

AMENDMENTS SUBMITTED

THE PROFESSIONAL BOXING
SAFETY ACTMCCAIN (AND OTHERS)
AMENDMENT NO. 3039

Mr. SMITH (for Mr. MCCAIN, for himself, Mr. BRYAN, and Mr. ROTH) proposed an amendment to the bill (S. 187) to provide for the safety of journeymen boxers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional Boxing Safety Act of 1995".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) **BOXER.**—The term "boxer" means a person who participates in a professional boxing match.

(2) **LICENSEE.**—The term "licensee" means an individual who serves as a trainer, second, or cut man for a professional boxer.

(3) **MANAGER.**—The term "manager" means a person or business that helps arrange professional boxing matches for a boxer, and that serves as an advisor or representative of a boxer in a professional capacity.

(4) **MATCHMAKER.**—The term "matchmaker" means a person or business that proposes, selects, and arranges the boxers to participate in a professional boxing match.

(5) **PROFESSIONAL BOXING MATCH.**—The term "professional boxing match"—

(A) means a boxing contest held in the United States between individuals for compensation or a prize; and

(B) does not include any amateur boxing match.

(6) **PROMOTER.**—The term "promoter" means a person or business that organizes, holds, advertises, or otherwise conducts a professional boxing match.

(7) **STATE BOXING COMMISSION.**—The term "State boxing commission" means a State agency with authority to regulate professional boxing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

SEC. 4. PROFESSIONAL BOXING MATCHES.

(a) **IN GENERAL.**—

(1) **REQUIREMENTS.**—Subject to subsection (b), a professional boxing match may be held in the United States only if—

(A)(i) the State in which the professional boxing match is to be held has a State boxing commission;

(ii) the State has entered into a contract with a private organization to carry out the duties of a State boxing commission in accordance with the applicable requirements of this Act; or

(iii) the promoter who seeks to put on a professional boxing match in a State that does not have a boxing commission has entered into an agreement with the chief administrative officer of a State that has a boxing commission to oversee the boxing match;

(B) a licensed practicing physician, whose services are paid by the promoter, is continuously present at the ringside of the professional boxing match;

(C) the promoter has, in accordance with this subsection, provided—

(i) for a physical examination of each boxer who participates in the professional boxing match by a licensed practicing physician, to ensure that each such boxer is physically fit to compete in the boxing match; and

(ii)(I) for an ambulance to be continuously present at the site of the boxing match; or

(II) if applicable, notice in accordance with paragraph (2); and

(D) the State boxing commission has established procedures to carry out sections 5 through 8.

(2) **AMBULANCE SERVICE.**—

(A) **IN GENERAL.**—In any case in which an applicable State law does not require that an ambulance be continuously present in the immediate vicinity of a professional boxing match, if the promoter for that boxing match does not choose to provide for such an ambulance, the promoter shall, not later than 24 hours before that boxing match, notify the nearest available ambulance service (including any appropriate emergency medical service) of that boxing match.

(B) **COSTS.**—The promoter for a professional boxing match shall pay the cost of any ambulance service provided in conjunction with the conduct of that boxing match.

(b) **REQUIREMENTS FOR PRIVATIZATION.**—

(1) **MONITORING AND EVALUATION.**—If a State enters into a contract with a private organization to carry out the duties of a State boxing commission specified in this Act, the State shall provide for—

(A) continual monitoring of the activities of the private organization that are the subject of the contract; and

(B) regular evaluations by the State of the activities referred to in subparagraph (A).

(2) **CANCELLATION OF PROFESSIONAL BOXING MATCHES.**—If a State enters into a contract with a private organization under paragraph (1), notwithstanding that contract, the chief administrative officer of that State may cancel a professional boxing match without consulting the private organization if that chief administrative officer determines that—

(A) the private organization is not performing the obligations of that organization that are specified in the contract in a manner that is satisfactory to the chief administrative officer; or

(B) the cancellation of the professional boxing match is necessary to protect public health, safety, or welfare.

SEC. 5. REGISTRATION.

(a) **REQUIREMENTS.**—Each professional boxer shall register with—

(1) the State boxing commission of the State in which such boxer resides (or if the State has in effect a contract with a private organization described in section 4(b), that private organization); or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no State boxing commission and in which no private organization is carrying out the duties of a State boxing commission pursuant to a contract described in section 4(b), the State boxing commission of any State that has such a commission or a private organization that carries out a contract described in section 4(b).

(b) **IDENTIFICATION CARD.**—

(1) **ISSUANCE.**—A State boxing commission or a private organization that carries out a contract described in section 4(b) shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains—

(A) a recent photograph of the boxer;

(B) the social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer); and

(C) each personal identification number assigned to the boxer by a boxing registry certified by the Association of Boxing Commissioners.

(2) **RENEWAL.**—Each professional boxer shall renew his or her identification card at least once every 3 years.

(3) **PRESENTATION.**—Each professional boxer shall present his or her identification card to the appropriate State boxing commission or private organization that carries out a contract described in section 4(b) not later than the time of the weigh-in for a professional boxing match.

(c) **RELATION TO STATE LAW.**—Nothing in this section shall be construed as preventing a State from applying additional registration requirements.

SEC. 6. REVIEW.

Each State boxing commission and each private organization that carries out a contract described in section 4(b) shall establish procedures—

(1) to evaluate the professional records of each boxer participating in a boxing match in the State;

(2) to ensure that no boxer is permitted to box while under suspension from any State boxing commission due to injury or other medical-related reason, including—

(A) a recent knockout, injury, or requirement for a medical procedure;

(B) failure of a drug test;

(C) poor boxing skills, or the inability to safely compete; or

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents; and

(3) to ensure that if such commission (or private organization) is considering permitting a boxer, promoter, manager, or other licensee to participate in a professional boxing match while the individual is under suspension from any State for any reason other than a reason listed in paragraph (2), such commission (or private organization) shall notify and consult with the chief administrative officer of the State that ordered the suspension prior to the grant of approval for such individual to participate in that professional boxing match.

SEC. 7. INSURANCE.

Each State, acting through the State boxing commission of the State or private organization that carries out the regulation of professional boxing matches for that State (if the State has in effect a contract described in section 4(b) with that private organization), shall require that a promoter provide insurance coverage, in an amount determined by the appropriate State official or entity, for each boxer who participates in a professional boxing match that the promoter is involved in conducting to cover an injury sustained while engaged in that match.

SEC. 8. REPORTING.

(a) **BOXING MATCH RESULTS.**—Not later than 48 business hours (excluding Saturdays and Sundays) after the conclusion of a professional boxing match, the results of such boxing match shall be reported—

(1) to each professional boxing registry certified by the Association of Boxing Commissioners; and

(2) to the Florida State Athletic Commission.

(b) **SUSPENSIONS.**—Not later than 48 business hours (excluding Saturdays and Sundays) after a State boxing commission orders the suspension of a boxer, promoter, or manager, such suspension shall be reported—

(1) to each professional boxing registry certified by the Association of Boxing Commissioners; and

(2) to the Florida State Athletic Commission.

(c) ALTERNATE REPORTING ENTITY.—If the State of Florida ceases, for any reason, to publish and circulate a national suspension list at no cost to other States on a frequent basis, the Association of Boxing Commissions shall select a different public or private entity to voluntarily undertake to compile and circulate a suspension list to all State boxing commissions at no cost to the States.

SEC. 9. ENFORCEMENT.

(a) INJUNCTIONS.—Whenever a United States Attorney in a State has reasonable cause to believe that a person or entity is engaged in a violation of this Act in such State, the United States Attorney may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person or entity, as the United States Attorney determines to be necessary to restrain the person or entity from continuing to engage in, or to sanction, a professional boxing match in violation of this Act.

(b) CRIMINAL PENALTIES.—

(1) MANAGERS, PROMOTERS, MATCHMAKERS, AND LICENSEES.—Each manager, promoter, matchmaker, and licensee who knowingly and willfully violates any provision of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than \$20,000, or both.

(2) BOXERS.—Any professional boxer who knowingly and willfully violates any provision of this Act shall, upon conviction, be fined not more than \$1,000.

(c) DESIGNATED UNITED STATES ATTORNEY.—The Attorney General of the United States shall, for each State, designate a United States Attorney that has an office in that State, to serve, in consultation with the State boxing commission of that State (or, in the absence of a State boxing commission, the appropriate official of the Association of Boxing Commissions)—

(1) as a liaison to respond to allegations concerning violations of this Act; and

(2) as a coordinator for any enforcement activity conducted pursuant to this Act that is carried out by any United States Attorney in that State.

SEC. 10. NOTIFICATION OF DESIGNATED UNITED STATES ATTORNEY.

Each promoter that intends to hold a professional boxing match in a State that does not have a State boxing commission shall, not later than 14 days before the intended date of that event, provide written notification to the United States Attorney designated under section 9(c) for that State. That notification shall contain—

(1) assurances that, with respect to that boxing match, all applicable requirements of this Act will be met;

(2) the name, State of residence, and telephone number of the official of a State boxing commission of another State who will oversee the match pursuant to an agreement described in section 4(a)(1)(A)(iii);

(3) the name of any individual who, at the time of the submission of the notification—

(A) is under suspension from a State boxing commission; and

(B) will be involved in organizing or participating in the event; and

(4) with respect to any individual listed under paragraph (3), the State boxing commission to which a suspension described in paragraph (3)(A) is in effect.

SEC. 11. CONSULTATION WITH STATE BOXING OFFICIALS BY THE ATTORNEY GENERAL.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, to exchange information concerning the implementation and enforcement of this Act

and to improve the safety and integrity of professional boxing as a sport, the Attorney General of the United States shall consult with—

(1) the appropriate official of the Association of Boxing Commissions;

(2) tribal organizations (as that term is defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)) that regulate professional boxing matches; and

(3) private organizations that assist in the regulation of professional boxing matches.

SEC. 12. PENSION STUDY.

(a) IN GENERAL.—The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for professional boxers, including potential funding sources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a).

SEC. 13. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN RESERVATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term “Indian tribe” has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) RESERVATION.—The term “reservation” means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) 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)).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a private organization to carry out that regulation.

(2) STANDARDS AND LICENSING.—If a tribal organization regulates boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least equivalent to—

(A) the otherwise applicable standards and requirements of each State in which the reservation is located; or

(B) if no State in which the reservation is located has established any such standard or requirement—

(i) the standards and requirements of any other State that has established a State boxing commission that carries out the requirements of this Act; or

(ii) the most recently published version of the recommended regulatory guidelines issued by the Association of Boxing Commissions.

THE TECHNICAL CORRECTIONS ACT OF 1995

McCAIN AMENDMENT NO. 3040

Mr. SMITH (for Mr. McCAIN) proposed an amendment to the bill (S. 325) to make certain technical corrections in laws relating to native Americans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled “An Act to restore Federal services to the Pokagon Band of Potawatomi Indians” (25 U.S.C. 1300j-7a) is amended—

(1) by striking “Bands” each place it appears and inserting “Band”;

(2) in subsection (a), by striking “respective”; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking “membership rolls that contain” and inserting “a membership roll that contains”; and

(II) by striking “in such” and inserting “in the”; and

(ii) in the second sentence, by striking “Each such” and inserting “The”;

(B) in paragraph (2)—

(i) by striking “rolls have” and inserting “roll has”; and

(ii) by striking “such rolls” and inserting “such roll”;

(C) in the heading for paragraph (3), by striking “ROLLS” and inserting “ROLL”; and

(D) in paragraph (3), by striking “rolls are maintained” and inserting “roll is maintained”.

SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-3) is amended by striking “TRIBE” and inserting “BANDS”.

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-7) is amended—

(1) in subsection (a)—

(A) by striking “Band” the first place it appears and inserting “Bands”; and

(B) by striking “the Band.” and inserting “the respective Bands.”; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking “the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band” and inserting “each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band”; and

(B) in the second sentence, by striking “The Band, in consultation” and inserting “Each such Band, in consultation”.

SEC. 3. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

SEC. 4. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (108 Stat. 1562) is amended by striking “(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), as amended,” and inserting “under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)”.