PROFESSIONAL BOXING SAFETY ACT

● Mr. MCCAIN. Mr. President, as the Senate comes to the close of this session, I want to express a few words on the passage of H.R. 4167, The Professional Boxing Safety Act. I am extremely pleased that the 104th Congress will be the first in 35 years—since the days of the Kefauver Committee—to reform professional boxing. The bill has been sent to the President for his consideration.

I thank my colleague, Senator BRYAN, who represents the premier boxing State in our country, for his great help and counsel on this bipartisan legislation. In the House, Subcommittee Chairman MIKE OXLEY, Chairman BLILEY of the Commerce Committee, Rep. PAT WILLIAMS, and Rep. JOHN DINGELL all played vital roles in getting this historic legislation passed in that body.

I have been an avid fan of professional boxing all my life. I still go to several fights each year. Boxing can be a thrilling and honorable contest between highly skilled athletes. At its best, professional boxing for me and millions of other fans is the ''sweet science.''

But professional boxing in our country is also a big money, often unregulated industry that has been aptly described as the ''red light district of sports.'' I regret it has earned that distinction through decades of controversy, scandals, and ethical abuses.

Of primary importance for me has been the lack of proper health and safety measures for the unknown, journeymen boxers who sustain the sport. They may never make more than a few hundred dollars a night, and are subject to physical and financial exploitation from unscrupulous promoters. It is the only profession they know.

As soon as they are of no use to a promoter, they are discarded. Left with the debilitating effects that result from years of punishment. No pension, no medical care, no assistance from any league or association in the industry.

Other major sports have well-run private associations that provide benefits to their athletes, and address ethical abuses on behalf of the public. Boxing has none.

With no private organization in this industry, and uneven public oversight at the State level, it is appropriate for the Congress to act on behalf of the athletes whose health and safety is often put at risk.

In fact, five States have absolutely no public oversight of professional boxing. That can easily lead to dangerous or fraudulent situations.

This bipartisan legislation, H.R. 4167, is closely based on the bill Senator BRYAN and I passed through the Senate last October—S. 187. It is a modest but practical bill. It establishes a series of health, safety, and ethical standards for each professional boxing event in the United States.

This act will greatly assist dedicated State boxing commissioners as they strive to responsibly regulate this industry. The Association of Boxing Commissions strongly endorsed S. 187, and I received letters from boxing officials from all over the United States in support of it.

This is not a Washington-based, bureaucratic solution to the problems affecting boxing that are matters of public concern. I sought the views of State officials from each commission in the country before drafting this legislation.

It is a common sense, limited proposal that puts the interest of the athletes above those of the promoters who would otherwise cut corners on safety. The primary effect of the bill will be to ensure that all boxing events are supervised by State officials. H.R. 4167 will ensure that a modest level of health and safety measures are provided.

It will also assist State commissioners as they work with their colleagues in neighboring States to stop fraudulent or unsafe events. All medical suspensions placed on injured or debilitated boxers must be respected under this bill.

A significant provision added in the House will prevent conflicts of interest in the industry. State commissioners who serve the public interest in regulating professional boxing will be prohibited from receiving compensation from the business side of the sport. That will help address the troublesome influence that the self-serving sanctioning bodies have gained over the years.

Importantly, I'd like to emphasize what this bill does not do. It does not require appropriations; it does not create a Federal boxing bureaucracy or entity of any kind. And it does not impose costly mandates on State commissions.

H.R. 4167, the Professional Boxing Safety Act, properly leaves regulation of the sport to State officials. But it will strengthen health and safety standards on behalf of the athletes, and require responsible oversight by these commissioners.

I believe this legislation will make professional boxing a safer and more honorable sport. That's a solid achievement for industry members, State officials, and the fans who long for it to be as great a sport as it can be.●

FCC'S IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

● Mr. BURNS. Mr. President, I'd like to take a moment today to offer some observations on the FCC's recent attempts to implement the important Telecommunications Act that we passed during the 104th Congress. I ask unanimous consent that my comments appear as if presented in morning business.

As we all know, prior to the 104th Congress, we had been debating communications issues for almost 20 years with little forward progress. During the 104th, the chairman of the Senate Commerce, Science, and Transportation Committee, Senator LARRY PRESSLER, hammered out a balanced, bipartisan piece of legislation that addressed the extremely technical and controversial issues raised in deregulating the broadcasting and communications industries. When we all gathered in the Library of Congress on February 8, 1996, to witness the signing of this historic legislation into law, I think pretty much all of us were proud of our collective accomplishment. We hoped and expected that our efforts would produce new services, new competitive options, new jobs and investment, and a competitive marketplace.

However, recently, I have been watching the highly controversial efforts of the FCC at it has worked to implement this new law. And, as Yogi Berra once said, it's starting to look like deja vu all over again.

Congress hammered out a consensus blueprint—one that was fair and balanced, and one that all the various industries signed onto. That process took a lot of work; in fact, the Senate-House conference took over 4 months. However, I am concerned with the manner in which the FCC has gone about implementing this bill. In fact, yesterday's Wall Street Journal contained an article which identified many of the problems arising from the FCC's implementation of the Telecommunications Act. I ask unanimous consent that a copy of that article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURNS. Mr. President, I am concerned that the FCC's implementation of the Interconnection provision—the FCC's order implementing this provision is 932 pages and contains some 4,062 footnotes—has alienated virtually all of the State regulators, and it has generated a massive appeal to the courts by the local exchange companies—this represents about three-quarters of the entire industry. Thus, the balanced, consensus approach that Congress achieved has, apparently, been set aside, and now, unfortunately, we are seeing these issues before the courts.

Mr. President, this situation is not good for anyone. Confusion, industry strife, and massive court filings don't facilitate the construction of the information superhighway. Because I believe that the U.S. competitiveness in the global information economy will be dependent upon how quickly we upgrade our communications networks, it is absolutely essential that the FCC not adopt implementation policies that frustrate the timely deployment of information and communications infrastructure. I encourage the FCC to go back to the legislation that we passed and to follow the roadmap that Congress outlined. That roadmap calls for,

first, encouraging private sector negotiations, and, second, relying upon the State commissions to arbitrate solutions to the problems that private parties cannot work out. The FCC is responsible for overseeing this process but should not try to take over the process by rehashing all the issues that Congress resolved in the enactment of this act. It needs to implement Congress' blueprint in a balanced, consensus fashion, so that the communications industry can begin the important job of bringing new services, new options, and new technologies to the American public.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Oct. 2, 1996]

HOW BUREAUCRATS REWRITE LAWS

(By John J. DiIulio Jr.)

As the historic 104th Congress draws to a close, scholars have already begun to debate its legislative record. Some stress that the first Republican Congress in four decades enacted fewer major laws than any Congress since the end of World War II. Others respond that it was only natural that a new conservative Congress committed to restraining the post-New Deal rise of national government activism would pass fewer big-government bills. Likewise, while some interpret President Clinton's bright re-election prospects as a negative referendum on the GOP-led House and Senate, other focus on how Republicans ended up setting the agenda on everything from balancing the budget to welfare reform.

For at least two reasons, however, both sides in this early war over the 104th history are firing intellectual blanks. One reason is that it is not yet clear how much of the legislation will stick politically. For example, Mr. Clinton has made plain that, if reelected, he plans to ''fix'' the new welfare law. And should the House fall to the Democrats, ultraliberal committee chairmen will move quickly to undo much of what the Republicans did legislatively on welfare, crime, immigration and more.

The other and more fundamental reason is that, no matter what happens in November, it is by no means certain that the laws passed by the Republican Congress over the last two years will survive administratively.

BUREAUCRATIC WARS

Victories won on the legislative battlefield are routinely lost in the fog of bureaucratic wars over what the laws mean and how best to implement them. One of many recent examples is how the Federal Communications Commission has already virtually rewritten the Telecommunications Act of 1996.

On Feb. 8, President Clinton signed the first major rewrite of telecommunications law in 62 years. To many observers, the act represented the culmination of a series of political and judicial decisions that began in 1974 when the U.S. Justice Department filed an antitrust suit against AT&T, leading to a breakup of the old telephone monopoly and the creation in 1984 of the seven regional ''Baby Bells.'' The bill-signing ceremony, the first ever held at the Library of Congress, was draped in symbolism. The president signed the bill with a digital pen that put his signature on the Internet. On a TV screen, Comedian Lily Tomlin played her classic telephone company operator Ernestine, opening her skit with ''one gigabyte'' instead of ''one ringle-dinglie.''

During the debate over the bill and for weeks after its enactment, the press played up the law's social-policy side-shows, like the requirement that most new television sets contain a ''V-chip'' enabling parents to lock out programs deemed inappropriate for children. But its true significance lay in removing barriers to competition in the telecommunications industry, and devolving responsibility for remaining regulation to the states. While its language is often technical, you need not be a telecom junkie to understand the letter of the law or the record of floor debates in Congress.

For example, Sections 251 and 252 of the law promote competition in local telephone markets, expressly giving state commissions authority to decide, via a strictly localized, case-specific process, what constitutes ''just and reasonable'' rates. It affords the FCC no role whatsoever in setting local exchange prices: ''Nothing in this chapter shall be construed to apply or to give the Commission jurisdiction with respect to . . . charges, classifications, practices, facilities, or regulations for or in connection with intrastate communication service.''

The law's devolutionary language and deregulatory intent was so clear that groups such as the National Council of Governors' Advisors quickly produced reports advising key state and local decision makers to prepare for ''telewars in the states.'' Soon, one NCGA report on the law explained, ''governors' offices, state legislatures and state public utility commissioners will be drawn into state debates on how to ensure a 'level playing field for competition' among those firms seeking to provide local and intrastate telephone service.'' The major battles, the NCGA predicted, would be over the terms of price and interconnection agreements. Telephone company rivals could be expected to lobby governors, utility commissions and state legislatures in search of allies.

But within six months of the law's enactment, the FCC declared a victor in the ''telewars in the states''—namely, itself. The commission produced a 600-page document promulgating presumptive national pricing standards in local telephone markets. The FCC insists that the order is necessary to pry open local markets to long-distance carriers like AT&T, small firms like Teleport, and cable and wireless companies. Otherwise, the commission asserts, incumbent local carriers like the Regional Bell Operating Companies will remain invulnerable to real competition as potential entrants to intrastate markets are forced to contend with 50 different, localized state regulatory regimes.

But the FCC's rushed, revanchist rewrite of the telecommunications law is based on a hypothetical pricing scheme that only an armchair economist could love. In its hundreds of pages of national regulatory dictates, the FCC almost completely ignores the actual costs that local companies incurred to create the system, and the regional and other variation in how they operate.

On Aug. 28, GTE Corp. and Southern New England Telephone Co. jointly challenged the FCC in court, arguing that the FCC's order constitutes an uncompensated taking under the Fifth Amendment by requiring them to sell their services at below actual costs. The order, they claim, would almost certainly enervate competition by permitting long-distance giants like AT&T to buy up local phone networks at huge discounts—an ironic potential outcome indeed given how all this began in 1974. Moreover, not only giants like AT&T but fly-by-night arbitrage artists could enrich themselves at the expense of consumers on the spread between actual operating costs and the prices set by the FCC. In response to the suit, a federal appeals court ordered a temporary stay of the FCC regulations and will hear oral arguments in the case tomorrow.

At a recent press conference, GTE's senior vice president and general counsel, former U.S. Attorney General William F. Barr, demanded to know why the FCC believes that it is better at making decisions ''for 50 states than the state commissions are, who have done this historically, who have all the data that are relevant to the state before them.''

A MOCKERY

But whether or not the FCC is wiser than the states, but regardless of who is right about the economics of the case, the FCC bureaucrats' order mocks key provisions of a democratically enacted law. The FCC's action is at odds not only with the textbook understanding of ''how a bill becomes law,'' but the first principles of limited government and American constitutionalism.

The FCC's action should serve to remind us that the devolution and deregulation of federal authority are always in the administrative details. On telecommunications, welfare, and almost every other major issue, big government is the administrative state in which judges and unelected officials, and not the elected representatives who debate and enact the laws, govern us all.●

1984 SINO-BRITISH JOINT RESOLUTION ON THE QUESTION OF HONG KONG

● Mr. MACK. Mr. President, only 270 days of freedom remain for the people of Hong Kong unless the principles of the 1984 Sino-British Joint Declaration on the Question of Hong Kong are upheld and enforced. Although Governor Chris Patton proclaimed yesterday his intention not to go quietly from his post as last Governor of Hong Kong, his stated goals do not go far enough. Martin Lee, Hong Kong's Democratic Party leader, correctly identified Patton's shortcomings on behalf of those who will remain after Beijing takes control of the colony next July.

Governor Patton proclaimed yesterday that he intended to accomplish many things during his remaining time in Hong Kong, but his proposed actions fall short of what is required. We see former Communist states all over the world transitioning to free market economies and forms of democratic governance. The United States and our friends and allies are investing a great deal of effort to aid and assist these transitions. We cannot turn our backs on the only instance of a successful and shining free market democracy transitioning to the darkness of communism. I fear that this will happen on midnight of June 30, 1997.

The world must insist upon implementation of the Sino-British Joint Declaration on the Question of Hong Kong signed in 1984. And then the world must ensure Beijing upholds their agreement. Neither Beijing nor London should back down from this agreement now.

I commend Mr. Patton for his good work on freedom, stability, and prosperity during his tenure as Governor. He has pursued reforms while facing resistance and indeed intimidation from Beijing. But he has been forced to compromise in order to maintain his relationship with Beijing. The price of this compromise is too great.