

Calendar No. 209

104TH CONGRESS }
1st Session

SENATE

{ REPORT
104-159

PROFESSIONAL BOXING SAFETY ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 187



OCTOBER 19 (legislative day, OCTOBER 18), 1995.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

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Mr. PRESSLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 187]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 187) “A Bill to provide for the safety of journeymen boxers, and for other purposes”, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF MEASURE

The bill, S. 187, as reported, seeks to improve the regulation of professional boxing. The bill enhances the ability of state boxing commissions to provide proper oversight of professional boxing matches by expanding the system of safety precautions that protect the welfare of professional boxers.

BACKGROUND AND NEED

Most states currently regulate professional boxing matches and determine whether participants are fit to fight. States do not, however, uniformly address safety issues and the efficacy of safety enforcement varies dramatically from state to state. Some states have no health and safety requirements at all.

The main medical problem confronting boxers is chronic brain injury. Dr. Barry Jordan, Professor of Neurology at Cornell Medical School and Team Physician for the U.S.A. Amateur Boxing Federation, testified before the Senate Permanent Subcommittee on Investigations on March 10, 1995. Dr. Jordan indicated that 20 percent of retired boxers experience chronic brain injuries. This results in slurred speech, memory loss, personality changes, difficulty walk-

ing, and, potentially, Parkinson's disease. Dr. Jordan believes boxing for a long period of time, particularly if the fighter loses frequently, poses a substantial risk of chronic brain injury.

State athletic commissions are responsible for sanctioning boxing contests held in their jurisdiction. Although bouts are supposed to feature evenly matched fighters, severe mismatches, arranged to improve the superior boxer's record, are not unusual. These severely mismatched bouts are dangerous to the health of the less experienced fighter.

A major safety problem is the inadequate maintenance of health records for fighters, including suspensions of fighters as a result of injuries suffered in the ring. While some states have thorough record-keeping procedures, others do not. Generally, when a fighter is knocked out, he is prohibited from fighting, for a specified period of time, in the state where the knockout occurred. Nevertheless, those fighters often simply go to another state to get a bout. Ricky Stackhouse's boxing career exemplifies this safety problem. In 1989, Stackhouse was permanently banned from fighting in New York by the state athletic commission. He then fought in Florida and was knocked out of a bout by the first punch thrown. After Florida suspended him for life, he qualified to fight in Michigan. There he was again knocked out early in a fight with James Toney, the world middle-weight champion of the International Boxing Foundation.

LEGISLATIVE HISTORY

Senators McCain and Bryan introduced S. 187 on January 10, 1995. The text of S. 187 is identical to S. 1991, introduced in the 103rd Congress by Senators McCain and Bryan on March 25, 1994. After considering S. 187 in open executive session, on July 20, 1995, the committee ordered the bill reported without objection and without amendment.

In the 103rd Congress, the Committee on Commerce, Science, and Transportation held hearings on the "health and safety of professional boxing" on January 20, 1994, and on S. 1991 on September 22, 1994. The Committee favorably reported S. 1991 on September 28, 1994. The bill was not considered by the full Senate.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and Section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 1995.

Hon. LARRY PRESSLER,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 187, the Professional Boxing Safety Act.

Enacting S. 187 would affect both direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director*.

1. Bill number: S. 187.

2. Bill title: Professional Boxing Safety Act.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 20, 1995.

4. Bill purpose: S. 187 would permit a boxing match to take place only in a state that establishes procedures to implement the requirements of this bill and that has a state boxing commission or a licensing agreement with another state that also has a boxing commission. Before boxing in a particular state, a boxer would be required to register with the state's boxing commission, or, if it had none, to register with a boxing commission with which the state has a licensing agreement. State boxing commissions would have to issue identity cards to registered boxers, develop procedures to evaluate the professional records of boxers, and make sure that no boxer is permitted to box while under suspension from any other state boxing commission. The bill also would require each state boxing commission to forward the results of boxing matches to the Association of Boxing Commission (ABC) and the Florida State Athletic Commission.

The bill also would permit United States Attorneys to bring civil actions against anyone who violates provisions of the bill, and would establish criminal fines and penalties for violations. Finally, the bill would require the Secretary of Labor to conduct a study on the feasibility and cost of a national pension plan for professional boxers.

5. Estimated cost to the Federal Government: CBO estimates that enacting S. 189 would have no significant impact on the federal budget. S. 189 could affect the federal budget in two ways—by permitting United States Attorneys to bring civil actions against violators of the bill's provisions, and by making violations of its provisions criminal offenses and establishing criminal fines for such offenses. As a result, enacting S. 189 could affect both federal spending and receipts from fines. Based on information from the Office of the United States Attorneys, CBO estimates that the bill would not result in any significant cost to the federal government for additional civil actions brought by U.S. Attorneys. Criminal fine collections would be governmental receipts, but based on information from the Department Justice (DOJ), we estimate that any increase in collections for criminal fines would not be significant.

Criminal fines would be deposited in the Crime Victims Fund and spent in the following year as direct spending. The increase in direct spending would be the same as the amount of fines collected, with a one-year lag. Therefore, additional direct spending would also be negligible.

Based on information from the Department of Labor, conducting the study on pension plans for professional boxers would cost between \$150,000 and \$250,000, depending on the expense of collecting the data and assuming appropriation of the necessary funds.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of S. 187 would affect direct spending and receipts through the imposition of criminal fines and resulting spending from the Crime Victims Fund. CBO estimates that the amounts involved would not be significant. The following table summarizes the estimated pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998
Change in outlays	0	0	0	0
Change in receipts	0	0	0	0

7. Estimated cost to State and local governments: S. 187 would require state boxing commissions to issue an identification card to each professional boxer who registers with the commission. It also would require the commissions to establish various procedures and to file reports with the Florida State Athletic Commission and with registries certified by the ABC.

Although the bill establishes these requirements for existing state boxing commissions (now numbering more than thirty), it does not require the states to establish such commissions. Boxers residing in a state with no boxing commission could register with any other state's commission. Promoters seeking to hold a boxing match in a state that does not have a boxing commission could enter into an agreement with another state's commission to oversee the match. Consequently, states without boxing commissions would not have to create them to comply with this bill. In addition, several state boxing officials have told CBO that many of the commissions are already complying with the requirements set out in the bill. As a result, we expect that the costs to states from enacting S. 187 would not be significant.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Federal Cost Estimate: Rachel Forward, State and Local Cost Estimate: Pepper Santalucia.

11. Estimate approved by: Robert R. Sunshine; for Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of this legislation.

NUMBER OF PERSONS AFFECTED

The purpose of this bill is to improve the safety of professional boxing matches. It will thus affect the actions of professional boxers and the promoters of professional boxing matches.

ECONOMIC IMPACT

No impact on the nation's economy is anticipated.

PRIVACY

This legislation will not have any adverse impact on the personal privacy of the individuals affected. The legislation will, however, require that professional boxers obtain an identification card to be presented at the weigh-in before every professional boxing event. The legislation also requires the reporting of boxing match results to existing national registers that distribute reports on matches.

PAPERWORK

This legislation will require that professional boxers register with a State boxing commission. The legislation also requires the reporting of boxing match results to existing national registers that distribute reports on matches.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 states the short title of the legislation, providing that the legislation may be cited as the “Professional Boxing Safety Act.”

Section 2. Definitions

Section 2 defines terms and phrases used in the bill.

Section 3. Purpose

Section 3 states the purpose of the bill is to improve and expand the system of safety precautions that protect the welfare of professional boxers and assist State boxing commissions in providing proper oversight of professional boxing matches.

Section 4. Professional boxing matches

Section 4 requires that every professional boxing match in the United States be supervised by a state boxing commission. If a state does not have a state boxing commission, the fight’s promoter must contract with the boxing commissioners of another state to regulate the fight.

Currently, Colorado, Kansas, North Carolina, South Dakota, Virginia, and Wyoming do not have state boxing commissions. Virginia privatized its boxing commission earlier this year by entering into a contract with a private association that will perform the functions once carried out by the state. The District of Columbia is considering proposals to privatize its commission.

Section 5. Registration

Section 5 requires every professional boxer to register with the State boxing commission where he resides. Foreign boxers coming into the United States for bouts and boxers residing in States without boxing commissions must register in a State that has a State boxing commission. Section 5 requires that boxers be issued an identification card by the state commission with which they have registered. That identification card must be updated every three years and presented at weigh-in prior to any boxing event. Section 5 indicates that nothing in the section shall be construed to prevent a State from applying additional registration requirements.

Section 6. Review

Section 6 requires State boxing commissions to evaluate the records of each boxer participating in a professional bout in their state. This evaluation is to ensure the boxers are physically able to compete and have adequate boxing skills to compete with a qualified opponent. Boxers suspended in one State, due to injury or other medical-related reasons, are prohibited from fighting in another State.

Section 7. Reporting

Section 7 requires the reporting of results of a professional boxing match, including notice of any suspensions, within 48 business hours after the conclusion of a professional match. These results are to be reported to the Association of Boxing Commissions and the Florida State Athletic Commission. The Florida State Athletic Commission distributes a free update on all suspended boxers in the United States.

Section 8. Enforcement

Whenever the United States Attorney in a State has reasonable cause to believe the provisions of this bill are being violated, the U.S. Attorney may seek in federal court an injunction to block the professional bout at issue.

Criminal penalties are established for violations under the bill. Managers, promoters, matchmakers, and licensees who knowingly and willfully violate provisions of the bill can be fined up to \$20,000 or imprisoned up to one year, or both. Boxers who knowingly and willfully violate provisions of the bill can be fined up to \$1,000.

Section 9. Study

The Department of Labor is required to conduct a study on the feasibility and cost of a national pension system for professional boxers, and report its findings to the Congress within 180 days of the bill's enactment.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill, as reported, makes no change in existing law.