or other
20 records the Commission considers relevant
21 or material to the inquiry; and

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



1 (B) WITNESSES AND EVIDENCE.—The at-
2 tendance of witnesses and the production of any
3 documents under subparagraph (A) may be re-
4 quired from any place in the United States, in-
5 cluding Indian land, at any designated place of
6 hearing.

7 (3) ENFORCEMENT OF SUBPOENAS.—

8 (A) CIVIL ACTION.—In case of contumacy
9 by, or refusal to obey a subpoena issued to, any
10 person, the Commission may file an action in
11 any district court of the United States within
12 the jurisdiction of which an investigation or
13 proceeding is carried out, or where that person
14 resides or carries on business, to enforce the at-
15 tendance and testimony of witnesses and the
16 production of books, papers, correspondence,
17 memorandums, and other records. The court
18 may issue an order requiring the person to ap-
19 pear before the Commission to produce records,
20 if so ordered, or to give testimony concerning
21 the matter under investigation or in question.

22 (B) FAILURE TO OBEY.—Any failure to
23 obey an order issued by a court under subpara-
24 graph (A) may be punished as contempt of that
25 court.



1 (C) PROCESS.—All process in any con-
2 tempt case under subparagraph (A) may be
3 served in the judicial district in which the per-
4 son is an inhabitant or in which the person may
5 be found.

6 (D) ADMINISTRATIVE SUBPOENAS.—The
7 requirements of section 3486 of title 18, United
8 States Code, shall apply to the administration
9 and enforcement of subpoenas under this Act.

10 (4) EVIDENCE OF CRIMINAL MISCONDUCT.—No
11 person may be excused from attending and testifying
12 or from producing books, papers, contracts, agree-
13 ments, and other records and documents before the
14 Commission, in obedience to the subpoena of the
15 Commission, or in any cause or proceeding instituted
16 by the Commission, on the ground that the testi-
17 mony or evidence, documentary or otherwise, re-
18 quired of that person may tend to incriminate the
19 person or subject the person to a penalty or for-
20 feiture.

21 (5) INJUNCTIVE RELIEF.—If the Commission
22 determines that any person is engaged or about to
23 engage in any act or practice that constitutes a vio-
24 lation of any provision of this Act, or of any regula-
25 tion prescribed under this Act, the Commission may



1 bring an action in the appropriate district court of
2 the United States, the United States District Court
3 for the District of Columbia, or the United States
4 courts of any territory or other place subject to the
5 jurisdiction of the United States, to enjoin the act
6 or practice, and upon a proper showing, the court
7 shall grant without bond a permanent or temporary
8 injunction or restraining order.

9 (6) MANDAMUS.—Upon application of the Com-
10 mission, the district courts of the United States, the
11 United States District Court for the District of Co-
12 lumbia, and the United States courts of any terri-
13 tory or other place subject to the jurisdiction of the
14 United States, shall have jurisdiction to issue writs
15 of mandamus commanding any person to comply
16 with the provisions of this Act or any order of the
17 Commission.

18 (c) INTERVENTION IN CIVIL ACTIONS.—

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

24 (2) AMICUS FILING.—The Commission may file
25 a brief in any action filed in a court of the United



1 States on behalf of the public interest in any case
2 relating to professional boxing.

3 (d) HEARINGS BY COMMISSION.—Hearings con-
4 ducted by the Commission under this Act shall be public
5 and may be held before any officer of the Commission.
6 The Commission shall keep appropriate records of the
7 hearings.

8 **SEC. 9. NONINTERFERENCE WITH BOXING COMMISSIONS.**

9 (a) NONINTERFERENCE.—Nothing in this Act pro-
10 hibits any boxing commission from exercising any of its
11 powers, duties, or functions with respect to the regulation
12 or supervision of professional boxing or professional box-
13 ing matches to the extent not inconsistent with the provi-
14 sions of this Act.

15 (b) MINIMUM STANDARDS.—Nothing in this Act pro-
16 hibits any boxing commission from enforcing local stand-
17 ards or requirements that exceed the minimum standards
18 or requirements promulgated by the Commission under
19 this Act.

20 **SEC. 10. ASSISTANCE FROM OTHER AGENCIES.**

21 Any employee of any executive department, agency,
22 bureau, board, commission, office, independent establish-
23 ment, or instrumentality may be detailed to the Commis-
24 sion, upon the request of the Commission, on a reimburs-
25 able or nonreimbursable basis, with the consent of the ap-

1 appropriate authority having jurisdiction over the employee.
2 While so detailed, an employee shall continue to receive
3 the compensation provided pursuant to law for the employ-
4 ee's regular position of employment and shall retain, with-
5 out interruption, the rights and privileges of that employ-
6 ment.

7 **SEC. 11. STUDIES.**

8 (a) **HEALTH AND SAFETY STUDY.—**

9 (1) **STUDY.—**The Commission shall conduct a
10 study on the health and safety aspects of boxing, in-
11 cluding an examination of—

12 (A) the risks or serious injury and the na-
13 ture of potential injuries, including risks par-
14 ticular to boxers of each sex;

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

17 (C) the availability of health insurance for
18 boxers;

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

22 (E) the effectiveness of safety standards
23 and regulations.

24 (2) **REPORT.—**Not later than 1 year after the
25 date of enactment of this Act, the Commission shall



1 submit a report on the study required by this section
2 to the Committees on Commerce, Science, and
3 Transportation of the Senate and the Committees on
4 Energy and Commerce and Education and the
5 Workforce of the House of Representatives, includ-
6 ing recommendations to improve the health and
7 safety aspects of boxing.

8 (b) STUDY ON THE DEFINITION OF PROMOTER.—

9 (1) STUDY.—The United States Boxing Com-
10 mission shall conduct a study on how the term “pro-
11 moter” should be defined for purposes of the United
12 States Boxing Commission Act.

13 (2) HEARINGS.—As part of that study, the
14 Commission shall hold hearings and solicit testimony
15 at those hearings from boxers, managers, promoters,
16 premium, cable, and satellite program service pro-
17 viders, hotels, casinos, resorts, and other commercial
18 establishments that host or sponsor professional box-
19 ing matches, and other interested parties with re-
20 spect to the definition of that term as it is used in
21 the United States Boxing Commission Act.

22 (3) REPORT.—Not later than 1 year after the
23 date of the enactment of this Act, the Commission
24 shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Energy and Commerce of the House
2 of Representatives a report on the study conducted
3 under subsection (a). The report shall—

4 (A) set forth a proposed definition of the
5 term “promoter” for purposes of the United
6 States Boxing Commission Act; and

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

11 **SEC. 12. REPORTS.**

12 (a) **ANNUAL REPORT.**—Not later than 2 years after
13 the date of enactment of this Act, and each year there-
14 after, the Commission shall submit a report on its activi-
15 ties to the Committee on Commerce, Science, and Trans-
16 portation of the Senate and the Committee on Energy and
17 Commerce of the House of Representatives. The annual
18 report shall include—

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

21 (2) an overview of the licensing and enforce-
22 ment activities of the State and tribal organization
23 boxing commissions; and

24 (3) recommendations regarding additional per-
25 sons or entities within the sport of boxing over



1 whom to extend the licensing requirement estab-
2 lished by this Act.

3 (b) PUBLIC REPORT.—The Commission shall annu-
4 ally issue and publicize a report of the Commission on the
5 progress made at Federal and State levels and on Indian
6 lands in the reform of professional boxing, which shall in-
7 clude comments on issues of continuing concern to the
8 Commission.

9 **SEC. 13. SUNSET PROVISION.**

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

12 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There are authorized to be appro-
14 priated for the Commission for each fiscal year such sums
15 as may be necessary for the Commission to perform its
16 functions for that fiscal year.

17 (b) RECEIPTS CREDITED AS OFFSETTING COLLEC-
18 TIONS.—Notwithstanding section 3302 of title 31, United
19 States Code, any fee collected under this Act—

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

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



1 (3) shall remain available until expended.

○

