

108TH CONGRESS
2D SESSION

H. R. 5272

To establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2004

Mr. STEARNS (for himself, Mr. OSBORNE, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Boxing
5 Commission Act”.

1 **SEC. 2. ESTABLISHMENT OF UNITED STATES BOXING COM-**
2 **MISSION.**

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

6 (b) MEMBERS.—

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

10 (2) QUALIFICATIONS.—No member of the Com-
11 mission may, while serving as a member of the Com-
12 mission—

13 (A) be engaged as a professional boxer,
14 boxing promoter, agent, fight manager, match-
15 maker, referee, judge, or in any other capacity
16 in the conduct of the business of professional
17 boxing;

18 (B) have any pecuniary interest in the
19 earnings of any boxer or the proceeds or out-
20 come of any boxing match; or

21 (C) serve as a member of a boxing commis-
22 sion.

23 (3) BIPARTISAN MEMBERSHIP.—Not more than
24 2 members of the Commission may be members of
25 the same political party.

1 (4) GEOGRAPHIC BALANCE.—Not more than 2
2 members of the Commission may be residents of the
3 same geographic region of the United States when
4 appointed to the Commission. For purposes of the
5 preceding sentence, the area of the United States
6 east of the Mississippi River is a geographic region,
7 and the area of the United States west of the Mis-
8 sissippi River is a geographic region.

9 (5) TERMS.—

10 (A) IN GENERAL.—The term of a member
11 of the Commission shall be 3 years. No member
12 of the Commission shall serve more than 2
13 terms.

14 (B) MIDTERM VACANCIES.—A member of
15 the Commission appointed to fill a vacancy in
16 the Commission occurring before the expiration
17 of the term for which the member's predecessor
18 was appointed shall be appointed for the re-
19 mainder of that unexpired term.

20 (C) CONTINUATION PENDING REPLACE-
21 MENT.—A member of the Commission may
22 serve after the expiration of that member's
23 term until a successor has taken office.

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

1 (c) EXECUTIVE DIRECTOR.—

2 (1) IN GENERAL.—The Commission shall em-
3 ploy an Executive Director to perform the adminis-
4 trative functions of the Commission under this Act,
5 and such other functions and duties of the Commis-
6 sion as the Commission shall specify.

7 (2) DISCHARGE OF FUNCTIONS.—Subject to the
8 authority, direction, and control of the Commission
9 the Executive Director shall carry out the functions
10 and duties of the Commission under this Act.

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

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

22 (f) MEETINGS.—The Commission shall hold its first
23 meeting no later than 30 days after all members shall have
24 been appointed.

25 (g) COMPENSATION.—

1 (1) MEMBERS OF COMMISSION.—

2 (A) IN GENERAL.—Each member of the
3 Commission shall be compensated at a rate
4 equal to the daily equivalent of the annual rate
5 of basic pay prescribed for level IV of the Exec-
6 utive Schedule under section 5315 of title 5,
7 United States Code, for each day (including
8 travel time) during which such member is en-
9 gaged in the performance of the duties of the
10 Commission.

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

19 (2) EXECUTIVE DIRECTOR AND STAFF.—The
20 Commission shall fix the compensation of the Execu-
21 tive Director, the General Counsel, and other per-
22 sonnel of the Commission. The rate of pay for the
23 Executive Director, the General Counsel, and other
24 personnel may not exceed the rate payable for level

1 V of the Executive Schedule under section 5316 of
2 title 5, United States Code.

3 **SEC. 3. FUNCTIONS.**

4 (a) PRIMARY FUNCTIONS.—The primary functions of
5 the Commission are—

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

8 (2) to ensure uniformity, fairness, and integrity
9 in professional boxing.

10 (b) SPECIFIC FUNCTIONS.—The Commission shall—

11 (1) promulgate uniform standards for profes-
12 sional boxing in consultation with the Association of
13 Boxing Commissions;

14 (2) except as otherwise determined by the Com-
15 mission, oversee all professional boxing matches in
16 the United States;

17 (3) work with the boxing commissions of the
18 several States and tribal organizations to improve
19 the status and standards of professional boxing in
20 the United States;

21 (4) ensure, in cooperation with the Attorney
22 General (who shall represent the Commission in any
23 judicial proceeding under this Act), the chief law en-
24 forcement officer of the several States, and other ap-
25 propriate officers and agencies of Federal, State,

1 and local government, that Federal and State laws
2 applicable to professional boxing matches in the
3 United States are vigorously, effectively, and fairly
4 enforced;

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

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

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

17 (c) PROHIBITIONS.—The Commission may not—

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

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

1 **SEC. 4. LICENSING AND REGISTRATION OF BOXING PER-**
2 **SONNEL.**

3 (a) LICENSING.—

4 (1) REQUIREMENT FOR LICENSE.—No person
5 may compete in a professional boxing match or serve
6 as a boxing manager, boxing promoter, or sanc-
7 tioning organization for a professional boxing match
8 except as provided in a license granted to that per-
9 son under this subsection.

10 (2) APPLICATION AND TERM.—

11 (A) IN GENERAL.—The Commission
12 shall—

13 (i) establish application procedures,
14 forms, and fees;

15 (ii) establish and publish appropriate
16 standards for licenses granted under this
17 section; and

18 (iii) issue a license to any person who,
19 as determined by the Commission, meets
20 the standards established by the Commis-
21 sion under this Act.

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

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

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

1 (C) PROCEDURE.—The Commission may
2 issue a license under this paragraph through
3 boxing commissions or in a manner determined
4 by the Commission.

5 (b) LICENSING FEES.—

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

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

15 (A) club boxing is not adversely effected;

16 (B) sanctioning organizations and pro-
17 moters pay comparatively the largest portion of
18 the fees; and

19 (C) boxers pay as small a portion of the
20 fees as is possible.

21 (3) COLLECTION.—Fees established under this
22 subsection may be collected through boxing commis-
23 sions or by any other means determined appropriate
24 by the Commission.

1 **SEC. 5. 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. 6. 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. 7. 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 Com-
21 mission finds that—

22 (A) the license holder has violated any pro-
23 vision of this Act;

24 (B) there are reasonable grounds for belief
25 that a standard prescribed by the Commission
26 under this Act is not being met, or that bribery,

1 collusion, intentional losing, racketeering, extor-
2 tion, or the use of unlawful threats, coercion, or
3 intimidation have occurred in connection with a
4 license; or

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

17 (5) INJUNCTIVE RELIEF.—If the Commission
18 determines that any person is engaged or about to
19 engage in any act or practice that constitutes a vio-
20 lation of any provision of this Act, or of any regula-
21 tion prescribed under this Act, the Commission may
22 bring an action in the appropriate district court of
23 the United States, the United States District Court
24 for the District of Columbia, or the United States
25 courts of any territory or other place subject to the

1 jurisdiction of the United States, to enjoin the act
2 or practice, and upon a proper showing, the court
3 shall grant without bond a permanent or temporary
4 injunction or restraining order.

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

14 (c) INTERVENTION IN CIVIL ACTIONS.—

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

20 (2) AMICUS FILING.—The Commission may file
21 a brief in any action filed in a court of the United
22 States on behalf of the public interest in any case
23 relating to professional boxing.

24 (d) HEARINGS BY COMMISSION.—Hearings con-
25 ducted by the Commission under this Act shall be public

1 and may be held before any officer of the Commission.
2 The Commission shall keep appropriate records of the
3 hearings.

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

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

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

16 **SEC. 9. ASSISTANCE FROM OTHER AGENCIES.**

17 Any employee of any executive department, agency,
18 bureau, board, commission, office, independent establish-
19 ment, or instrumentality may be detailed to the Commis-
20 sion, upon the request of the Commission, on a reimburs-
21 able or nonreimbursable basis, with the consent of the ap-
22 propriate authority having jurisdiction over the employee.
23 While so detailed, an employee shall continue to receive
24 the compensation provided pursuant to law for the employ-
25 ee's regular position of employment and shall retain, with-

1 out interruption, the rights and privileges of that employ-
2 ment.

3 **SEC. 10. STUDY.**

4 (a) STUDY.—The Commission shall conduct a study
5 on the health and safety aspects of boxing, including an
6 examination of—

7 (1) the risks or serious injury and the nature
8 of potential injuries;

9 (2) the long term effect of boxing on the health
10 of boxers; and

11 (3) the effectiveness of safety standards and
12 regulations.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Commission shall submit a
15 report on the study required by this section to the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate and the Committee on Energy and Commerce of
18 the House of Representatives, including recommendations
19 to improve the health and safety aspects of boxing.

20 **SEC. 11. REPORTS.**

21 (a) ANNUAL REPORT.—Not later than 2 years after
22 the date of enactment of this Act, and each year there-
23 after, the Commission shall submit a report on its activi-
24 ties to the Committee on Commerce, Science, and Trans-
25 portation of the Senate and the Committee on Energy and

1 Commerce of the House of Representatives. The annual
2 report shall include—

3 (1) a detailed discussion of the activities of the
4 Commission for the year covered by the report; and

5 (2) an overview of the licensing and enforce-
6 ment activities of the State and tribal organization
7 boxing commissions.

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

14 **SEC. 12. INITIAL IMPLEMENTATION.**

15 (a) TEMPORARY EXEMPTION.—The requirements for
16 licensing under this Act do not apply to a person for the
17 performance of an activity as a boxer, boxing judge, or
18 referee, or the performance of any other professional activ-
19 ity in relation to a professional boxing match, if the person
20 is licensed by a boxing commission to perform that activity
21 as of the effective date of this Act.

22 (b) EXPIRATION.—The exemption under subsection
23 (a) with respect to a license issued by a boxing commission
24 expires on the earlier of—

25 (1) the date on which the license expires; or

1 (2) the date that is 2 years after the date of the
2 enactment of this Act.

3 **SEC. 13. SUNSET PROVISION.**

4 This Act shall cease to have effect 6 years after the
5 date of enactment of this Act.

6 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated for the Commission for each fiscal year such sums
9 as may be necessary for the Commission to perform its
10 functions for that fiscal year.

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

14 (1) shall be credited as offsetting collections to
15 the account that finances the activities and services
16 for which the fee is imposed;

17 (2) shall be available for expenditure only to
18 pay the costs of activities and services for which the
19 fee is imposed; and

20 (3) shall remain available until expended.

○