

- "Sec. 117. Professional boxing matches conducted on Indian lands.
- "Sec. 118. Relationship with State or Tribal law.
- "Title II—United States Boxing Commission
- "Sec. 201. Purpose.
- "Sec. 202. Establishment of United States Boxing Commission.
- "Sec. 203. Functions.
- "Sec. 204. Licensing and registration of boxing personnel.
- "Sec. 205. National registry of boxing personnel.
- "Sec. 206. Consultation requirements.
- "Sec. 207. Misconduct.
- "Sec. 208. Noninterference with boxing commissions.
- "Sec. 209. Assistance from other agencies.
- "Sec. 210. Reports.
- "Sec. 211. Initial implementation.
- "Sec. 212. Authorization of appropriations.";

(B) by inserting before section 3 the following: **"TITLE I—PROFESSIONAL BOXING SAFETY";**

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

"(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.";

(E) by striking "section 13" in subsection (b) of section 113, as redesignated, and inserting "section 111";

(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114,";

(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) **COMPENSATION OF MEMBERS.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Members of the United States Boxing Commission."

#### **SEC. 22. STUDY AND REPORT ON DEFINITION OF PROMOTER.**

(a) **STUDY.**—The United States Boxing Commission shall conduct a study on how the term "promoter" should be defined for purposes of the Professional Boxing Safety Act.

(b) **HEARINGS.**—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) **REPORT.**—Not, later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term "promoter" for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

#### **SEC. 23. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) **1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.**—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 10 a.m., to conduct a hearing on "Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry."

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

##### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 2:30 p.m., to conduct a hearing on "Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry."

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

##### **COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the full committee on Environment and Public Works be authorized to meet on Wednesday, March 31, at 9:30 a.m., to conduct a nominations hearing to consider the nominations of: Stephen L. Johnson, to be Deputy Administrator, EPA; Ann R. Klee, to be General Counsel, EPA; Charles Johnson, to be Chief Financial Officer, EPA; Benjamin Grumbles, to be Assistant Administrator for the Office of Water, EPA; and Gary Lee Visscher, to be a Member of the Chemical Safety and Hazard Investigation Board.

The meeting will be held in SD 406.

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

##### **COMMITTEE ON FOREIGN RELATIONS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 9:30 a.m., to hold a nomination hearing.

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

##### **COMMITTEE ON FOREIGN RELATIONS**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 2:30 p.m., to hold a hearing on the effects of the Madrid terrorist attacks on U.S.-European cooperation in the war on terrorism.

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

##### **SELECT COMMITTEE ON INTELLIGENCE**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2004, at 2:30 p.m., to hold a closed business meeting.

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

##### **SUBCOMMITTEE ON PERSONNEL**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2004, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2005.

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

##### **SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Wednesday, March 31, at 1:30 p.m., to conduct a hearing to consider the role of the U.S. Army Corps of Engineers in meeting the Nation's water resource needs in the 21st century.

The meeting will be held in SD 406.

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

#### **PRIVILEGES OF THE FLOOR**

Mr. REID. Mr. President, I ask unanimous consent that Shawn Gallagher, a fellow in the office of the Democratic leader, be granted the privileges of the floor during consideration of H.R. 4.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that John Collison be given floor privileges for the remainder of this day.

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

#### **PROFESSIONAL BOXING AMENDMENTS ACT OF 2003**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 98, S. 275.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 275) to amend the Professional Boxing Safety Act of 1996, and to establish a United States Boxing Administration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 275

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

[(a) **SHORT TITLE.**—This Act may be cited as the “Professional Boxing Amendments Act of 2003”.

[(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.

[Sec. 2. Amendment of Professional Boxing Safety Act of 1996.

[Sec. 3. Definitions.

[Sec. 4. Purposes.

[Sec. 5. USBA approval, or ABC or commission sanction, required for matches.

[Sec. 6. Safety standards.

[Sec. 7. Registration.

[Sec. 8. Review.

[Sec. 9. Reporting.

[Sec. 10. Contract requirements.

[Sec. 11. Coercive contracts.

[Sec. 12. Sanctioning organizations.

[Sec. 13. Required disclosures by sanctioning organizations.

[Sec. 14. Required disclosures by promoters.

[Sec. 15. Judges and referees.

[Sec. 16. Medical registry.

[Sec. 17. Conflicts of interest.

[Sec. 18. Enforcement.

[Sec. 19. Repeal of deadwood.

[Sec. 20. Recognition of tribal law.

[Sec. 21. Establishment of United States Boxing Administration.

[Sec. 22. Effective date.

# **SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.**

[Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

# **SEC. 3. DEFINITIONS.**

[(a) **IN GENERAL.**—Section 2 (15 U.S.C. 6301) is amended to read as follows:

## **“SEC. 2. DEFINITIONS.**

[(a) **IN THIS ACT:**

[(1) **ADMINISTRATION.**—The term ‘Administration’ means the United States Boxing Administration.

[(2) **BOUT AGREEMENT.**—The term ‘bout agreement’ means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

[(3) **BOXER.**—The term ‘boxer’ means an individual who fights in a professional boxing match.

[(4) **BOXING COMMISSION.**—The term ‘boxing commission’ means an entity authorized under State or tribal law to regulate professional boxing matches.

[(5) **BOXER REGISTRY.**—The term ‘boxer registry’ means any entity certified by the

Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

[(6) **BOXING SERVICE PROVIDER.**—The term ‘boxing service provider’ means a promoter, manager, sanctioning body, licensee, or matchmaker.

[(7) **CONTRACT PROVISION.**—The term ‘contract provision’ means any legal obligation between a boxer and a boxing service provider.

[(8) **INDIAN LANDS; INDIAN TRIBE.**—The terms ‘Indian lands’ and ‘Indian tribe’ have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

[(9) **LICENSEE.**—The term ‘licensee’ means an individual who serves as a trainer, second, or cut man for a boxer.

[(10) **LOCAL BOXING AUTHORITY.**—The term ‘local boxing authority’ means—

[(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

[(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

[(11) **MANAGER.**—The term ‘manager’ means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

[(12) **MATCHMAKER.**—The term ‘matchmaker’ means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

[(13) **PHYSICIAN.**—The term ‘physician’ means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

[(14) **PROFESSIONAL BOXING MATCH.**—The term ‘professional boxing match’ means a boxing contest held in the United States between individuals for financial compensation. The term ‘professional boxing match’ does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

[(15) **PROMOTER.**—The term ‘promoter’ means the person responsible for organizing, promoting, and producing a professional boxing match. The term ‘promoter’ does not include a premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

[(A) the premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment has a promotional agreement with a boxer in the match; or

[(B) there is another person responsible for organizing, promoting, and producing the match who is affiliated with the premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment.

[(16) **PROMOTIONAL AGREEMENT.**—The term ‘promotional agreement’ means a contract between a any person and a boxer under which the boxer grants to that person the right to secure and arrange all professional boxing matches requiring the boxer’s services for—

[(A) a prescribed period of time; or

[(B) a prescribed number of professional boxing matches.

[(17) **STATE.**—The term ‘State’ means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or pos-

session of the United States, including the Virgin Islands.

[(18) **EFFECTIVE DATE OF THE CONTRACT.**—The term ‘effective date of the contract’ means the day upon which a boxer becomes legally bound by the contract.

[(19) **SANCTIONING ORGANIZATION.**—The term ‘sanctioning organization’ means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

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

[(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

[(20) **SUSPENSION.**—The term ‘suspension’ includes within its meaning the revocation of a boxing license.

[(21) **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(1)).”

[(b) **CONFORMING AMENDMENT.**—Section 21 (15 U.S.C. 6312) is amended to read as follows:

## **“SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.**

[(a) **IN GENERAL.**—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

[(b) **CONTRACT WITH A BOXING COMMISSION.**—A tribal organization that does not establish a boxing commission shall execute a contract with the Association of Boxing Commissions, or a boxing commission that is a member of the Association of Boxing Commissions, to regulate any professional boxing match held on Indian land under the jurisdiction of that tribal organization. If the match is regulated by the Association of Boxing Commissions, the match shall be regulated in accordance with the guidelines established by the United States Boxing Administration. If the match is regulated by a boxing commission from a State other than the State within the borders of which the Indian land is located, the match shall be regulated in accordance with the applicable requirements of the State where the match is held.

[(c) **STANDARDS AND LICENSING.**—A tribal organization that establishes a boxing commission 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 as restrictive as—

[(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

[(2) the guidelines established by the United States Boxing Administration.”

## **SEC. 4. PURPOSES.**

[Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ‘State’.

## **SEC. 5. USBA APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.**

[(a) **IN GENERAL.**—Section 4 (15 U.S.C. 6303) is amended to read as follows:

## **“SEC. 4. APPROVAL OR SANCTION REQUIREMENT.**

[(a) **IN GENERAL.**—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

[(1) is approved by the Administration; and

[(2) is supervised by the Association of Boxing Commissions or by a boxing commission that is a member of the Association of Boxing Commissions.

[(b) APPROVAL PRESUMED.—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

[(1) a match with respect to which the Administration has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

[(2) a match advertised to the public as a championship match; or

[(3) a match scheduled for 10 rounds or more.

[(c) NOTIFICATION; ASSURANCES.—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide assurances in writing to the Administration and the supervising boxing commission that all applicable requirements of this Act will be met with respect to that professional boxing match.”

[(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

#### **[SEC. 6. SAFETY STANDARDS.]**

[Section 5 (15 U.S.C. 6304) is amended—

[(1) by striking “requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers;” and inserting “requirements;”;

[(2) by adding at the end of paragraph (1) “The examination shall include testing for infectious diseases in accordance with standards established by the Administration.”;

[(3) by striking paragraph (2) and inserting the following:

[(2) An ambulance continuously present on site.”;

[(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

[(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

[(5) by striking “match.” in paragraph (5), as redesignated, and inserting “match in an amount prescribed by the Administration.”.

#### **[SEC. 7. REGISTRATION.]**

[Section 6 (15 U.S.C. 6305) is amended—

[(1) by inserting “or Indian tribe” after “State” the second place it appears in subsection (a)(2);

[(2) by striking the first sentence of subsection (c) and inserting “A boxing commission shall, in accordance with requirements established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”;

[(3) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum.”; and

[(4) by adding at the end the following:

[(d) COPY OF REGISTRATION TO BE SENT TO ADMINISTRATION.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the Administration.”

#### **[SEC. 8. REVIEW.]**

[Section 7 (15 U.S.C. 6306) is amended—

[(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

[(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.”;

[(2) by striking subsection (b); and

[(3) by striking “(a) PROCEDURES.—”.

#### **[SEC. 9. REPORTING.]**

[Section 8 (15 U.S.C. 6307) is amended—

[(1) by striking “48 business hours” and inserting “2 business days”; and

[(2) by striking “each boxer registry.” and inserting “the Administration.”.

#### **[SEC. 10. CONTRACT REQUIREMENTS.]**

[Section 9 (15 U.S.C. 6307a) is amended to read as follows:

#### **“SEC. 9. CONTRACT REQUIREMENTS.**

[(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

[(b) FILING AND APPROVAL REQUIREMENTS.—

[(1) ADMINISTRATION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

[(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

[(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier’s check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.”.

#### **[SEC. 11. COERCIVE CONTRACTS.]**

[Section 10 (15 U.S.C. 6307b) is amended—

[(1) by striking paragraph (3) of subsection (a);

[(2) by inserting “or elimination” after “mandatory” in subsection (b).

#### **[SEC. 12. SANCTIONING ORGANIZATIONS.]**

[(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

#### **“SEC. 11. SANCTIONING ORGANIZATIONS.**

[(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2003, the Administration shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits of the boxers. Within 90 days after the Administration’s promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

[(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

[(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

[(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Administration;

[(3) provide the boxer an opportunity to appeal the ratings change; and

[(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

[(c) CHALLENGE OF RATING.—If a sanctioning organization receives an inquiry from a boxer challenging that organization’s rating of the boxer, it shall (except to the extent otherwise required by the Administra-

tion), within 7 days after receiving the request—

[(1) provide to the boxer a written explanation under penalty of perjury of the organization’s rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

[(2) submit a copy of its explanation to the Association of Boxing Commissions and the Administration.”.

#### **[SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.]**

[Section 12 (15 U.S.C. 6307d) is amended—

[(1) by striking the matter preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration, a statement of—”;

[(2) by striking “will assess” in paragraph (1) and inserting “has assessed, or will assess.”; and

[(3) by striking “will receive” in paragraph (2) and inserting “has received, or will receive.”.

#### **[SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS.]**

[Section 13 (15 U.S.C. 6307e) is amended—

[(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

[(a) DISCLOSURES TO BOXING COMMISSIONS AND ADMINISTRATION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration—”;

[(2) by striking “writing,” in subsection (a)(1) and inserting “writing, other than a bout agreement previously provided to the commission.”;

[(3) by striking “all fees, charges, and expenses that will be” in subsection (a)(3)(A) and inserting “a statement of all fees, charges, and expenses that have been, or will be.”;

[(4) by inserting “a statement of” before “all” in subsection (a)(3)(B);

[(5) by inserting “a statement of” before “any” in subsection (a)(3)(C);

[(6) by striking the matter in subsection (b) following “BOXER.—” and preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the promoter of that match shall provide to each boxer participating in the match a statement of—”;

[(7) by striking “match;” in subsection (b)(1) and inserting “match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;”.

#### **[SEC. 15. JUDGES AND REFEREES.]**

[(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

[(1) by inserting “(a) LICENSING AND ASSIGNMENT REQUIREMENT.—” before “No person”;

[(2) by striking “certified and approved” and inserting “selected”;

[(3) by inserting “or Indian lands” after “State”; and

[(4) by adding at the end the following:

[(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Administration or selected by a boxing commission.

["(c) SANCTIONING ORGANIZATION NOT TO INFLUENCE SELECTION PROCESS.—A sanctioning organization—

["(1) may provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

["(2) shall not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

["(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land if the judge or referee is licensed by a boxing commission in the United States.

["(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration."

["(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

#### ["SEC. 16. MEDICAL REGISTRY.

["The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

#### ["SEC. 14. MEDICAL REGISTRY.

["(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

["(b) CONTENT; SUBMISSION.—The Administration shall determine—

["(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

["(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

["(c) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

["(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

["(2) ensure that the privacy of the boxers is protected."

#### ["SEC. 17. CONFLICTS OF INTEREST.

["Section 17(a) is amended by inserting "no officer or employee of the Administration," after "laws,"

#### ["SEC. 18. ENFORCEMENT.

["Section 18 (15 U.S.C. 6309) is amended—

["(1) by striking "(a) INJUNCTION.—" in subsection (a) and inserting "(a) ACTIONS BY ATTORNEY GENERAL.—";

["(2) by inserting "or criminal" after "civil" in subsection (a);

["(3) by inserting "any officer or employee of the Administration," after "laws," in subsection (b)(3);

["(4) by inserting "has engaged in or" after "organization" in subsection (c);

["(5) by inserting "or criminal" after "civil" in subsection (c);

["(6) by striking "fines" in subsection (c)(3) and inserting "sanctions"; and

["(7) by striking "boxer" in subsection (d) and inserting "person".

#### ["SEC. 19. REPEAL OF DEADWOOD.

["Section 20 (15 U.S.C. 6311) is repealed.

#### ["SEC. 20. RECOGNITION OF TRIBAL LAW.

["Section 22 (15 U.S.C. 6313) is amended—

["(1) by insert "OR TRIBAL" in the section heading after "STATE"; and

["(2) by inserting "or Indian tribe" after "State".

#### ["SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

["(a) IN GENERAL.—The Act is amended by adding at the end the following:

#### ["TITLE II—UNITED STATES BOXING ADMINISTRATION

##### ["SEC. 201. PURPOSE.

["The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

##### ["SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

["(a) IN GENERAL.—The United States Boxing Administration is established as an administration of the Department of Labor.

["(b) ADMINISTRATOR.—

["(1) APPOINTMENT.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

["(2) QUALIFICATIONS.—The Administrator shall be an individual who—

["(A) has extensive experience in professional boxing activities or in a field directly related to professional sports;

["(B) is of outstanding character and recognized integrity; and

["(C) is selected on the basis of training, experience, and qualifications and without regard to party affiliation.

["(3) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

["The Administrator of the United States Boxing Administration."

["(4) TERM OF OFFICE.—The Administrator shall serve for a term of 4 years.

["(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

["(1) serve as Administrator in the absence of the Administrator, in the event of the inability of the Administrator to carry out the functions of the Administrator, or in the event of a vacancy in that office; and

["(2) carry out such duties as the Administrator may assign.

["(d) STAFF.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

##### ["SEC. 203. FUNCTIONS.

["(a) PRIMARY FUNCTIONS.—The primary function of the Administration are—

["(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

["(2) to ensure uniformity, fairness, and integrity in professional boxing.

["(b) SPECIFIC FUNCTIONS.—The Administrator shall—

["(1) administer title I of this Act;

["(2) promulgate uniform standards for professional boxing in consultation with the boxing commissions of the several States and tribal organizations;

["(3) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

["(4) work with sanctioning organizations, the Association of Boxing Commissions, and the boxing commissions of the several States and tribal organizations—

["(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

["(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

["(C) to improve the status and standards of professional boxing in the United States;

["(5) ensure, through the Attorney General, the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

["(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

["(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

["(8) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Administration;

["(8) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

["(9) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

["(c) PROHIBITIONS.—The Administration may not—

["(1) promote boxing events or rank professional boxers; or

["(2) provide technical assistance to, or authorize the use of the name of the Administration by, boxing commissions that do not comply with requirements of the Administration.

["(d) USE OF NAME.—The Administration shall have the exclusive right to use the name "United States Boxing Administration". Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the "Trademark Act of 1946"; 15 U.S.C. 1051 et seq.).

##### ["SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

["(a) LICENSING.—

["(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

["(2) APPLICATION AND TERM.—

["(A) IN GENERAL.—The Administration shall—

["(i) establish application procedures, forms, and fees;

["(ii) establish and publish appropriate standards for licenses granted under this section; and

["(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

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

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

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

["(C) PROCEDURE.—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

["(b) LICENSING FEES.—

["(1) AUTHORITY.—The Administration may prescribe and charge reasonable fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

["(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

["(A) club boxing is not adversely effected;

["(B) sanctioning organizations and promoters pay the largest portion of the fees; and

["(C) boxers pay as small a portion of the fees as is possible.

["(3) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration.

**["SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.**

["(a) REQUIREMENT FOR REGISTRY.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

["(b) CONTENTS.—The information in the registry shall include the following:

["(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

["(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

**["SEC. 206. CONSULTATION REQUIREMENTS.**

["The Administration shall consult with local boxing authorities—

["(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

["(2) not less than once each year regarding matters relating to professional boxing.

**["SEC. 207. MISCONDUCT.**

["(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

["(1) AUTHORITY.—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

["(A) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest;

["(B) there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

["(C) the licensee has violated any provision of this Act.

["(2) PERIOD OF SUSPENSION.—

["(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

["(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Administration, the Administration may

terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

["(b) INVESTIGATIONS AND INJUNCTIONS.—

["(1) AUTHORITY.—The Administration may—

["(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

["(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

["(C) in its discretion, publish information concerning any violations; and

["(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

["(2) POWERS.—

["(A) IN GENERAL.—For the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

["(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

["(3) ENFORCEMENT OF SUBPOENAS.—

["(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

["(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that Court.

["(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

["(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

["(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

["(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty

or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

["(5) INJUNCTIVE RELIEF.—If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

["(6) MANDAMUS.—Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Administration.

["(c) INTERVENTION IN CIVIL ACTIONS.—

["(1) IN GENERAL.—The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a United States district court.

["(2) AMICUS FILING.—The Administration may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

["(d) HEARINGS BY ADMINISTRATION.—Hearings conducted by the Administration under this title shall be public and may be held before any officer of the Administration or before a boxing commission that is a member of the Association of Boxing Commissions. The Administration shall keep appropriate records of the hearings.

**["SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.**

["(a) NONINTERFERENCE.—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

["(b) MINIMUM STANDARDS.—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

**["SEC. 209. ASSISTANCE FROM OTHER AGENCIES.**

["Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

**["SEC. 210. REPORTS.**

["(a) ANNUAL REPORT.—The Administration shall submit a report on its activities to

the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

["(1) A detailed discussion of the activities of the Administration for the year covered by the report.

["(2) A description of the local boxing authority of each State and Indian tribe.

["(b) PUBLIC REPORT.—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Administration.

["(c) FIRST ANNUAL REPORT ON THE ADMINISTRATION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

#### ["SEC. 211. INITIAL IMPLEMENTATION.

["(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

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

["(A) the date on which the license expires; or

["(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2003.

#### ["SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

["(a) IN GENERAL.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

["(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

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

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

["(3) shall remain available until expended."

["(b) CONFORMING AMENDMENTS.—

["(1) PBSA.—The Professional Boxing Safety Act or 1966, as amended by this Act, is further amended—

["(A) by amending section 1 to read as follows:

#### ["SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

["(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

["(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

["Section 1. Short title; table of contents.

["Sec. 2. Definitions.

#### ["TITLE I—PROFESSIONAL BOXING SAFETY

["Sec. 101. Purposes.

["Sec. 102. Approval or sanction requirement.

["Sec. 103. Safety standards.

["Sec. 104. Registration.

["Sec. 105. Review.

["Sec. 106. Reporting.

["Sec. 107. Contract requirements.

["Sec. 108. Protection from coercive contracts.

["Sec. 109. Sanctioning organizations.

["Sec. 110. Required disclosures to state boxing commissions by sanctioning organizations.

["Sec. 111. Required disclosures for promoters.

["Sec. 112. Medical registry.

["Sec. 113. Confidentiality.

["Sec. 114. Judges and referees.

["Sec. 115. Conflicts of interest.

["Sec. 116. Enforcement.

["Sec. 117. Professional boxing matches conducted on Indian lands.

["Sec. 118. Relationship with State or tribal law.

#### ["TITLE II—UNITED STATES BOXING ADMINISTRATION

["Sec. 201. Purpose.

["Sec. 202. Establishment of United States Boxing Administration.

["Sec. 203. Functions.

["Sec. 204. Licensing and registration of boxing personnel.

["Sec. 205. National registry of boxing personnel.

["Sec. 206. Consultation requirements.

["Sec. 207. Misconduct.

["Sec. 208. Noninterference with local boxing authorities.

["Sec. 209. Assistance from other agencies.

["Sec. 210. Reports.

["Sec. 211. Initial implementation.

["Sec. 212. Authorization of appropriations.";

["(B) by inserting before section 3 the following:

#### ["TITLE I—PROFESSIONAL BOXING SAFETY";

["(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

["(D) by striking "section 13" each place it appears in section 113, as redesignated, and inserting "section 111";

["(E) by striking "section 4." in section 117(a), as redesignated, and inserting "section 102.";

["(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114.";

["(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

["(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

["(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

["(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

["(2) COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

["The Administrator of the United States Boxing Administration."

#### ["SEC. 22. EFFECTIVE DATE.

["(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

["(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act or 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.]

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Professional Boxing Amendments Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Professional Boxing Safety Act of 1996.

Sec. 3. Definitions.

Sec. 4. Purposes.

Sec. 5. USBA approval, or ABC or commission sanction, required for matches.

Sec. 6. Safety standards.

Sec. 7. Registration.

Sec. 8. Review.

Sec. 9. Reporting.

Sec. 10. Contract requirements.

Sec. 11. Coercive contracts.

Sec. 12. Sanctioning organizations.

Sec. 13. Required disclosures by sanctioning organizations.

Sec. 14. Required disclosures by promoters.

Sec. 15. Judges and referees.

Sec. 16. Medical registry.

Sec. 17. Conflicts of interest.

Sec. 18. Enforcement.

Sec. 19. Repeal of deadwood.

Sec. 20. Recognition of tribal law.

Sec. 21. Establishment of United States Boxing Administration.

Sec. 22. Effective date.

#### SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

#### SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

#### “SEC. 2. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATION.—The term ‘Administration’ means the United States Boxing Administration.

“(2) BOUT AGREEMENT.—The term ‘bout agreement’ means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

“(3) BOXER.—The term ‘boxer’ means an individual who fights in a professional boxing match.

“(4) BOXING COMMISSION.—The term ‘boxing commission’ means an entity authorized under State or tribal law to regulate professional boxing matches.

“(5) BOXER REGISTRY.—The term ‘boxer registry’ means any entity certified by the Administration for the purposes of maintaining records and identification of boxers.

“(6) BOXING SERVICE PROVIDER.—The term ‘boxing service provider’ means a promoter, manager, sanctioning body, licensee, or matchmaker.

“(7) CONTRACT PROVISION.—The term ‘contract provision’ means any legal obligation between a boxer and a boxing service provider.

“(8) INDIAN LANDS; INDIAN TRIBE.—The terms ‘Indian lands’ and ‘Indian tribe’ have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

“(9) LICENSEE.—The term ‘licensee’ means an individual who serves as a trainer, second, or cut man for a boxer.

“(10) LOCAL BOXING AUTHORITY.—The term ‘local boxing authority’ means—

“(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

“(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

“(11) MANAGER.—The term ‘manager’ means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.



“(12) **MATCHMAKER.**—The term ‘matchmaker’ means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

“(13) **PHYSICIAN.**—The term ‘physician’ means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

“(14) **PROFESSIONAL BOXING MATCH.**—The term ‘professional boxing match’ means a boxing contest held in the United States between individuals for financial compensation. The term ‘professional boxing match’ does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

“(15) **PROMOTER.**—

“(A) **IN GENERAL.**—The term ‘promoter’ means the person responsible for organizing, promoting, and producing a professional boxing match.

“(B) **NON-APPLICATION TO CERTAIN ENTITIES.**—The term ‘promoter’ does not include a premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless it—

“(i) is responsible for organizing, promoting, and producing the match; and

“(ii) has a promotional agreement with a boxer in that match.

“(C) **ENTITIES ENGAGING IN PROMOTIONAL ACTIVITIES THROUGH AN AFFILIATE.**—Notwithstanding subparagraph (B), an entity described in that subparagraph shall be considered to be a promoter if the person responsible for organizing, promoting, and producing a professional boxing match—

“(i) is directly or indirectly under the control of, under common control with, or acting at the direction of that entity; and

“(ii) organizes, promotes, and produces the match at the direction or request of the entity.

“(16) **PROMOTIONAL AGREEMENT.**—The term ‘promotional agreement’ means a contract between a any person and a boxer under which the boxer grants to that person the right to secure and arrange all professional boxing matches requiring the boxer’s services for—

“(A) a prescribed period of time; or

“(B) a prescribed number of professional boxing matches.

“(17) **STATE.**—The term ‘State’ means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

“(18) **SANCTIONING ORGANIZATION.**—The term ‘sanctioning organization’ means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

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

“(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

“(19) **SUSPENSION.**—The term ‘suspension’ includes within its meaning the temporary revocation of a boxing license.

“(20) **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) **CONFORMING AMENDMENT.**—Section 21 (15 U.S.C. 6312) is amended to read as follows:

**“SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

“(b) **STANDARDS AND LICENSING.**—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, estab-

lish 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 as restrictive as—

“(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

“(2) the guidelines established by the United States Boxing Administration.

“(c) **APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.**—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.”

**SEC. 4. PURPOSES.**

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking “State”.

**SEC. 5. USBA APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.**

(a) **IN GENERAL.**—Section 4 (15 U.S.C. 6303) is amended to read as follows:

**“SEC. 4. APPROVAL OR SANCTION REQUIREMENT.**

“(a) **IN GENERAL.**—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

“(1) is approved by the Administration; and

“(2) is supervised by the Association of Boxing Commissions or by a boxing commission that is a member in good standing of the Association of Boxing Commissions.

“(b) **APPROVAL PRESUMED.**—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

“(1) a match with respect to which the Administration has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

“(2) a match advertised to the public as a championship match; or

“(3) a match scheduled for 10 rounds or more.”

(b) **CONFORMING AMENDMENT.**—Section 19 (15 U.S.C. 6310) is repealed.

**SEC. 6. SAFETY STANDARDS.**

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking “requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:” and inserting “requirements:”;

(2) by adding at the end of paragraph (1) “The examination shall include testing for infectious diseases in accordance with standards established by the Administration.”;

(3) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(5) by striking “match.” in paragraph (5), as redesignated, and inserting “match in an amount prescribed by the Administration.”.

**SEC. 7. REGISTRATION.**

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting “or Indian tribe” after “State” the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting “A boxing commission shall, in accordance with requirements established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”;

(3) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum,”; and

(4) by adding at the end the following:

“(d) **COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO ADMINISTRATION.**—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Administration.”.

**SEC. 8. REVIEW.**

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking “that, except as provided in subsection (b), no” in subsection (a)(2) and inserting “that no”;

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

“(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.”;

(3) by striking subsection (b); and

(4) by striking “(a) PROCEDURES.—”.

**SEC. 9. REPORTING.**

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking “48 business hours” and inserting “2 business days”;

(2) by striking “boxing” and inserting “boxing”;

(3) by striking “each boxer registry.” and inserting “the Administration.”.

**SEC. 10. CONTRACT REQUIREMENTS.**

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

**“SEC. 9. CONTRACT REQUIREMENTS.**

“(a) **IN GENERAL.**—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

“(b) **FILING AND APPROVAL REQUIREMENTS.**—

“(1) **ADMINISTRATION.**—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

“(2) **BOXING COMMISSION.**—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

“(c) **BOND OR OTHER SURETY.**—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier’s check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.”.

**SEC. 11. COERCIVE CONTRACTS.**

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting “OR ELIMINATION” after “MANDATORY” in the heading of subsection (b); and

(3) by inserting “or elimination” after “mandatory” in subsection (b).

**SEC. 12. SANCTIONING ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

**“SEC. 11. SANCTIONING ORGANIZATIONS.**

“(a) **OBJECTIVE CRITERIA.**—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2003, the Administration shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits of the boxers. Within 90 days after the Administration’s promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

“(b) **NOTIFICATION OF CHANGE IN RATING.**—A sanctioning organization shall, with respect to a

change in the rating of a boxer previously rated by such organization in the top 10 boxers—

“(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

“(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Administration;

“(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

“(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

“(c) **CHALLENGE OF RATING.**—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Administration), within 7 days after receiving the petition—

“(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

“(2) submit a copy of its explanation to the Association of Boxing Commissions and the Administration.”.

(b) **CONFORMING AMENDMENTS.**—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking “FEDERAL TRADE COMMISSION,” in the subsection heading and inserting “UNITED STATES BOXING ADMINISTRATION”; and

(2) by striking “Federal Trade Commission,” in paragraph (1) and inserting “United States Boxing Administration.”.

#### **SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.**

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the Administration, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a statement of—”;

(2) by striking “will assess” in paragraph (1) and inserting “has assessed, or will assess.”; and

(3) by striking “will receive” in paragraph (2) and inserting “has received, or will receive.”.

#### **SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS.**

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

“(a) **DISCLOSURES TO BOXING COMMISSIONS AND ADMINISTRATION.**—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Administration, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—”;

(2) by striking “writing,” in subsection (a)(1) and inserting “writing, other than a bout agreement previously provided to the commission.”;

(3) by striking “all fees, charges, and expenses that will be” in subsection (a)(3)(A) and inserting “a statement of all fees, charges, and expenses that have been, or will be.”;

(4) by inserting “a statement of” before “all” in subsection (a)(3)(B);

(5) by inserting “a statement of” before “any” in subsection (a)(3)(C);

(6) by striking the matter in subsection (b) following “BOXER.—” and preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the match with whom the

promoter has a promotional agreement a statement of—”;

(7) by striking “match,” in subsection (b)(1) and inserting “match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match.”.

#### **SEC. 15. JUDGES AND REFEREES.**

(a) **IN GENERAL.**—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting “(a) **LICENSING AND ASSIGNMENT REQUIREMENT.**—” before “No person”;

(2) by striking “certified and approved” and inserting “selected”;

(3) by inserting “or Indian lands” after “State”; and

(4) by adding at the end the following:

“(b) **CHAMPIONSHIP AND 10-ROUND BOUTS.**—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Administration.

“(c) **SANCTIONING ORGANIZATION NOT TO INFLUENCE SELECTION PROCESS.**—A sanctioning organization—

“(1) may provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

“(2) shall not influence, or attempt to influence, directly or indirectly, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

“(d) **ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.**—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land if the judge or referee is licensed by a boxing commission in the United States.

“(e) **REQUIRED DISCLOSURE.**—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration.”.

(b) **CONFORMING AMENDMENT.**—Section 14 (15 U.S.C. 6307f) is repealed.

#### **SEC. 16. MEDICAL REGISTRY.**

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

##### **“SEC. 14. MEDICAL REGISTRY.**

“(a) **IN GENERAL.**—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

“(b) **CONTENT; SUBMISSION.**—The Administration shall determine—

“(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

“(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

“(c) **CONFIDENTIALITY.**—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

“(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

“(2) ensure that the privacy of the boxers is protected.”.

#### **SEC. 17. CONFLICTS OF INTEREST.**

Section 17(a) (15 U.S.C. 6308(a)) is amended—

(1) by striking “enforces State” and inserting “enforces State or Tribal”;

(2) by inserting “no officer or employee of the Administration,” after “laws.”; and

(3) by striking “as described in section 4.” and inserting “or under the jurisdiction of another tribal organization.”.

#### **SEC. 18. ENFORCEMENT.**

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking “(a) **INJUNCTIONS.**—” in subsection (a) and inserting “(a) **ACTIONS BY ATTORNEY GENERAL.**—”;

(2) by inserting “or criminal” after “civil” in subsection (a);

(3) by inserting “any officer or employee of the Administration,” after “laws,” in subsection (b)(3);

(4) by inserting “has engaged in or” after “organization” in subsection (c);

(5) by inserting “or criminal” after “civil” in subsection (c);

(6) by striking “fines” in subsection (c)(3) and inserting “sanctions”; and

(7) by striking “boxer” in subsection (d) and inserting “person”.

#### **SEC. 19. REPEAL OF DEADWOOD.**

Section 20 (15 U.S.C. 6311) is repealed.

#### **SEC. 20. RECOGNITION OF TRIBAL LAW.**

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert “**OR TRIBAL**” in the section heading after “**STATE**”; and

(2) by inserting “or Indian tribe” after “State”.

#### **SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.**

(a) **IN GENERAL.**—The Act is amended by adding at the end the following:

##### **“TITLE II—UNITED STATES BOXING ADMINISTRATION**

##### **“SEC. 201. PURPOSE.**

“The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

##### **“SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.**

“(a) **IN GENERAL.**—The United States Boxing Administration is established as an administration of the Department of Labor.

“(b) **ADMINISTRATOR.**—

“(1) **APPOINTMENT.**—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

“(2) **QUALIFICATIONS.**—The Administrator shall be an individual who—

“(A) has extensive experience in professional boxing activities or in a field directly related to professional sports;

“(B) is of outstanding character and recognized integrity;

“(C) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation; and

“(D) is a United States citizen.

“(3) **COMPENSATION.**—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“The Administrator of the United States Boxing Administration.”.

“(4) **TERM OF OFFICE.**—The Administrator shall serve for a term of 4 years.

“(c) **ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.**—The Administration shall have an Assistant Administrator and a General Counsel, each of whom shall be appointed by the Administrator. The Assistant Administrator shall—

“(1) serve as Administrator in the absence of the Administrator, in the event of the inability of the Administrator to carry out the functions of the Administrator, or in the event of a vacancy in that office; and

“(2) carry out such duties as the Administrator may assign.

“(d) **STAFF.**—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

##### **“SEC. 203. FUNCTIONS.**

“(a) **PRIMARY FUNCTIONS.**—The primary functions of the Administration are—



“(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

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

“(b) **SPECIFIC FUNCTIONS.**—The Administrator shall—

“(1) administer title I of this Act;

“(2) promulgate uniform standards for professional boxing in consultation with the boxing commissions of the several States and tribal organizations;

“(3) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

“(4) work with the boxing commissions of the several States and tribal organizations—

“(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

“(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

“(C) to improve the status and standards of professional boxing in the United States;

“(5) ensure, through the Attorney General, the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

“(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

“(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

“(8) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Administration;

“(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

“(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

“(c) **PROHIBITIONS.**—The Administration may not—

“(1) promote boxing events or rank professional boxers; or

“(2) provide technical assistance to, or authorize the use of the name of the Administration by, boxing commissions that do not comply with requirements of the Administration.

“(d) **USE OF NAME.**—The Administration shall have the exclusive right to use the name ‘United States Boxing Administration’. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the ‘Trademark Act of 1946’; 15 U.S.C. 1051 et seq.).

#### “SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

“(a) **LICENSING.**—

“(1) **REQUIREMENT FOR LICENSE.**—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

“(2) **APPLICATION AND TERM.**—

“(A) **IN GENERAL.**—The Administration shall—

“(i) establish application procedures, forms, and fees;

“(ii) establish and publish appropriate standards for licenses granted under this section; and

“(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

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

“(i) 4-year term for a boxer; and

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

“(C) **PROCEDURE.**—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

“(b) **LICENSING FEES.**—

“(1) **AUTHORITY.**—The Administration may prescribe and charge reasonable fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

“(2) **LIMITATIONS.**—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

“(A) club boxing is not adversely effected;

“(B) sanctioning organizations and promoters pay the largest portion of the fees; and

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

“(3) **COLLECTION.**—Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration.

#### “SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

“(a) **REQUIREMENT FOR REGISTRY.**—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

“(b) **CONTENTS.**—The information in the registry shall include the following:

“(1) **BOXERS.**—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

“(2) **OTHER PERSONNEL.**—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

#### “SEC. 206. CONSULTATION REQUIREMENTS.

“The Administration shall consult with local boxing authorities—

“(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

“(2) not less than once each year regarding matters relating to professional boxing.

#### “SEC. 207. MISCONDUCT.

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

“(1) **AUTHORITY.**—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

“(A) the licensee has violated any provision of this Act;

“(B) there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

“(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

“(2) **PERIOD OF SUSPENSION.**—

“(A) **IN GENERAL.**—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

“(B) **SUSPENSION FOR MEDICAL REASONS.**—In the case of a suspension or denial of the license of a boxer for medical reasons by the Administration, the Administration may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

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

“(b) **INVESTIGATIONS AND INJUNCTIONS.**—

“(1) **AUTHORITY.**—The Administration may—

“(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

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

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

“(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

“(2) **POWERS.**—

“(A) **IN GENERAL.**—For the purpose of any investigation under paragraph (1), or any other proceeding under this Act, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

“(B) **WITNESSES AND EVIDENCE.**—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

“(3) **ENFORCEMENT OF SUBPOENAS.**—

“(A) **CIVIL ACTION.**—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

“(B) **FAILURE TO OBEY.**—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

“(C) **PROCESS.**—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

“(4) **EVIDENCE OF CRIMINAL MISCONDUCT.**—

“(A) **IN GENERAL.**—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that

the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

“(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

“(5) INJUNCTIVE RELIEF.—If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

“(6) MANDAMUS.—Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Administration.

“(c) INTERVENTION IN CIVIL ACTIONS.—

“(1) IN GENERAL.—The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

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

“(d) HEARINGS BY ADMINISTRATION.—Hearings conducted by the Administration under this Act shall be public and may be held before any officer of the Administration. The Administration shall keep appropriate records of the hearings.

**“SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.**

“(a) NONINTERFERENCE.—Nothing in this Act prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

“(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this Act.

**“SEC. 209. ASSISTANCE FROM OTHER AGENCIES.**

“Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

**“SEC. 210. REPORTS.**

“(a) ANNUAL REPORT.—The Administration shall submit a report on its activities to the Senate Committee on Commerce, Science, and

Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

“(1) a detailed discussion of the activities of the Administration for the year covered by the report; and

“(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

“(b) PUBLIC REPORT.—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Administration.

“(c) FIRST ANNUAL REPORT ON THE ADMINISTRATION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

**“SEC. 211. INITIAL IMPLEMENTATION.**

“(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

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

“(A) the date on which the license expires; or

“(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2003.

**“SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

“(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

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

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

“(3) shall remain available until expended.”.

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by amending section 1 to read as follows:

**“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

“(a) SHORT TITLE.—This Act may be cited as the ‘Professional Boxing Safety Act’.

“(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Definitions.

**“TITLE I—PROFESSIONAL BOXING SAFETY**

“Sec. 101. Purposes.

“Sec. 102. Approval or sanction requirement.

“Sec. 103. Safety standards.

“Sec. 104. Registration.

“Sec. 105. Review.

“Sec. 106. Reporting.

“Sec. 107. Contract requirements.

“Sec. 108. Protection from coercive contracts.

“Sec. 109. Sanctioning organizations.

“Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.

“Sec. 111. Required disclosures by promoters.

“Sec. 112. Medical registry.

“Sec. 113. Confidentiality.

“Sec. 114. Judges and referees.

“Sec. 115. Conflicts of interest.

“Sec. 116. Enforcement.

“Sec. 117. Professional boxing matches conducted on Indian lands.

“Sec. 118. Relationship with State or Tribal law.

**“TITLE II—UNITED STATES BOXING ADMINISTRATION**

“Sec. 201. Purpose.

“Sec. 202. Establishment of United States Boxing Administration.

“Sec. 203. Functions.

“Sec. 204. Licensing and registration of boxing personnel.

“Sec. 205. National registry of boxing personnel.

“Sec. 206. Consultation requirements.

“Sec. 207. Misconduct.

“Sec. 208. Noninterference with local boxing authorities.

“Sec. 209. Assistance from other agencies.

“Sec. 210. Reports.

“Sec. 211. Initial implementation.

“Sec. 212. Authorization of appropriations.”;

(B) by inserting before section 3 the following:

**“TITLE I—PROFESSIONAL BOXING SAFETY”;**

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

“(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Administration may not disclose to the public any matter furnished by a promoter under section 111.”;

(E) by striking “section 13” in subsection (b) of section 113, as redesignated, and inserting “section 111”;

(F) by striking “9(b), 10, 11, 12, 13, 14, or 16,” in paragraph (1) of section 116(b), as redesignated, and inserting “107, 108, 109, 110, 111, or 114,”;

(G) by striking “9(b), 10, 11, 12, 13, 14, or 16” in paragraph (2) of section 116(b), as redesignated, and inserting “107, 108, 109, 110, 111, or 114”;

(H) by striking “section 17(a)” in subsection (b)(3) of section 116, as redesignated, and inserting “section 115(a)”;

(I) by striking “section 10” in subsection (e)(3) of section 116, as redesignated, and inserting “section 108”;

(J) by striking “of this Act” each place it appears in sections 101 through 120, as redesignated, and inserting “of this title”.

(2) COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“The Administrator of the United States Boxing Administration.”.

**SEC. 22. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Mr. President, this legislation has been long in coming. Senator MCCAIN and I have worked on this for months. I think it is a tremendous step forward. It is a perfect example of how we have to cooperate with each other. This is not everything that Senator MCCAIN wanted, it is not everything I wanted, but it is legislation that now is going to pass the Senate. It is something that has been needed for some time. It is the Professional Boxing Safety Act, but it also will take a very

close look at promoters, including those who are the networks, HBO, Showtime. It sets up a national boxing commission. It is important.

This is a multimillion-dollar industry, and it needs Federal oversight as a result of deaths that occur with boxers. We had a death of a person from Nevada who went to Utah to fight. He had been knocked out 21 times. He went to Utah to fight and got knocked out again and died.

As many of my colleagues know, I come to my work on boxing with a perspective that was formed both inside and outside the ring. Before I entered the political arena, I personally was a boxer. I also worked ringside as a judge in hundreds of fights, in all weight classes, and have judged championship fights. As a lawyer in private practice, I also represented professional fighters.

My State of Nevada hosts most of the premier boxing matches in the world. Nevada's state-of-the-art resorts provide fight venues that are unmatched in any other part of the world, and Nevadans take great pride in the historical role the State has played in boxing. The Nevada State Athletic commission is the most respected boxing commission in the world. It has led our country and the world in implementing terms of boxing safety and ethical treatment of fighters, promoters, and ringside personnel. Nevada's commission, under the outstanding direction of Marc Ratner, serves as a model for a national commission and has guided my work on this legislation.

Is there a need for the establishment of a national commission patterned after Nevada's commission to regulate boxing throughout the United States? The answer is a yes.

Last July, a boxer named Brad Rone fought in Utah and died at the age of 35. While Brad lived in Las Vegas, he had been banned from fighting in Nevada for more than three years. The Nevada Commission felt that he was at risk of getting seriously injured every time he stepped into the ring. Unfortunately, this ban didn't prevent him from fighting in other States. So despite the fact that he lost 26 consecutive fights, Brad was allowed to step into the ring in Utah to fight Billy Zumbun. After only one uneventful round of what was to be an eight-round fight, Brad passed out and died. He wasn't knocked out. He was hit once and started to walk away and collapsed. An autopsy later revealed that Brad technically died of a heart attack, but many acknowledge that the continual physical abuse inside the ring contributed to his untimely death.

Unfortunately, the rules governing professional boxing and the enforcement of those rules vary widely among States. This legislation today will help avoid future tragedies like Brad's, and ensure a vibrant future for the sport of boxing and the Nation's boxers. If this legislation had been enacted before Brad's death, it would have required that his fights be approved by a Fed-

eral Commission after either his 10th defeat or fifth consecutive knockout.

This bill creates the United States Boxing Commission, USBC. The USBC will prescribe and enforce uniform regulations for professional boxing in order to protect the health and safety of boxers and ensure fairness in the sport. While it will not supercede States with higher standards, like Nevada, it will establish minimum standards and conformity for all States. The USBC will also have the ability to defer its authority to States with strong commissions when deemed appropriate.

Among other things, the USBC will maintain a national computerized registry for the collection of specific information on professional boxers and boxing personnel as well as certify for each boxing match the participating boxers' medical histories. It will require sites to have both an ambulance and emergency medical personnel with resuscitation equipment continuously present. There are some places today that have only one ambulance. Once a boxer is hurt, and the ambulance takes him away, there is no remaining personnel or equipment for the other fights on the card. This poses unnecessary and sometimes fatal risks to boxers and ring personnel. The USBC will also review plans submitted by all State athletic commissions for uniformity.

This uniformity will discontinue the use of forum shopping that we witnessed in 2002 with the Mike Tyson v. Lennox Lewis fight. That fight was originally scheduled to take place in Las Vegas, but the Nevada State Athletic Commission declined to grant Tyson a license to fight because of his violent behavior, both inside and outside the ring. The Association of Boxing Commissions, ABC, recommended that other State commissions honor Nevada's decision not to let Tyson fight. However, the ABC acts only as a quasi-federal agency and has no enforcement authority. Obviously, the ABC's recommendation was ignored, as Tyson was permitted to fight Lewis in Tennessee.

Another important problem this legislation begins to remedy is broadcasters acting as de facto fight promoters. Broadcasters who effectively operate as promoters ought to be held to the same standards and scrutiny as traditional promoters. They should be regulated in the same manner. This is only fair. Many broadcasters control when the fighters fight, who they fight, where they fight, and how much they are paid. This is the role of the promoter, and the media companies are acting as the fighters' de facto promoters. However, despite the fact that these companies are acting as promoters, they are not regulated by boxing commissions. While traditional promoters are regulated under the Muhammad Ali Boxing Reform Act, Ali Act, and State athletic commission laws, the media companies have been virtually free from regulation.

This legislation will require the broadcaster to make certain disclosures to the USBC similar to what promoters must do. Broadcasters will have to provide to the USBC statements of fees paid and owed to promoters, copies of all contracts, and a list of the sources of income they receive from the broadcast of the match.

Additionally, the bill requires the USBC to study for one year the definition of a promoter and report back to Congress their proposed revised definition, speculatively, to include broadcasters as appropriate. When Congress enacted the Ali Act, one of the main goals was to protect boxers from being unfairly treated by promoters. The Ali Act provided contractual reforms that prevented exploitive business practices that at that time allowed for coercive and lengthy contracts tying a fighter to a promoter for years. Today, many fighters are entering into promotional agreements directly with the broadcaster. Thus, in order to really give the Ali Act any weight, it is necessary that those who are conducting the business of a promoter comply with the regulations set forth in the Ali Act. The broadcasters should not evade the restrictions placed on promoters by the Ali Act simply by slipping through some technical loopholes.

The USBC should focus on two particular issues when making this important promoters decision. Both, I believe, strongly suggest that broadcasters be included in the promoter definition. First, it should examine the situation that exists when a broadcaster or network hires another individual or entity as the per se "promoter" to stage a boxing event. While the broadcaster pays this local promoter a fee, the broadcaster contracts to retain the boxer's rights to the fight, for example, the right to sell, distribute, exhibit, or license the match or in some cases several matches, and retains the right to choose dates, sites, and opponents. In this scenario, the broadcaster is really acting as a de facto promoter and should be subject to the regulations and disclosure requirements imposed by the Ali Act. However, since the local promoter is contractually charged with complying with federal and state laws, he is the only one required under current law to file financial disclosures with the boxer. The broadcaster who hires this local promoter does not have to disclose to the fighter how much the broadcaster is earning for the fight. Since conventional promoters determine when a fighter fights, where he fights, who he fights and how much he is paid, the broadcaster is doing all the work of a promoter yet circumventing the requirements of the Ali Act. It is the fighter who is left in the dark.

This situation I have described is illustrated by the roles of HBO and Showtime in the Lennox Lewis vs. Mike Tyson fight. Lewis was under contract to HBO and Tyson was under

contract to Showtime. These two media companies signed an agreement to promote the Lewis/Tyson fight and a possible rematch. However, neither HBO nor Showtime was required to file their agreements with the two fighters or with a State athletic commission since they are not technically "promoters" under the Ali Act. Instead, they hired a local promoter to "stage" the fight, and because the local promoter was not a party to the master agreements for the fight, those agreements may have never been filed with the commission. Furthermore, the disclosures under the Ali Act which require a promoter to inform the fighters how much revenue is to be earned by it from the event may not necessarily have been provided since the "promoter" was only being paid a fee to stage the fight. Oftentimes, the "multi-fight" agreements which these broadcasters have with their fighters may contain terms beyond those permitted by law to promoters.

The second scenario the commission should examine is where the broadcaster contracts directly with the boxer or with the boxer's representative. By "boxer's representative" I am talking about any entity or company that employs the boxer or to whom the boxer has transferred the rights to his boxing services. Even if a broadcaster only obtains rights to the boxer through this entity, the broadcaster should still be deemed a promoter and be subject to the Ali Act because in essence, they are contracting with the boxer. Here is an example. When Tyson and Lewis fought, HBO contracted with Lion Promotions. Lion Promotions is—for all practical purposes—Lewis's company, yet legally, Lewis may or may not own or be employed by Lion Promotions. However, when HBO contracted with Lyon, they effectively contracted with Lewis directly. Thus, the contractual protections given the boxer in the Ali Act should apply in this type of situation.

In determining whether a broadcaster is acting as a de facto promoter, the USBC must study the contracts between broadcasters and such entities and any attached ratifications by the boxer him/herself; the contracts with local promoters; the contracts between the local promoters and the boxer; and the contracts between any involved broadcasters. The USBC is also directed to look at the sources of income received from the broadcast of a fight and examine the amounts received from each of these sources. Effectively defining the role of a promoter requires looking at who is contracting with a boxer for the rights to the boxer's service. These rights include the rights to sell, grant, convey, distribute, exhibit, and license the match or matches.

Conventional promoters control the rights to a fighter's boxing career and the right to exploit the boxer's name and image in connection with his/her boxing matches. By determining who is circumventing the requirements placed

on a promoter under the Ali Act and thereafter including them within the definition of a promoter, the USBC will protect the fighter from exploitive business practices, regardless of the source.

It is envisioned that the commission created under this legislation, the USBC, will monitor the boxing world, creating an environment that will enable both the sport and its participants to thrive. I am proud of the work that Senator MCCAIN and I have done to help in the reform of this great sport.

Mr. FRIST. Mr. President, I ask unanimous consent that the McCain substitute be agreed to; the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3006) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 275), as amended, was read the third time and passed.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 596, 598, 599, 600, 601, 602, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### NOMINATIONS

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development.

##### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### *To be major general*

Brig. Gen. Charles C. Baldwin, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

##### *To be brigadier general*

Col. Cecil R. Richardson, 0000

##### IN THE ARMY

The following Army National Guard of the United States officers for appointment in the

Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

##### *To be major general*

Brigadier General James J. Bisson, 0000  
Brigadier General Ronald G. Crowder, 0000  
Brigadier General William W. Goodwin, 0000  
Brigadier General Michael A. Gorman, 0000  
Brigadier General Robert G.F. Lee, 0000

##### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE AIR FORCE

PN1395 Air Force nomination of Arthur R. Homer, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1396 Air Force nomination of William R. Kent, III, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1397 Air Force nomination of Lori J. Fink, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1398 Air Force nominations (2) beginning PATRICIA K. COLLINS, and ending JEFFREY E. SHERWOOD, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1399 Air Force nominations (2) beginning CHRISTOPHER D. BOYER, and ending MATTHEW E. COOMBS, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1400 Air Force nomination of Richard G. Hutchison, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1401 Air Force nomination of Jeffery C. Sims, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1408 Air Force nominations (53) beginning DOUGLAS R. ALFAR, and ending FI A. YI, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN1425 Air Force nomination of Christine R. Gundel, which was received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1426 Air Force nominations (3) beginning BOIKAI B. BRAGGS, and ending CHARLES W. FOX, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1435 Air Force nomination of David W. Puvogel, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1436 Air Force nomination of Terrance J. Wohlfel, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

##### IN THE ARMY

PN1166 Army nominations (338) beginning DALE A. ADAMS, and ending NICHOLAS E. ZOELLER, which nominations were received by the Senate and appeared in the Congressional Record of November 21, 2003.

PN1248 Army nominations (56) beginning THOMAS M. BESCH, and ending ALBERT M. ZACCOR, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1249 Army nominations (26) beginning KENNETH L. ALFORD, and ending JAMES R. YONTS, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1250 Army nominations (46) beginning THOMAS E. BAILEY, and ending DANIEL S. ZUPAN, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.