

UNITED STATES BOXING COMMISSION ACT

HEARING
BEFORE THE
SUBCOMMITTEE ON
COMMERCE, TRADE, AND CONSUMER PROTECTION
OF THE
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COMMERCE
HOUSE OF REPRESENTATIVES
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UNITED STATES BOXING COMMISSION ACT

THURSDAY, MARCH 3, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON COMMERCE, TRADE,
AND CONSUMER PROTECTION,
Washington, DC.

The subcommittee met, pursuant to notice, at 11:34 a.m., in room 2322 of the Rayburn House Office Building, Hon. Clifford Stearns (chairman) presiding.

Members present: Representatives Stearns, Cubin, Bass, Pitts, Murphy, Blackburn, Barton (ex officio), Schakowsky, and Towns.

Staff present: Brian McCullough, professional staff; Chris Leary, policy coordinator; David Cavicke, chief counsel; Will Carty, professional staff; Billy Harvard, legislative clerk; Julie Fields, special assistant to the policy coordinator; Jon Tripp, deputy press secretary; Ashley Groesbeck, research assistant; Jessica McNiece, research assistant.

Mr. STEARNS. Let us start the subcommittee hearing. My colleagues, it was just last year that the subcommittee was honored by a visit from one of history's greatest heavyweight fighters, Muhammad Ali. Unfortunately, the account that he gave us about his sport—his beloved sport, was not full of tall tales about the rumble in the jungle or the thriller in Manila, but it was a call for additional Federal reforms in the sport of boxing and better protection for its outstanding athletes.

Mr. Ali told us in no uncertain terms that without further, Federal reforms, the sport of boxing was in grave danger of becoming irrelevant in the eyes of the public and permanently scarred by years of scandal and corruption. According to Muhammad Ali and many other well-known, champion boxers, the problems surrounding professional boxing are not only alienating its fan base, but also endangering many of its young and talented fighters, many of whom, of course, are from disadvantaged communities like Muhammad Ali, and all they want is a fair shot at a better life. As Muhammad told us “for all of its difficulties, boxing is still a wonderful sport. It still attracts men and women from all walks of life to reach for the glory in the ring.”

For many, it is their first experience with really hard work, determination, and discipline. For still others, it remains the only way up and out from a life filled with bad choices, failure, or worse. Although a lot of a hard—a lot of work has been done to grant greater Federal oversight over boxing in America, the glamour and glitz of the big Vegas and Atlantic City bouts continue to obscure

the fact that many, many everyday fighters, some 12,000 in the United States, are facing severe risk of injury and death as they compete in the roughly 1,000 professional bouts held in relative obscurity here in the United States, every year. And if that was not enough, those fighters who are lucky enough to avoid the extreme physical risks in the ring still face exploitation outside of it from the unsavory characters the sport continues to attract.

To its credit, Congress has been working for over 10 years, trying to reform the sport at the Federal level. 1996, Congress passed the Professional Boxing Safety Act that require that all professional boxing matches be conducted under supervision of an authorized State boxing commission. That law also created uniform registration and licensing and established safety standards. The Muhammad Ali Boxing Act of 2000 continued the Federal reform effort by prohibiting Federal—prohibiting financial conflicts of interest between boxing managers and promoters, requiring certain financial disclosures, and creating new restrictions on contracts between boxers and promoters and managers.

As we learned at our hearing last year, both of these laws have been relatively successful in policing boxing at the State and tribal level, in particular regarding the health and safety of boxers; but as several witnesses have also told us, the enforcement of these requirements is left to the States and tribal organizations, creating a patchwork of spotty enforcement, and there is ample opportunity, my colleagues, to beat the system and simply evade regulation. Last year's testimony was full of stories about the boxers who fall through the cracks and compete, unchecked, in jurisdictions that are less rigorous when they are banned from others.

For these and other reasons, I do believe that additional Federal oversight to police the sport of boxing will certainly improve the lives of ordinary boxers. That is why I, along with my colleague from Illinois, Ms. Schakowsky, have introduced the United States Boxing Commission Act, H.R. 1065. We believe this bill will create a new Federal Commission, the United States Boxing Commission, USBC, which will be located within the Department of Commerce. The United States Boxing Commission Act specifies the following in the bill: it requires the USBC to promulgate uniform standards for professional boxing and consultation—in consultation with the Association of Boxing Commissioners. It requires the USBC to oversee all professional boxing matches, except as otherwise determined. It require the USBC to work with the States and tribal organizations to improve the state of professional boxing in the United States, including creating new standards. It requires that boxers be licensed every 4 years. It also requires that all managers, promoters, and sanctioning organizations be licensed by the USBC every 2 years; this includes giving the USBC the authority to revoke or suspend a license for cause after the opportunity for a hearing. It allows the USBC to conduct investigations with full power of subpoena. It requires the USBC to maintain a unified, national, computerized registry for collecting, storing, retrieving information that is relevant to the boxing profession.

This is a tough bill, but it is for a tough sport, my colleagues. It is also a bill that strikes the right balance between the rights of local authorities to regulate sports activities in their commu-

ities and the clear need for uniform, Federal standards and enforcement for a dangerous and continued-problem-plague sport. I believe this bill is the necessary foundation to support the progress that has been made at the Federal level to protect the lives and health of these great, hard-working athletes. Passage will also ensure the reestablishment of the integrity and the honor of the great sport of boxing. With that, I would like to thank my distinguished panel for coming here this morning, and I look forward to their testimony. Ranking Member Schakowsky?

[The prepared statement of Hon. Cliff Stearns follows:]

PREPARED STATEMENT OF HON. CLIFFORD STEARNS, CHAIRMAN, SUBCOMMITTEE ON
COMMERCE, TRADE, AND CONSUMER PROTECTION

Good Morning. It was just last year that this Subcommittee was honored by a visit from the one of history's greatest, Muhammad Ali. Unfortunately, the account that the Greatest gave us about his beloved sport was not full of tall tales about the Rumble in the Jungle or the Thriller in Manila, rather it was a call for additional federal reforms in the sport of boxing and better protections for its outstanding athletes. Mohammed Ali told us in no uncertain terms that without further federal reforms, the sport of boxing was in great danger of becoming irrelevant in the eyes of the public and permanently scarred by years of scandal and corruption. According to the Greatest and many other well-known champion boxers, the problems surrounding professional boxing are not only alienating its fan base but also endangering many of its young and talented fighters, many of whom are from disadvantaged communities like Mohammad Ali and just want a fair shot at making a better life. As Muhammad told us: "For all its difficulties, boxing is still a wonderful sport. It still attracts men and women from all walks of life to reach for glory in the ring. For many it is their first experience with hard work, determination and discipline. For still others it remains the only way up and out from a life filled with bad choices, failure, or worse."

Although a lot of work has been done to grant greater federal oversight over boxing in America, the glamour and glitz of the big Vegas and Atlantic City bouts continues to obscure the fact that many everyday fighters, some 12,000 in the U.S., are facing severe risk of injury and death as they compete in the roughly one thousand professional bouts held in relative obscurity here in the United States every year. And if that was not enough, those fighters who are lucky enough to avoid the extreme physical risks in the ring still face exploitation outside of it from the unsavory characters the sport continues to attract.

To its credit, the Congress has been working for over a decade trying to reform the sport at the federal level. In 1996, the Congress passed the Professional Boxing Safety Act that requiring that all professional boxing matches be conducted under supervision of an authorized state boxing commission. That law also created uniform registration and licensing and established minimum safety standards. The Muhammad Ali Boxing Act of 2000 continued the federal reform effort by prohibiting financial conflicts of interests between boxing managers and promoters, requiring certain financial disclosures, and creating new restrictions on contracts between boxers and promoters/managers.

As we learned at our hearing last year, both of these laws have been relatively successful in policing boxing at the state and tribal level, in particular regarding the health and safety of boxers. But as several witnesses also told us, the enforcement of these requirements is left to the states and tribal organizations creating a patchwork of spotty enforcement and ample opportunity to beat the system and evade regulation. Last year's testimony was full of stories about the boxers who fall through the cracks and compete unchecked in jurisdictions that are less rigorous when they are banned in others.

For these and other reasons, I do believe that additional federal oversight to police the sport of boxing will improve the lives of ordinary boxers. This is why I, along with my colleague from Illinois Ms. Schakowsky, have introduced the United States Boxing Commission Act, H.R. 1065. This bill will create a new Federal Commission, the United States Boxing Commission (USBC), which will be located within the Department of Commerce. The United States Boxing Commission Act specifies the following:

- Requires the USBC to promulgate uniform standards for professional boxing, in consultation with the Association of Boxing Commissioners.

- Requires the USBC to oversee all professional boxing matches, except as otherwise determined.
- Requires the USBC to work with the states and tribal organizations to improve the state of professional boxing in the United States, including creating new standards.
- Requires that boxers be licensed every four years, and also requires that all managers, promoters, and sanctioning organizations be licensed by the USBC every two years. This includes giving the USBC the authority to revoke or suspend a license for cause after the opportunity for a hearing.
- Allows the USBC to conduct investigations with full power of subpoena.
- Requires the USBC to maintain a unified national computerized registry for collecting, storing, and retrieving information related to professional boxing.

This is a tough bill for a tough sport. It is also a bill that strikes the right balance between the rights of local authorities to regulate sports activity in their communities and the clear need for uniform federal standards and enforcement for a dangerous and problem-plagued sport. I believe this bill is the necessary foundation to support the progress that has been made at the federal level to protect the lives and health of these great athletes. Passage will also ensure the reestablishment of the integrity and honor of the great sport of boxing.

With that, I would again like to again graciously thank our distinguished panel of witnesses for joining us today. We look forward to your testimony. Thank you.

Ms. SCHAKOWSKY. Thank you, Chairman Stearns. I really appreciate your strong statement, and I thank you for holding today's hearing on our bill, the United States Boxing Commission Act.

After our hearing last Congress, I think it was quite clear that the current boxing regulations, which are meant to ensure that boxers' health and financial interests are protected, were not being adhered to as they should be. Not all trainers or fight promoters are like Clint Eastwood. And we were informed at that hearing, by the presence and the eloquent testimony of Muhammad Ali and other great experts, and as a consequence, Chairman Stearns and I, both, agreed that it was time to do something about this, and I look forward to working with you, Mr. Stearns, on this bill.

What we are doing is significant. Historically, as you know, the regulation of boxing has been purely under the jurisdiction of the States. In the mid-1990's, when reports of corruption and scandals became more frequent, Congress decided it was time to take a closer look at that sport; after all, boxing is no small affair. The sport generates over \$500 million in revenue each year, and with the passage of the Professional Boxing Safety Act in 1996, soon followed by the Muhammad Ali Act in 2000, minimum standards were set to protect the physical and economic well being of the boxer, and each State boxing commission was charged with meeting those standards. While some States, such as New York, Pennsylvania, and Nevada have strong boxing commissions that go well beyond the minimum Federal requirements, there is still concern that other States are ignoring the regulations.

Many argue that federally mandated health and safety standards are not being adhered to because no corresponding government regulatory body exists. The absence of a national commission makes boxing unlike all other major professional sports and I believe should give us pause. Boxing is also unlike many other sports in that there are often especially serious physical repercussions. That means if the health and safety standards are not being met, if the professionals who are used to monitor boxers' fitness are not experts in the appropriate medical fields, the boxers' very lives are at stake. Approximately 50 boxers have died in the ring over the last 35 years.

Additionally, because so many parties have a financial stake in each boxing match and their interest may run counter to getting the boxer the most favorable contract terms, many boxers end up destitute. In this sense, boxers are like many other kinds of talent or workers. Their gifts are others fortunes, and they are treated as disposable assets. Now that networks and broadcasters are acting more like promoters, but are not subject to the same regulations that traditional promoters are, I believe that there are new vulnerabilities in the sport which we should examine. I believe that is our responsibility to—that it is our responsibility to ensure that boxers are not being put in the ring without being protecting, both physically and economically. That what I am so pleased that our bill establishes the United States Boxing Commission to make sure that standards are uniform and boxers are protected. I am very glad that all of our panelists are here with us today to help us determine the best role for the Federal Government to play to ensure the best interest of those participating in the sport, and I look forward to your testimony. Thank you, Chairman Stearns.

Mr. STEARNS. I thank my colleague and distinguished member of the full committee, Mr. Barton.

Chairman BARTON. Thank you, Mr. Chairman. I am going to put my statement in the records. I want to thank you for the hearing, thank you for the bipartisanship work that you and Ranking Member Schakowsky have put together on this issue. I want to thank our witnesses and also thank Senator McCain in the other body for advocacy for reform. While I am not sure that we have agreement between this body and the other body in exactly what needs to be done, both bodies agree that something needs to be done, and this is a good step, so I want to thank you all for your bipartisanship, thank our witnesses, and I look forward to being here.

[The prepared statement of Hon. Joe Barton follows:]

PREPARED STATEMENT OF HON. JOE BARTON, CHAIRMAN, COMMITTEE ON ENERGY
AND COMMERCE

Thank you, Chairman Stearns, for holding this hearing today, following up on your hearing last Congress on whether additional legislation was needed to address the problems in boxing. Despite the powerful presence and words of Muhammad Ali, that hearing provided some lively debate, as not all witnesses were unanimous on the need for additional legislation or what it should encompass.

This Committee has enacted legislation twice in the past nine years to improve the boxing business. Those reforms have made progress and provide boxers today with greater protections than were available to Muhammad Ali and previous generations of boxers.

Creating a Federal Commission to regulate a sport is a big step for Congress. The Federal Government simply can't solve all of society's problems. Introducing new Federal regulations is never an easy task, and introducing a new REGULATOR is even more challenging. Nonetheless, I am happy to work on this legislation and devote Committee resources to examine solutions to some of the problems that have been identified.

Any Federal legislation needs to ensure we do not create unintended consequences. I am aware of some concerns, for instance, regarding the role of television and cable networks that broadcast boxing matches. We need to be sure not to implicate other Federal laws outside the scope of this legislation that have negative consequences.

I look forward to working with all the interested parties and to the testimony today. Thank you.

Mr. STEARNS. I thank the gentleman from New York, Mr. Towns.

Mr. TOWNS. Thank you very much, Mr. Chairman. Let me thank you, Chairman Sterns, for holding this hearing and Ranking Member Schakowsky for your work. I agree. Something needs to be done, and I want to thank you for holding this hearing on H.R. 1065. I would also like to welcome a fellow New Yorker, of course Ron Scott Stevens, the chairman of the New York State Athletic Commission. Good to see you. I look forward to hearing your views on this legislation, as well as those of other witnesses.

As a longtime boxing fan, I commend the chairman for his effort to protect the health of boxers and to ensure fairness in the wonderful profession of boxing. Historically, one could argue that there is no event more exciting than a championship fight where a belt is on the line. From Sugar Ray Robinson to Muhammad Ali to Sugar Ray Leonard, championship boxers have captivated the American public. Let me conclude by saying this: I really feel that the public is concerned about the integrity of the sport, such as scoring or refereeing. Others are worried about the health of the boxers, you know, who continue to fight—it seems sometimes long past a period that they should. Also, we are concerned about the fact that a boxer gets knocked out in one State, gets in his car and drives and goes to fight in another State—or gets on a plane and goes to fight in another State, and there is nothing to stop that.

More importantly, there are so many sanctioning bodies, the fans do not even know who the champion is. By creating a centralized body to create a—uniform standard, it appears that this bill may help address some of the ills that currently affect the sport.

You know, Mr. Chairman, I really believe in athletics, and of course—and I think that we should be as supportive as we possibly can, but when something is broken, we need to fix it. And let me say to you, this is broken, and we definitely need to fix it. On that note, I yield back.

Mr. STEARNS. I thank my colleague, a gentlelady, Ms. Cubin.

Ms. CUBIN. Thank you, Mr. Chairman. I don't have an opening statement, but I will have questions later for the panel. Thank you.

Mr. STEARNS. Thank you. Ms. Blackburn? No opening statement? Okay. Mr. Pitts?

Mr. PITTS. I shall submit my opening statement for the record.

Mr. STEARNS. Okay. Mr. Murphy? Okay. With that, we will go right to the witnesses. Mr. Michael Schwartz, Chairman of the American Association of Professional Ringside Physicians; Ms. Linda Torres, Counsel, McElroy, Deutsch, Mulvaney, and Carpenter, on behalf of the International Boxing Federation, you are here. And Mr. Ron Scott Stevens, Chairman of the New York State Athletic Commission. Thank you very much for coming. And we will start, Dr. Schwartz, with you for your opening statement, and welcome.

STATEMENTS OF MICHAEL B. SCHWARTZ, CHAIRMAN, AMERICAN ASSOCIATION OF PROFESSIONAL RINGSIDE PHYSICIANS; LINDA P. TORRES, COUNSEL, McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP; AND RON SCOTT STEVENS, CHAIRMAN, NEW YORK STATE ATHLETIC COMMISSION

Mr. SCHWARTZ. Thank you. My name is Dr. Michael Schwartz. I am the Chairman and President of the American Association of

Professional Ringside Physicians. I am also the Chief Ringside Physician for the State of Connecticut, Foxwood's Resort Casino and Mohegan Sun Casino in Connecticut. In addition, I am a member of the Medical Advisory Committee for the Association of Boxing Commissions. I am a board-certified internist, and I have a private practice in Darien Connecticut. And I would like to thank the committee for this opportunity to testify in this most important legislation.

I started working as a ringside physician in 1991, first as an amateur in amateur boxing, and then, ultimately, in professional, and I quickly recognized the lack of safeguards to protect these athletes. In 1997, we were working a fight with Roy Jones, Jr. and before the fight, none of the medical requirements that we had required were there; and this was a very common situation that I would—that would be incurred each time I would have a fight. And I struggled to get all of the medical documentation in, and we saved the fight, literally, an hour before the fight, so some of the commissioners came to me and said, well, we think it is broken—boxing is broken, and why don't you try to fix it, Dr. Schwartz. So in 1997, I formed an association of ringside physicians to try to standardize the medical aspects of the sport. Right now, we are a non-for-profit organization. We have about 350 ringside physicians around the country and some international now, to address issues pertaining to boxing safety, including medical testing, standardization of medical requirements, the creation of a medical data bank, and a comprehensive certification program, which we recently introduced to ensure that only qualified physicians work as ringside physicians. Anecdotally, we have heard stories of chiropractors and veterinarians acting as the physicians and sometimes simply physician assistants or nurses. We recently started a medical assistance program to help boxers who don't have health insurance and a medical review board to help with issues pertaining to boxing medical safety. We have an annual medical seminar to educate physicians, to share ideas, and to discuss relevant boxing safety. Our goal is to identify those boxers who should never step into the ring in the first place. By not allowing them to get in the ring, perhaps we could decrease the risk of mortality and morbidity in the boxing arena.

We are the only major sport that does not have a commission. Baseball, football, hockey, basketball all have commission. Even sports that are individual sports that are individual sports, like tennis, golf, bowling, have commissions. We don't.

Commissions are necessary for standardization of the sport. Right now, we have no standardization from State to State. In 2003, the ABC Medical Advisory Board came up with what we thought were minimum medical standards to address these issues. The ABC voted and agreed on it. The AAPRP, later that year, ratified and agreed with these minimal medical standards; however, almost no States adopted these. These included things like CAT scans, MRIs, blood tests, dilated eye exams amongst other things, and unfortunately a lot of States did not adopt these, claiming that it either was a legislative issue or a cost issue or they just chose not to do it. States like New York, New Jersey, Connecticut, Nevada have either adopted these or exceeded these; other States

don't. Therefore, we have boxers and managers that are now State shopping. If they know there is something wrong, they are going to go to a State that does not require that, and they are going to be able to compete.

I only find out about these things when they come to my State and I require the tests. I have found issues such as hepatitis, brain injuries, eye damage, seizure disorders, boxers fighting on Coumadin, which is a blood thinner. In addition, we need a medical registry or a data bank to maintain these medical tests. We have had situations where I have received 7 electrocardiograms—that is a heart test—the same EKG. All they did was whited out the name and copied it and gave it to me. If there was an administrative responsible for organizing all of these tests, then we would be able to just simply download it off the Internet, and we would be able to identify those boxers at risk. In addition, a lot of kids have these tests in other States and don't know where they put the results. We make them get it again, and it costs—an additional cost to them.

There are several bills right now, I know, in the Senate and in the Congress that address forming a boxing committee, a boxing organizing/boxing commission. Regardless of what bill is ultimately passed, it must establish the minimum medical and safety issues that are necessary to protect these individuals. It must define a doctor as an MD or a DO. It must establish a medical registry. It must make sure that the physicians are qualified through education/certification. And most—the most important thing is that we protect these kids so that they have a life after boxing. Thank you.

[The prepared statement of Michael B. Schwartz follows:]

PREPARED STATEMENT OF MICHAEL SCHWARTZ, CHAIRMAN, AMERICAN ASSOCIATION OF PROFESSIONAL RINGSIDE PHYSICIANS

I am Dr. Michael Schwartz, Chairman of the American Association of Professional Ringside Physicians (the "AAPRP"), a not for profit organization comprised of approximately 350 ringside physicians throughout the world. In addition, I am the chief ringside physician for the State of Connecticut, Mohegan Sun Casino and Foxwoods Resort Casino. I am also a member of the Medical Advisory Board for the Association of Boxing Commissions (the "ABC"). I have been a ringside physician since 1991 and have served as the chief ringside physician at over 200 boxing matches. I am board certified in Internal Medicine and have a private practice in Darien, Connecticut.

I would like to thank the Subcommittee on Commerce, Trade, and Consumer Protection (the "Committee") for this opportunity to testify with respect to the proposed United States Boxing Commission Act (the "Proposed Bill"). As a ringside physician, my goal has always been to promote the safety and protection of the individual fighter. In 1991, when I first started to work as a ringside physician, I became aware that boxing, an inherently dangerous sport, lacked necessary safeguards to protect the participants. As a result, I formed the AAPRP, to addresses issues pertaining to boxing safety including medical testing, standardization of medical requirements, the creation of a medical data bank and the creation of a comprehensive certification program which will insure that only qualified and experienced physicians act as the primary ringside doctor at boxing matches. In addition, the AAPRP conducts yearly medical seminars to educate physicians, create a forum for the sharing of ideas and the discussion of relevant issues to boxing safety.

Through the hard work of our members, I believe that the AAPRP has indeed improved the current medical environment for the professional boxer which has resulted in a decrease of serious injuries and, quite possibly, deaths in professional boxing. Unfortunately, much of the great work accomplished by the AAPRP has not been adopted by many States or other boxing jurisdictions. Without a centralized national boxing commission, the fighter is not guaranteed the safe setting, with an appropriately trained ringside physician, that he or she justly deserves. Indeed, I

am aware of many situations where ambulances are not available at the boxing venue for emergencies. Moreover, I know that many professional boxing matches have gone forward without physicians experienced in ringside medicine present. For example, while physicians trained in the practices of obstetrics and gynecology, dermatology or psychiatry are surely capable of being excellent ringside physicians, without prior experience they clearly are not trained in disciplines which would give them the proper insight to assist an injured boxer or detect a symptom prior to permitting such boxer to fight. In fact, there have been reports of chiropractors and even veterinarians acting as primary ringside physicians.

Boxing is the only major sport without a national commission. Baseball, football, basketball and hockey are all governed by national commissions. In fact, even individual sports such as tennis, golf and bowling have commissions. These commissions assure standardization regardless of where a competition may take place. The rules in one venue are the same in another. In addition, all athletes are entitled to receive the same medical evaluation and treatment no matter where the match may take place. This is not, however, the situation in boxing. With respect to professional boxing, medical requirements and care differ from venue to venue. For example, in the state of Connecticut, each competitor is required to have a complete physical examination, a dilated eye exam, an electrocardiogram, a CT scan or MRI of the brain, blood testing including HIV, hepatitis B and C, as well as a pre and post fight physical examination. Some jurisdictions, however, require nothing more than a pre-fight "mini-physical" examination. This can, and I believe has, resulted in athletes being exposed to significant risk since certain underlying medical conditions will not be identified without a complete pre-fight physical examination and essential testing. In my experience, as a result of a review of medical examinations and tests required by the Connecticut State Commission, and the Manshantucket Pequot and Mohegan Tribal Commissions, I have discovered many life threatening issues including infectious hepatitis B, brain abnormalities and cardiac arrhythmia's, as well as illicit drug use which can impede a fighters' ability to perform as he or she should. Many of these health limitations were identified only because of the pre-fight requirements of these Commissions. Regrettably, these same fighters fought multiple times in other jurisdictions which failed to identify these abnormal health issues simply because the physicians could not look for them. Without standardized medical requirements in boxing we may never know how many deaths or chronic injuries might have been prevented.

In 2003, the medical advisory board of the ABC proposed minimum medical requirements for all jurisdictions to incorporate in authorizing a boxer to fight. The AAPRP quickly ratified and endorsed these requirements and applauds the efforts of the ABC. However, notwithstanding the ABC's recommendation, I understand that most boxing jurisdictions have elected not to adopt these recommendations citing cost or legislative concerns (some simply chose not to adopt them without any explanation). As a result, boxers and managers now "state shop," i.e., when a fighter has a pre-existing medical condition which would preclude their participation in one jurisdiction, they simply find a jurisdiction without requirements in place to identify their medical abnormality and fight there. Undoubtedly, without a centralized commission established and governed by official regulation, there will never be uniformity amongst the various commissions throughout the United States.

In addition, there is no medical registry or data bank to document and maintain results of medical tests. Fighters are often required to unnecessarily repeat medical tests, at a significant cost, since they are unable to produce the proof or documentation of previous test results. The expense of repetitive testing, often prohibitive to some fighters and managers, has resulted in unscrupulous attempts to "beat the system." For example, one afternoon I received the identical electrocardiogram (EKG) for seven different fighters during their pre-fight physicals. Apparently, the manager had "whited-out" the name on one healthy test and inserted each fighter's information onto a copy of the document. If a central agency was responsible for evaluating and recording these medical records, ringside physicians would be able to track each fighter's personal medical history without concern of such potential deceit. Also, if this information was available to ringside physicians via the internet, the doctors would have an additional tool for immediately identifying those who are at risk for injury before conducting a pre-fight physical examination. Moreover, this information could also be utilized as a means to further study and research the medical aspects of boxing. Unfortunately, medical research into boxing safety is practically non-existent. Additionally, those individuals who are conducting research have difficulty acquiring information and basically no funding to support their studies. This helpful information could be made available if there was an administrative body responsible for organizing and maintaining a data bank program.

As this Committee is obviously aware, recently on January 25, 2005, Senator John McCain introduced S.148, the Professional Boxing Amendments Act of 2005. Similarly, on February 1, 2005, Congressman Peter King proposed H.R. 468, the "Professional Boxing Amendments Act of 2005." Both of these bills were proposed "[t]o establish a United States Boxing Commission to administer the Act, and for other purposes." It is important to note that in addition to establishing a national commission on boxing, both S.148 and H.R. 468 address the necessity of regulation with respect to the medical aspects related to the sport of boxing. For example, these bills define the term "Physician" as used in the Act, as a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function and who has training and experience in dealing with sports injuries, particularly head trauma. In addition, they provide for the establishment and maintenance of a medical registry which would contain comprehensive medical records, denials and suspensions for every licensed boxer.

The AAPRP continues to work diligently in its efforts to make boxing safer for the individual boxer, consequently improving the respectability and credibility of the sport. Notwithstanding the AAPRP's selfless efforts, it has become increasingly difficult to preserve and protect the boxer's health absent standardization, information sharing and legislative backing. Boxing needs a centralized commission. A centralized commission will assist the ringside physician, whose sole goal is to make the sport as safe as possible for the individual boxer. As chairman of the AAPRP, and individually as a concerned and dedicated ringside physician, I urge this Committee to adopt legislation that makes safety its first priority when forming a national commission for boxing. Accordingly, it is my opinion that any legislation which creates a Federal Boxing Commission, including the proposed Bill, must definitively address the medical aspects of the sport and unconditionally provide support for medical research and maintenance of a centralized medical data bank similar to that proposed by S.148 and H.R.468.

Thank you for your time and consideration.

Mr. STEARNS. I thank you. Ms. Torres, welcome.

STATEMENT OF LINDA P. TORRES

Ms. TORRES. Thank you, and thank you for inviting us, Chairman Stearns, and—

Mr. STEARNS. You might pull the mic a litter closer to you.

Ms. TORRES. Sure.

Mr. STEARNS. Oh.

Ms. TORRES. Is that better?

Mr. STEARNS. That is better.

Ms. TORRES. Okay.

Mr. STEARNS. Thanks.

Ms. TORRES. Thank you, Chairman Stearns and the members of the House Subcommittee on Commerce, Trade, and Consumer Protection. We are here today—I am here today, representing both the International Boxing Federation and the World Boxing Association. That would be 2 different sanctioning organizations. I would like to address, actually, something that was said by Mr. Towns of New York, who apparently just left the room for a moment. He mentioned one of the difficulties in the world of boxing right now is that there are so many sanctioning bodies the public does not know who the champion is. I don't know that having a national boxing commission will be actually doing away with any of the sanctioning organizations. What it can do is make sure that the organizations adhere to the provisions that are already in place, such as posting rating, posting ratings changes, posting bylaws, and making an appeal process available to boxers to contest their ratings; but I don't know that this commission can actually disband any private business that have been set up.

The positive thing about having multiple sanctioning organizations is that they are giving more and more boxers the opportunity to work their way up in the rankings of the organizations and actually fight for a title. If you only had 1 group, you would only have 17 weight classes and 15 people in each weight class, and that would be it. With more than 1 organization, you have got more people being permitted to fight for titles, and you have got the possibility of the champions unifying the titles by either getting 2 titles or 3 major titles.

The—I think the purpose—the stated purpose of the boxing commission, which is to protect the interests of boxers and to ensure uniformity, fairness, and integrity and prevent—in professional boxing is laudable. The actual bill does not specifically address how any of this is going to be done. When it talks about something like the commission overseeing all professional boxing matches—on any given weekend in many different states, there are a lot of bout cards being produced. I don't know what the commission is going to actually do with those fights. Are they going to hire people and send them there? Are they going to review the contract? So again, to state certain things is one thing. To actually carry them out and figure out how to do them is of interest to most people in the industry, to see how it will be done.

In reviewing the substance of 1065, I was somewhat concerned that the aspect of health and safety was relegated to somebody publishing a report in a year or 2 on the standardization of health and safety. That is a major issue at the moment. Certain States require ambulances to be at the site; others don't. Certain States require extensive testing for infectious diseases, and other States don't. I think if you are going to protect the boxer, you have got to protect the health and safety, and perhaps that should be brought a little more to the forefront of this bill.

Regarding the licensing provisions, as the bill is drafted right now, again, it is very general as to the grounds for suspending or revoking a license of a manager, a promoter, or a sanctioning organization. There are some grounds that say it—a reasonable ground for belief that a standard is not being met. Since there are no standards in the bill yet—and this is just a general bill-setting-up—the commission—it is difficult how that will be—will play out and be enforced in the future. Another reason for suspension or revocation of a license is in the public interest. In the sport of boxing, you may have 1 Internet writer who has a very different view of the public interest than a boxer would or than a promoter or a manager would. So again, it is a little vague at this point in time.

Regarding the funding from the licensing fees, there is a provision in the bill that states that promoter and sanctioning organization—are to pay the largest proportion of the fees. I don't know if the committee is aware of the type of fees that a sanctioning organization charges and for what fights. The sanctioning organization only charges a fee for a world championship title fight. Many of the fights that you see on ESPN and MSG are not world championship title fights. When there is a title fight, the organization receives a maximum of 3 percent of the fighter's purse. The organizations will also charge a nominal fee of \$1,000 a boxer, no matter what the boxer is making, on a fight that is called an eliminator. That is a

fight between 2 ranked boxers in order to attain the position of number 1 or number 2 in the ranking to entitle them to then move up and fight for the title.

The persons who make the most money on these major fights are clearly the networks. The networks are making millions of dollars. They are also dictating who boxers can fight and rejecting certain opponents and not allowing them to fight certain opponents. They are entering into long-term contracts with boxers, and they actually act as promoters. To regulate an industry, a major player are the networks, and they should be included.

As recently as yesterday in the New York Daily News, there was a quote regarding a certain fight. It says—this is an article by Tim Smith, I believe. It says “and Showtime, needing a worthy opponent for its broadcast, on a free-preview weekend, no less, wouldn’t accept just anybody.” So regardless of the rules of a sanctioning organization that may say a champion must fight the next leading, available contender who has been designated the mandatory opponent, sometimes the networks just won’t buy it. If you did not have sanctioning organizations, every single match you saw would only be controlled by the networks and the media darlings would be the only boxers you would see over and over. The organizations exist to give up-and-coming, young boxers an opportunity to fight for a title.

Mr. STEARNS. We just need you to sum up, if you couldn’t. You are about 2½, almost 3 minutes over.

Ms. TORRES. I am sorry.

Mr. STEARNS. No, that is okay.

Ms. TORRES. I am finished.

[The prepared statement of Linda P. Torres follows:]

PREPARED STATEMENT OF LINDA P. TORRES, LEGAL ADVISOR TO THE INTERNATIONAL BOXING FEDERATION, INC.

Chairman Stearns, members of the Subcommittee, my name is Linda Torres and I thank you for giving me this opportunity to present the views of the International Boxing Federation, Inc. (IBF). Over the past few years, the International Boxing Federation Inc. has worked with the World Boxing Association (WBA) on efforts to improve the sport of boxing, and I have been authorized by the WBA to submit this testimony on behalf of both organizations, in order to provide you with a broad perspective from world sanctioning bodies. Both the IBF and WBA are sanctioning organizations with international membership and affiliations with regional boxing federations in other countries.

Of the hundreds of sports that are practiced in the United States, we are unaware of any that are comprehensively regulated by a United States federal agency. That is why we are here today. While a recent test revealed that between 5 and 7 percent of major-league baseball players tested positive for steroids, professional baseball is not comprehensively regulated by a federal agency. While NASCAR drivers travel at speeds of up to nearly 200 miles per hour which has led to notable deaths and injuries, race car driving is not comprehensively regulated by the federal government. Even kickboxing, where participants can strike each other with elbows and kicks to the head, and mixed martial arts, where participants can hold another human being against a chain linked cage and beat them into submission or unconsciousness, are not regulated by the federal government. Instead, we are here today to discuss why boxing should be the only sport in the United States to be comprehensively regulated by the United States government, through the establishment of a new federal agency, solely dedicated to the oversight of the sport of boxing.

We have heard the arguments for federal oversight. However, unlike some of the sports that I previously mentioned, boxing is already regulated by nearly every state in the United States. Additionally, a union has recently been formed for boxers, and there are dozens of promoters, and hundreds of managers, trainers, and match-makers in the sport. There is even an Association of Boxing Commissions (ABC),

an organization comprised of employees of state boxing commissions, that is working to standardize the rules and administration of boxing throughout the United States. They have developed unified rules for professional boxing contests and have made suggestions for the criteria for the ranking of fighters that the IBF, WBA and other world sanctioning organizations are urged to adopt. To date, the organizations have incorporated the ratings criteria suggested by the ABC into their own sets of criteria. We are presently working with the ABC on reviewing newly suggested criteria.

The IBF and WBA are aware that there is room for improvement in the sport of boxing. In order to address the problems that plague the sport, the IBF has taken a lead role by bringing interested parties in the sport of boxing together to openly discuss improvements that can be made. At our annual convention last June in San Francisco, the IBF invited the boxing world, including this committee, to a discussion titled, "The Future of Professional Boxing," which was an open discussion of the issues that need to be addressed in the sport of boxing (see APPENDIX A). Panelists for this event included New Jersey Athletic Commissioner Larry Hazzard, international matchmaker Carl Moretti, and IBF World Heavyweight Champion Chris Byrd. When President Bush proposed a White House "summit" on steroid use in sports, the IBF and WBA informed the Office of National Drug Control Policy's Assistant Deputy Director that the two organizations are committed to "maintain[ing] the integrity of the sport of boxing" and "protect[ing] the health and safety of fighters" and would be happy to attend (see APPENDIX B).

The IBF and WBA do not believe that the federal government should create a new federal agency to regulate the sport of boxing. Rather, the organizations believe that the boxing industry itself should be allowed to address the sport's problems, as other sports do. Specifically, Congress could direct the Association of Boxing Commissions to establish minimum health and safety requirements for boxers to be adopted by each state. This would insure, for example, that each state has the appropriate medical equipment and personnel present at a boxing match, and that each state tests fighters for infectious diseases such as HIV, Hepatitis C and other performance enhancing drugs and steroids. This would allow Congress to address the health and safety issues in the sport without having to create and fund a federal agency to oversee the sport.

Having expressed our concerns and belief that it is not necessary for Congress to create a new federal agency to oversee boxing, if Congress intends to regulate the sport through a new federal agency, the United States Boxing Commission Act is the best model for accomplishing this task. While other bills have been proposed, they would attempt to micromanage the sport of boxing. The United States Boxing Commission Act, on the other hand, recognizes that boxing is an international sport and instead focuses on the health and safety of boxers and the standardization of practices throughout the states in the interest of commerce, trade and consumer protection. However, in these interests, the IBF and WBA believe that several minor changes should be made to the bill. They are as follows:

1. The United States Boxing Commission Act should be amended to assure that law abiding individuals and entities are not put out of business

The United States Boxing Commission Act requires boxing managers, promoters and sanctioning organizations to obtain a license from the United States Boxing Commission (created in the bill) in order to work fights in the United States (Section 4). However, this license can be taken away if "there are reasonable grounds for belief that a standard prescribed by the Commission... is not being met" or that "the suspension or revocation [is] in the public interest" [Section 7 (1) B,C]. It appears that, a law abiding individual or entity could have its license taken away, and essentially be put out of business (as a license is required to work in the United States), without it ever being demonstrated that the individual or entity did anything wrong. "Reasonable grounds for belief" and the "public interest" are undefined and very vague. A licensee should only lose its license if it has actually been proven, upon notice and after hearing, that it has done something illegal or in violation of the statute.

2. The United States Boxing Commission Act should be amended to reflect the financial reality of the sport

The United States Boxing Commission Act would require sanctioning organizations and promoters to pay the largest portion of licensing fees [Section 4 (b) 2B]. Promoters, television networks and cable companies often make millions of dollars on professional boxing matches. In contrast, sanctioning organizations only collect up to a maximum of 3% of a fighter's purse (how much the fighter is paid) in a championship fight. Nominal fees are paid for eliminators. There are no sanctioning

fees paid at all unless the bout is a title fight of eliminator in a weight class. The bulk of the revenue from a fight is typically split with the largest portions going to the networks, promoters, managers and fighters. Therefore, it would be unfair for sanctioning bodies to pay “comparatively the largest portion” of fees, when they are comparatively paid much less than other licensed parties.

3. The United States Boxing Commission Act fails to regulate the largest players in professional boxing

The United States Boxing Commission Act fails to regulate television networks and cable and satellite service providers (herein collectively referred to as “networks”). While, on the surface, networks appear to only broadcast boxing matches to a viewing audience, in fact, they play a much larger role in the sport of boxing. They are actively involved in the business of promoting fights and enter into long term contracts with boxers, requiring them to fight only for the subject network and only against opponents that they approve.

The networks dictate the dates of the bouts and the amount that will be paid to the boxers for each fight. Additionally, they require that certain bouts be held for certain titles and have provisions in their contracts stipulating that certain belts be at stake for them to finance a show. Furthermore, the networks select the opponents of their boxers under contract without regard to the rules and ratings of sanctioning organizations. Sanctioning organizations have rules to insure the orderly defense of titles and to make sure that those boxers who have earned the right to fight for the title, that is, who are in a “mandatory” position, are allowed to fight for the title within a specified time frame. The “mandatory” may not be the media darling and the network may refuse to buy the fight required by the organization’s rules. Finally, networks derive huge sums of money from professional fights, especially on high priced, pay-per-view bouts. Absolving networks from a regulatory licensing structure of boxers and boxing personnel would be detrimental to positive boxing reform. In addition to the changes outlined above, the IBF and WBA believe that the Committee should also consider:

1. Whether the federal government really wants to “intervene in civil actions” [Section 7 (c)].

The United States Boxing Commission Act would allow the United States Boxing Commission to intervene in civil actions on behalf of the public interest. Federal courts and state courts have rules governing permissive intervention in lawsuits. If successful, on a motion to intervene, the United States would become a party to the litigation. Litigation is costly and time consuming. What is in the “public interest” is open to interpretation. The government’s objective can be met by filing an amicus brief in the court on behalf of the public as opposed to actually becoming a party on the lawsuit.

2. How can the United States Boxing Commission Act help to assure that the Internal Revenue Service (IRS) and state governments are not cheated on the taxes that they collect from boxing matches held in their jurisdictions?

Over the past few years, some fighters have begun to understate their total compensation for a fight in the official bout agreements that they file with the state boxing commission where the fight is held. In some instances, fighters are not reporting millions of dollars that they are earning. If this money is not being reported to the states, it is likely that it is not being reported to the IRS either. This impacts not only state and federal government revenues, but the sanctioning organizations as well which are not informed of the true purses and, thus, cannot collect the proper sanctioning fees. Any action that the Committee could take to correct this problem would not only be in the best interest of government, but also in the interest of the business.

The IBF and WBA appreciate the work of the Committee and its interest in improving the sport of boxing. While we do not believe that it is necessary to create a new federal agency to oversee the regulation of boxing, we believe that steps can be taken to improve the sport. Since the passage of the Muhammad Ali Boxing Reform Act (H.R. 1832) in 2000, the IBF and WBA have taken a lead role in working to maintain the integrity of the sport and in addressing problems within the sport. We will continue in these efforts and ask that you to work with us to bring the boxing industry together to address its problems, as other sports do, before creating a new federal agency. Together we can improve the sport for boxing participants, boxing personnel and boxing fans around the world.

APPENDIX A

SMITH ALLING LANE
WASHINGTON, DC
May 5, 2005

COMMITTEE ON ENERGY & COMMERCE
United States House of Representatives
Washington, D.C. 20515

Re: Invitation—Issues in Professional Boxing

DEAR COMMITTEE MEMBERS AND STAFF: The International Boxing Federation (IBF) would like to invite you to a session entitled *The Future of Professional Boxing* during the IBF Annual Convention on Thursday, June 3rd from 3:00-6:00 p.m. at the Argent Hotel in San Francisco, California.

The purpose of this session will be to discuss improvements that can be made within the sport of boxing, various policy issues, and models for regulation, including Senator McCain's proposal to establish a National Boxing Commission (S. 275). Specific topics for the policy session will include:

- How can the sport of boxing be improved?
- Is congressional legislation necessary?
- Do we need a national commission?
- Can the boxing industry come together to improve the sport?

The outcomes of this historic meeting could drastically affect the future of professional boxing. During the meeting, boxers, promoters, state commissioners, sanctioning bodies, officials and other boxing personnel will discuss the status of the boxing industry and develop recommendations for improving the sport.

We would be honored to host any congressional delegate(s) and ask that you please **RSVP for this event by calling Noah Reandeu at (253) 627-1091.**

Sincerely,

NOAH REANDEAU

APPENDIX B

SMITH ALLING LANE
WASHINGTON, DC
May 8, 2005

NORMAN DECK
Assistant to Deputy Director
Office of National Drug Control Policy
750 17th Street, N.W.
Washington, DC 20503

DEAR MR. DECK, The International Boxing Federation (IBF) and World Boxing Association (WBA) would like to express their interest in attending the White House's proposed summit on steroid use by athletes.

While marijuana and cocaine are the primary sources of substance abuse among boxers, steroid use is a growing concern. Unlike marijuana and cocaine, which are used for their addictive properties, steroids are used to gain a competitive advantage. This advantage is unfair to boxers who abide by the rules, is detrimental to the health of the steroid user, is often against the law, sets a bad example for the public, and can lead other competitors to begin using to "keep up" with the competition.

The IBF and WBA support President Bush's efforts to address steroid use by athletes. Both professional boxing sanctioning organizations are committed to maintaining the integrity of the sport of boxing and care about the health and welfare of boxers. Therefore, they are committed to finding solutions to this growing problem.

If the IBF and WBA were invited to the proposed summit, they could present information on the problem of steroid use in boxing and efforts that have been taken to address steroid use within the sport. Additionally, they could learn about the actions that other sports have taken to address this problem. Finally, after the summit, the organizations could meet with industry representatives to discuss any additional measures that could be taken to protect the health and safety of fighters.

Should you have any questions or require any additional information, please do not hesitate to contact me. I may be reached at (253) 627-1091.

I look forward to hearing from you.

Sincerely,

NOAH REANDEAU

Mr. STEARNS. All right. That is good. Mr. Stevens, welcome.

STATEMENT OF RON SCOTT STEVENS

Mr. STEVENS. On behalf of the State of New York and Governor Pataki, I would like to thank Chairman Cliff Stearns and members of the House Subcommittee on Commerce, Trade, and Consumer Protection for inviting me to speak on reform and Federal oversight of the sport of professional boxing.

Boxing is being glamorized today on reality television shows in the movies, but there are no Clint Eastwoods or Sylvester Stallones in the timeworn gym in poor neighborhoods where young boxers dream the dream. Their chances of succeeding, of becoming a contender, no less a champion, face enormous odds. Nevertheless, their numbers are great; just look at the crop of Golden Glove entries each year. The New York Golden Gloves had 660 entries, up from 600 a year ago, with most hoping 1 day to turn pro—so many who dream. Some are skilled, and some are not so skilled. Ladies and gentlemen, boxing is, figuratively speaking, a risky, bare-knuckled sport. That is why those of us who are charged with regulating it have no room for error, because we are dealing with life and death during every 3-minute round.

For the past 25 years, I have covered the waterfront when it comes to professional boxing, primarily as a matchmaker and a promoter. Based on my experience, Governor Pataki appointed me as the Chairman of the New York State Athletic Commission on June 10, 2003. I have learned much over the period of time that I have been involved in professional boxing, and I would like to take this opportunity to share some of my observations with all of you.

A Federal bill to protect the general welfare of boxers and to ensure nationwide fairness in the sport of professional boxing is a noble idea whose time has come, but if I may, please allow me to repeat the words of the former 3-time heavyweight champion, Muhammad Ali, who said on September 9, 2004, before this same subcommittee, “there is nothing wrong with boxing that we in boxing cannot fix.”

I would like to add that there are at present many competent and hard-working commissions, both big and small, who should be given a voice in this process. First, I would advocate minimum national standards for medical exams. However, nothing should prohibit any State from enforcing local standards that exceed the minimum requirements. In New York, for example, a boxer must pass several medical exams before he or she is permitted to box, such as an MRI, an ophthalmologic exam, an EKG, a full physical exam, and blood screening for HIV, hepatitis B surface antigen, and hepatitis C virus antibody. A final pre-fight, mini-physical is also performed at the venue, prior to the bout. Only Nevada has a similar standard. It should be noted that States like New Jersey and Connecticut substitute CAT scans for MRIs—they can use either one—and that conforms to the Association of Boxing Commission’s medical recommendations.

Conversely, to my knowledge, 12 States only require pre-fight physicals and nothing else. This often leads to forum shopping, as Dr. Schwartz mentioned, by boxers and their handlers who avoid well-regulated jurisdictions, knowing their boxers might not pass

the medical exams previously mentioned. This could possibly compromise the boxer's health and safety.

If medical records can be centrally controlled, maintained, and disseminated—a national data base, if you will—a powerful tool will have been created, which could minimize the risk of injury to boxers. Most importantly, this will dramatically reduce the chances of a boxer developing putralistic dementia, also known as punch-drunk syndrome.

Second, in the name of fair play, rules and regulations must not deviate from State to State. Since rules do not deviate in other major sports, then why should they in boxing? Questions often rise among licensees such as is there a mandatory 8 count in New York? Is there a standing 8-count in California? Is there a 3-knock-down rule in Nevada? Can a boxer be saved by the bell in Texas? Uniform rules must be adopted and enforced.

Third—and this is a major, probably more major than—like I say here, it is the issue—I would like to address the issue of the business of boxing, but that discussion would take a lifetime.

Therefore, let me just say, for now, that all licensees, whether they boxers, promoters, managers, trainers, seconds or match-makers, are entitled to have their right enforced without them having to go to civil court to address perceived wrongs; they don't in most other sports. There are a number of ways boxing licensees can be protected from the heavy burden of legal fees and the time consideration of litigation. An effective form of arbitration and mediation as well as standardized contracts should be provided, as they are in other major, professional sports. Also, it should be noted that New York has the discretion to recognize and enforce out-of-state findings by way of comedy. I would recommend that comedy be mandatory, nationwide.

Fourth, a national commission must try to find a way to create a pension fund for boxers and other licensees who make boxing their full-time profession. Athletes in other professional sports are protected. Managers are protected; coaches are protected; scouts and umpires are protected. It can be done, and it must be done in some way and in some form.

Fifth, with all due respect to this committee, I think there is another organizational structure that should be considered. I agree with the concept of 3 commissioners, but unlike the current model, I strongly urge that there should be a full-time chairman for commissioner. In New York, for example, the commission consists of 3 members who are appointed by the Governor, with the Governor designating one of the members as a full-time chairman. All are appointed for terms of 3 years.

Under the New York State statute, the chairman can direct the administrative functions of the commission and still maintain his or her full-policy authority as a commissioner. In essence, the chairman in New York combines your bill's executive director's responsibilities with that of a full-time chairman or commissioner. This gives the other 2 commissioners and inside look at the day-to-day operation of the commission when voting on a potentially critical issue. Also—

Mr. STEARNS. Mr. Stevens, just have you start to sum up, if you can.

Mr. STEVENS. Please—it also creates an environment for well-informed and decisive action.

I would just like to conclude by saying that the talk of—about a national commission has been before us for many years, and the talk in the boxing community, amongst the rank and file, has existed probably pre-the Federal Government becoming interested in a Federal Commission or a national commission. I am surprised that the promoters from years ago—the Tex Rickerts and the promoters on up—didn't think of creating a commission like the other sports do; but perhaps because of the legislatures empowering these commissions, I guess they knew that they wouldn't have been able to.

But in any event, I would like conclude by saying that, one way or another, I think it is time to make a decision so that this cloud that exists over professional boxing on whether or not we are going to have a national commission or not can finally be determined.

I want to thank the Chairman.

[The prepared statement of Ron Scott Stevens follows:]

PREPARED STATEMENT OF RON SCOTT STEVENS, CHAIRMAN, NEW YORK STATE
ATHLETIC COMMISSION

On behalf of the State of New York and Governor George Pataki, I'd like to thank Chairman Cliff Stearns and the Members of the House Subcommittee on Commerce, Trade and Consumer Protection for inviting me to speak on the subject of reform and federal oversight of the sport of professional boxing.

Boxing is being glamorized today on reality television shows and in the movies. But there are no Clint Eastwoods or Sylvester Stallones in the time-worn gyms that populate poor neighborhoods where young boxers dream the dream. Their chances of succeeding, of becoming a contender no less a champion, face enormous odds. Nevertheless, their numbers are great. Just look at the crop of Golden Gloves entries each year. The New York Golden Gloves had 660 entries this year, up from 600 a year ago, with most hoping one day to turn pro. So many who dream. Some are skilled, some are not so skilled. Ladies and gentlemen, boxing is, figuratively speaking, a risky, bare-knuckled sport. That is why those of us who are charged with regulating it have no room for error because we are dealing with life and death during every three-minute round.

For the past 25 years, I've covered the waterfront when it comes to professional boxing, primarily as a matchmaker and promoter. Based on that vast experience, Governor Pataki appointed me as Chairman of the New York State Athletic Commission on June 10, 2003. I have learned much over that period of time and I would like to take this opportunity to share some of my observations with you.

A federal bill to protect the general welfare of boxers and to ensure nationwide fairness in the sport of professional boxing is a noble idea whose time has come. But if I may, please allow me to repeat the words of the former three-time heavy-weight champion Muhammad Ali who said on September 9, 2004, before this same committee, "There is nothing wrong with boxing that we cannot fix." I would like to add that there are, at present, many competent and hard-working commissions, both big and small, who should be given a voice in this process.

First, I would advocate minimum national standards for medical exams. However, nothing should prohibit any state from enforcing local standards that exceed the minimum requirements. In New York, for example, a boxer must pass several medical exams before he or she is permitted to box such as an MRI, an ophthalmologic exam, an EKG, a full physical exam and a blood screening for HIV, Hepatitis B and C. A final pre-fight mini-physical is also performed at the venue prior to the bout. Only Nevada has a similar standard. It should be noted that states like New Jersey and Connecticut substitute CAT Scans for MRIs which conform to the Association of Boxing Commission's medical recommendations. Conversely, to my knowledge, twelve states only require pre-fight physicals and nothing else. This often leads to forum shopping by boxers and their handlers who avoid well regulated jurisdictions knowing their boxers might not pass the medical exams previously mentioned. This could possibly compromise the boxers' health and safety.

If medical records can be centrally controlled, maintained and disseminated, a powerful tool will have been created which could minimize the risk of injury to box-

ers. Most importantly, this will dramatically reduce the chances of a boxer developing pugilistic dementia, also known as “punch-drunk” syndrome.

Second, in the name of fair play, rules and regulations must not deviate from state-to-state. Since rules do not deviate in other major sports then why should they in boxing? Questions often arise amongst licensees such as, “Is there a mandatory eight count in New York? Is there a standing eight count in California? Is there a three knockdown rule in Nevada? Can a boxer be saved by the bell in Texas?” Uniform rules must be adopted and enforced.

Third, I’d like to address the issue of the business of boxing. But that discussion would take a lifetime. Therefore, let me just say for now that all licensees, whether they be boxers, promoters, managers, trainers, seconds or matchmakers are entitled to have their rights enforced without them having to go to civil court to address perceived wrongs. There are a number of ways boxing licensees can be protected from the heavy burden of legal fees and the time considerations of litigation. An effective form of arbitration and mediation, as well as standardized contracts, should be provided as they are in other major professional sports. Also, it should be noted that New York has the discretion to recognize and enforce out-of-state findings by way of comity. I would recommend that comity be mandatory nationwide.

Fourth, a national commission must try to find a way to create a pension fund for boxers and the other licensees who make boxing their full-time profession. Athletes in other professional sports are so protected as are managers, coaches, scouts and umpires. It can be done and it must be done, in some way and in some form.

Fifth, with all due respect to the Committee, I think there is another organizational structure that should be considered. I agree with the concept of three commissioners but unlike the current model, I strongly urge that there should be a full-time chairman or commissioner. In New York, for example, the commission consists of three members who are appointed by the Governor with the Governor designating one of the members as a full-time Chairman. All are appointed for terms of three years. Under the New York State statute, the Chairman can direct the administrative functions of the commission and still maintain his or her full policy authority as a commissioner. In essence, the Chairman in New York combines your bill’s executive director’s responsibilities with that of a full-time commissioner. This gives the other two commissioners an inside look at the day-to-day operations of the commission when voting on a potentially critical issue. It also creates an environment for well-informed and decisive action.

Let me conclude by saying that dialogue about creating a national boxing commission has been going on for some time with boxing’s rank and file debating this issue for just as long. Therefore, in the best interests of the sport, I believe this issue should be finally resolved. The status quo inadvertently casts a shadow over many state commissions by implying inadequate oversight. That often is not the case and I am sure that this is not what was ever intended.

Again, I would like to thank Chairman Stearns and the Members of this Subcommittee for providing me with this opportunity to testify.

Mr. STEARNS. Thank you, Mr. Stevens. I shall open up with questions.

You know, the feeling I have about this is—we have been talking about it, and I think it is—I think it can be summed up by—when we had the hearing, the Pennsylvania State Commissioner stated that it wasn’t so much that he wanted a Federal Commission, but rather that we need one now. And I think that is sort of what I sense here. And let me just say from the outset: we have a bill. We have put it down. But we are willing to work with you in any way to help move this along.

And as you know, any piece of legislation, once it starts in a hearing like this, it gets marked up; there are amendments. And then, in the full committee, there is amendments. Then it goes to floor; there is amendments. And there is in the Senate the same process, and then it goes to conference, so we are a far cry from anything here. So we are willing to work with you, but I sense, Ms. Torres, that you have some reservation about the bill. But when you look at this industry, and you hear both Dr. Schwartz and you hear Mr. Stevens talking about all of their experiences, do you ob-

ject to the premise—the basic premise of having a judgment by a commission that carries national enforcement.

I mean it seems like the testimony we have had has said that it would be nice to have a Federal Commission some—for some place to go and some national standards for health and a place where you could go for appeal. I mean, doesn't that appeal to you, consider that sport—boxing is the only major sport not to have a commission. I mean that, alone, it would seem to me, shows that we have been remiss in not setting up this Federal Commission, and no States—as Mr. Schwartz has pointed out, no States have adopted minimum standards, and they all just shop State to State. I mean, doesn't that all just make you realize that maybe the time has come for a boxing commission?

Ms. TORRES. I think the time has clearly come for standardization of—

Mr. STEARNS. Well, how are you going to get it without any Federal—

Ms. TORRES. Well—

Mr. STEARNS. [continuing] Commission?

Ms. TORRES. I guess part of the concern is that while other sports have commissions—

Mr. STEARNS. Yes?

Ms. TORRES. [continuing] they are part—they are not a Federal agency. I can see that in this bill it looks as if the portions having to do with the investigative and prosecutorial function of this commission were perhaps a little more clearly thought out than what, exactly, will be standardized. The IBF and the WBA are not totally against standardization of practices or medical—

Mr. STEARNS. Particularly with health.

Ms. TORRES. Pardon?

Mr. STEARNS. Particularly with health.

Ms. TORRES. Particularly regarding health.

Mr. STEARNS. Yes.

Ms. TORRES. I think you are in a difficult situation here because States have statutes that actually regulate certain things having to do with boxing. How—

Mr. STEARNS. So you would approve of a non-Federal commission, but a commission. You would like to see a boxing commission, but a—not be a Federal—

Ms. TORRES. I would like it not to be a Federal agency with some of these superior powers.

Mr. STEARNS. Yes. And why hasn't the boxing industry done that?

Ms. TORRES. Perhaps because they haven't been able to get on the same page. I think that the work of the—

Mr. STEARNS. But wouldn't that tell you—

Ms. TORRES. ABC—

Mr. STEARNS. Yes.

Ms. TORRES. The ABC has come a long way. They have adopted rules for the conduct—for conducting bouts—which we all get to hear Harold Letterman read frequently—and they have adopted some standards for ratings criterion.

Mr. STEARNS. But you realize that you can't get consistency. And we had a GAL report in 2003 that said that, you know, basically

they couldn't get any consistencies across 8 States and 2 tribal boxing commissions. There was no assurance that the professional boxers were receiving the minimum protection established by Federal Law, just the minimum.

Ms. TORRES. The minimum medical and safety protection?

Mr. STEARNS. Yes.

Ms. TORRES. That is—

Mr. STEARNS. So—

Ms. TORRES. That is a major problem.

Mr. STEARNS. Yes, I mean—

Ms. TORRES. I don't know how you are going to deal with all of the different legislation in the different States.

Mr. STEARNS. I can tell you, having dealt with legislation before, all of these questions come up. But with good minds like you and others, we somehow work through them. Let me ask Dr. Schwartz. I see on the television and also in different places these extreme professional sports in wrestling and boxing, where they go in with nothing on. I mean it is just the shorts and their own fists, and they just go at it until somebody just calls uncle, and it is—sometimes, there is major bodily injury. Is anything regulated in that? Or is that just a free-for-all, and it is—I mean what is your feeling about that?

Mr. SCHWARTZ. Well, such sport, like the Ultimate Fighting Championship—

Mr. STEARNS. Yes.

Mr. SCHWARTZ. They kind of have their act together; but regardless of who comes into my jurisdiction, we still require the same medical requirements, whether it is boxing, whether it is kickboxing or ultimate fighting. They are required to get the same medical tests. We have an ambulance onsite. We have paramedics. I could land a helicopter if I need to. I am actually very fortunate because my commission listens to what I feel are the most important requirements.

However, it is very, very different in other jurisdictions, as I stated in my testimony. Some of them don't even have ambulances. Some of them have doctors who aren't even practicing medicine. Some of them don't even have doctors. So as far as those other sports, we look at intent; we don't look at outcome. But boxing is actually less dangerous than football or auto racing; however, because the intent is to injure the opponent, we look at that. However, with these other sports, if they are regulated in a similar manner and are able to meet our medical requirements, then I don't see a problem with it.

Mr. STEARNS. Just a closing: Mr. Stevens, would you support the bill if there was some changes in it? I mean can I put you on record as for it or against with—you know, some—

Mr. STEVENS. I am for a national boxing commission. I—you asked Dr. Schwartz a question. If I might—

Mr. STEARNS. Sure.

Mr. STEVENS. Or maybe it was Ms. Torres. You know, I believe that—and I am not an attorney—but an athletic commission is, to my knowledge, a quasi-judicial body that is empowered by the legislature to, in this particular instance, regulate boxing. The other sports didn't have that fence to climb. They weren't created by a

legislature to regulate the sport, so they could—the George Hallases in football and the early pioneers of baseball and basketball and hockey—they could create a league, a league office, without having to clear it through the government.

I think that is why boxing doesn't have or didn't have a national commission for all of these years. All of the States that have commissions were all empowered by the State legislature because—I would imagine the reason they did that is because to fight with another person is to commit an assault. At the least, touching of another in anger constitutes an assault. So in order to make that legal, they needed to—and there were probably other reasons. Maybe there was a gambling prohibition or whatever—but I believe it was really about an assault. So in order to make that assault acceptable, they needed to create a boxing commission, an athletic commission. And then, I don't think that these promoters or the managers of yesteryear, the ones we read about, the famed—the fabled ones like the Doc Kerns, who was Dempsey's manager, or Tex Rickert, who was the great promoter out of Madison Square Garden back in the 1920's and 1930's, or even the Teddy Brenners, the great matchmakers out of the Garden—they probably couldn't create a national commission; that is why we don't have one—my opinion. I think a lot of boxing people, if they thought that they could have created a commission in the 1940's or 1950's, they would have done it. Would I support a national boxing commission? I think Ms. Torres brings up a good point, that this particular bill is very general, and I think some of the other bills were too specific. I think, having been a promoter and matchmaker for most of my professional career, in terms of Mrs. Torres's testimony with the sanctioning organization, sanctioning organizations serve a very vital purpose.

Mr. STEARNS. My time is up, so—

Mr. STEVENS. Okay.

Mr. STEARNS. [continuing] I am going to have to—

Mr. STEVENS. But I just wanted to end that with saying that—as long as they follow the rules and regulation.

Mr. STEARNS. So I will put you down as a maybe for the bill.

Mr. STEVENS. Well, you could—well, like I said, I think that—

Mr. STEARNS. You are supporting it?

Mr. STEVENS. I would support your bill, yes.

Mr. STEARNS. Okay. That is all I need to know. Okay?

Mr. STEVENS. All right.

Mr. STEARNS. Ranking Member Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. And I want to reiterate what you said, essentially that this is a work-in-progress; and therefore, I really appreciate this very constructive testimony today. And I know that, Ms. Torres, if we are going to put up a chart of who is for and who is against that you began your testimony with your reasons that you are not for it, but then went on—and I appreciate that very much—to list the suggestions, that if we do go forward, what are those things that ought to be in a bill. And I truly do appreciate that.

I wanted to ask you a couple of questions. I think—let me just get your response to the issue of forum shopping. I mean how can one ignore the fact that this is a serious problem.

Ms. TORRES. Do you mean forum shopping by the boxer in order to get licensed in a State? Is that what—

Ms. SCHAKOWSKY. In order to prevent someone who should not be fighting in one State, or could not be fighting in one State, from going to another, shopping around because there is lower standards, weaker medical exams, et cetera.

Ms. TORRES. I think the only way to address it is to have uniform medical standards from State to State. I mean there is an example this very week of a boxer being licensed in Missouri, and then using that to go fight in Utah, when New York and New Jersey, and California, and Pennsylvania, and Nevada probably would not have licensed him. So it happens; it happens all the time; and it should not be allowed to happen. I think the idea from the WBA—are very much in support of uniform medical and safety standards. I just saw that sort of put on a back burner in this version of the bill. I would like them to be brought to the forefront.

Ms. SCHAKOWSKY. Okay. Good. The other—you alluded to—I would like you to enhance a little bit. You talk about your position on the networks being covered under the U.S. Boxing Commission. Should networks be treated as promoters? What is your view on that?

Ms. TORRES. Our view—and this from—on behalf of both of these organizations—is that they should be licensed if you are doing a general licensing structure of the entire industry, whether you call them promoters or managers or matchmakers, because they do a little bit of everything. The past few years, they have become very pervasive in dictating who a boxer fights and who a boxer doesn't fight, and they enter into contracts with a boxer. So if we are going to regulate managers and promoters that enter into contracts with boxers, there is no reason to exclude the networks, who also have 3- and 4-belt, long-term contracts with the boxers.

Ms. SCHAKOWSKY. And is this a growing area, where—

Ms. TORRES. Yes, it is.

Ms. SCHAKOWSKY. Yes.

Ms. TORRES. It is.

Mr. SCHAKOWSKY. Okay. And what do you think about big hotels which host fights. Is there a role there? Or no?

Ms. TORRES. Not that I see that would need—

Ms. SCHAKOWSKY. Okay.

Ms. TORRES. That would—I can't think of anything off the top of my head. It is—that would actually just be the venue, be it a hotel or an arena.

Ms. SCHAKOWSKY. Okay. Okay. I wanted to comment on Mr. Stevens—and I think it was you who said that you would not want, in our bill, to limit States that might have more stringent standards. Did you talk about that? The—

Mr. STEVENS. Say that again, please.

Ms. SCHAKOWSKY. That you would not want Federal legislation to prohibit States that may have more stringent standards from enforcing those. I wondered if you wanted to speak at all about the rights of State commissions—

Mr. STEVENS. Well, I really—reiterated your own words in the United States Boxing Commission Act, where you talk about, I believe, that if a national commission has minimum standards that

that would not preclude any State from having standards that go beyond those minimum standards, and that they should—the States should, then, be able to impose those standards.

Ms. SCHAKOWSKY. So you were just—I thought you found something in the legislation that you thought might preclude you from doing what you needed to do.

Mr. STEVENS. No. You—actually—

Ms. SCHAKOWSKY. Okay.

Mr. STEVENS. [continuing] I parroted what you said. I agreed with that. Like for example, the—if I might—Nevada, a few years ago, they had a physical examination, an eye examination, and ophthalmological exam, dilated eye, and they had blood tests. Subsequent to a few years ago, they have gone to an EKG and they have gone to an MRI. Now, let us say for example, the Federal legislation required a physical, an eye exam, and blood work, but New York or Connecticut, or Nevada wanted to do additional testing. I don't believe there should be a prohibition against that. It is just—

Ms. SCHAKOWSKY. But—

Mr. STEVENS. [continuing] for the safety of the boxer.

Ms. SCHAKOWSKY. Okay. Good. Thank you, Mr.—Dr.—oh, I guess my time is up.

Mr. STEARNS. Yes.

Ms. SCHAKOWSKY. Okay. Thank you.

Mr. STEARNS. Thank you, my colleague. Ms. Cubin?

Ms. CUBIN. Thank you, Mr. Chairman. I would like to start by addressing some questions to Dr. Schwartz. Your expensive—or expensive—maybe expensive, too—experience as a ringside physician has brought you face to face with just how dangerous this sport is. In your opinion, is the 4-year licensing requirement sufficient to ensure that athletes are maintaining a safe and adequate physical condition or do you think that should be shortened or lengthened?

Mr. SCHWARTZ. I think the medicals need to be shortened. I mean right now, for example, I think a yearly—a minimum of a yearly physical exam is necessary by the boxer's own, private physician, because they know them best. I think the blood tests should occur at a minimum of twice year, meaning HIV, hepatitis B, surface-antigen hepatitis c. I think the MRIs and CAT scans are debatable as long as we have a baseline whether we do that every 1 to 2 years. The eye exams, I believe, have to be done on a yearly basis.

But more important than that, I think any time a fighter is injured—right now, some of the doctors, including myself, have the right to suspend the individual and require additional testing. That way, if there was a brain injury, for example, we wouldn't say, you had a CAT scan, you know, a few months ago, and we are going to still use that CAT scan; we are going to send them for more sophisticated tests, including neurological exams, for example.

Ms. CUBIN. And how likely is a doctor to actually do that. I mean I know as much about boxing as I have seen in movies and television, so forgive my naiveté. But how likely is a doctor to do that if the situation is marginal? I mean is he going to throw the towel in—which is 1 thing I know—

Mr. SCHWARTZ. Yes.

Ms. CUBIN. [continuing] or not?

Mr. SCHWARTZ. You mean as far as—

Ms. CUBIN. I mean if it is a marginal situation whether a doctor will disqualify someone from fighting because he suspects that there may be a dangerous condition.

Mr. SCHWARTZ. Well, previous Federal legislation formed Fight Fax, which is a national suspension agency, so when I suspend somebody, they can't fight anyplace in the United States, as long as that State is following the guidelines. As far as whether or not that boxer should compete again, that is whether my association, hopefully, helps, because what we try to do is educate doctors. There is a lot of doctors who really don't understand boxing medicine. You don't grab a—

Ms. CUBIN. Right.

Mr. SCHWARTZ. [continuing] local, emergency-room doctor and say, hey, listen. We will give you a ringside seat; enjoy yourself. It is identifying things before they happen—

Ms. CUBIN. Yes.

Mr. SCHWARTZ. [continuing] before the catastrophe occurs. This is a dangerous sport, inherently dangerous. People are going to get injured; people are going to die. But if we do the best that we can, we can ignorantly minimize that risk.

Ms. CUBIN. I am going to switch to Ms. Stevens for just a second—excuse me—Ms. Torres for just a second. Forgive me. And then, I want to come back to you if I have time.

But you state that—you stated in your testimony that there is need for a pension plan for boxers. In view of the fact that their career life is so short, what kind of a pension plan do you recommend? Or how would that work? I hear people complain all the time—I mean all the time—about the exorbitant wages that are paid to professional athletes. I mean big time. But when you consider that they are—you know, that their career might be 5 years—or 2, even, maybe 10, maybe that is one of the reasons that—or part of the reason that these exorbitant salaries are paid. What do you recommend for boxers?

Ms. TORRES. Well, first of all, that was not my testimony, but I—

Ms. CUBIN. Oh.

Ms. TORRES. It was Mr. Stevens.

Ms. CUBIN. Was that yours, Mr. Stevens?

Ms. TORRES. But I would like to answer it anyway.

Ms. CUBIN. Would you both, please?

Ms. TORRES. Okay. First of all, the IBF does have a pension program. It is run, almost, as a mandatory TO planner/401K plan. For boxers competing in title fights, unless they show us that they have a similar plan of some sort, the IBS collects 2 percent of their purse, and it is put into a plan that is structured by a financial institution. And of course, the rules for taking the money out are very different because of the short life span of the boxer's career. They have to be in the plan a certain number of years. They have to be a certain age, but the age is not 59½. It is more like 35. So the IBF does have a pension program. When I hear that—

Ms. CUBIN. That is just for title fights?

Ms. TORRES. Yes, it is.

Ms. CUBIN. So other boxers, then, don't have——

Ms. TORRES. Well, this is——

Ms. CUBIN. [continuing] that kind of pension.

Ms. TORRES. And like I said, it is an enforced 401K-type plan. Other boxers can set up their own, but we don't force them to. It is almost a big brother attitude that we are taking, and we have been criticized for it. I don't know how one would structure a pension plan for boxers, other than perhaps, you know, having the boxer contribute some, maybe the promoter. I don't know.

Ms. CUBIN. May Mr. Stevens take a stab at that, too?

Mr. STEARNS. You have extra 3 minutes because you waived your opening statement.

Ms. CUBIN. That is right. I do.

Mr. STEVENS. I don't even know—I will get some minutes back. I don't think it will take that long. I really don't know what the format would be. That is not my area of expertise. But I do know, having been around this business and sport for the amount of time I have been around it, that is does need a pension plan. And I—like I said in my testimony, it needs it for all of the licensees that make boxing a full-time profession. If I might—Marvin Mitchell in baseball, when they were talking about free agency and different things that most sport didn't have—and I think it was the—Kurt Flood was the first test case. He was a center fielder for the St. Louis Cardinals. And they got a label lawyer like a Marvin Mitchell to come in and to figure out how to apply things that modern athletes needed that the owners weren't giving them.

Ms. CUBIN. And who should be responsible to do that?

Mr. STEVENS. Well, I think——

Ms. CUBIN. Would it be the Federal Commission if they——

Mr. STEVENS. I think if there is——

Ms. CUBIN. [continuing] if the bill passes? Or who should it be—quickly please because——

Mr. STEVENS. I think if there were a national commission, that is one of the things that they should concern themselves with, is finding out from different experts how to make a pension system work. I don't think it is not doable. I think it is very doable. That money has to come from somewhere. It probably has to come from the licensees themselves—a good part of it.

Ms. CUBIN. Well, some of it, yes.

Mr. STEVENS. But they do that——

Ms. CUBIN. Dr. Schwartz——

Mr. STEVENS. [continuing] they do that in other industries.

Ms. CUBIN. Thank you. Dr. Schwartz, do you feel that the medical standards that are supported by the American Association of Ringside Physicians go far enough to protect the health of the boxers? And if you don't, what additional suggestions would you have?

Mr. SCHWARTZ. No, I think they do. I mean——

Ms. CUBIN. Okay.

Mr. SCHWARTZ. [continuing] this was put together by the Medical Advisory Board of the ABC and then ratified by the—our organization. Just let me say one quick thing: the kids pay for these tests. That is another issue. So we may charge \$2,000 for the tests——

Ms. CUBIN. Yes.

Mr. SCHWARTZ. [continuing] and they may be getting \$800 a fight. They got—

Ms. CUBIN. Well, that was another question—

Mr. SCHWARTZ. They got to fight 3 fights—

Ms. CUBIN. [continuing] I was going to ask.

Mr. SCHWARTZ. [continuing] to break even, so what I would like to see—and again—

Ms. CUBIN. Yes.

Mr. SCHWARTZ. [continuing] I am—my only goal here is the health and safety, but if there is some way that this legislation attaches—for example, a percent—to form medical centers to do this testing, so the kids don't have to pay for it, a lot of this will be much easier for them, and they could take home more of their money.

Ms. CUBIN. Yes. It seems like the structure of this sport is just very unhealthy compared to the structure of other professional sports. Ms. Torres—well, I am just about out of time, but you look like you wanted to answer the last question that—I guess you don't remember, so—and neither do I, so that is—I yield back.

Mr. STEARNS. All right. Gentlelady yields back. Ms. Blackburn is recognized.

Ms. BLACKBURN. Thank you, Mr. Chairman, and thank you to each of you for taking your time to visit with us today and to have this discussion.

Ms. Torres, I think I want to begin my questioning with you, and I think it was interesting that Dr. Schwartz mentioned baseball, football, and NASCAR. I come from Tennessee. We know a lot about NASCAR in Tennessee, and we know that if a driver races at Daytona and then goes over into Tennessee and races at Bristol—that NASCAR has some clear rules, some very clear rules, regarding the condition of the car and the equipment that is on the track, the health of the driver. And the Federal Government does not see a need to get involved because NASCAR, Major League Baseball, football do a pretty good job of taking care of this situation on their own.

Now, I am going to—I want to go back to what you were—we were talking about the need for this and need for the legislation and what drives the need for the legislation, and I find it incredibly curious that you are here on behalf of the 2 organizations. And why in the world could the sanctioning bodies not get together and agree on what is in the best interest of this sport and do their own non-Federal, national commission to instill and enforce medical standard and to create and maintain their own national data base of fighters and to address some of these contract issues.

What are the constraints here, and why is—why are you choosing to not come together? Why do the organizations choose to not come together and do this? Why has it not happened?

Ms. TORRES. The other 2—the International Boxing Federation is headquartered in the United States. The World Boxing Association is headquartered in Venezuela. The World Boxing Commission is headquartered in Mexico City. They—the organizations that are outside of this country are in the process of understanding Federal legislation to begin with. They are studying the portions of the Mu-

hammad Ali Act that they have to comply with, and they are complying with it.

I think that even if the organizations were to get together and to come up with standards, they wouldn't have any way to enforce them in the various States. They wouldn't have an enforcement mechanism for certain things.

They do have—the organization has rules for bouts; it has rules for certain medical testing; and it does enforce those.

Ms. BLACKBURN. And you think, even though States like my State that has a boxing and racing commission, that you could not enforce those? They would not be enforced?

Ms. TORRES. I think there would a difficult time enforcing certain things. There are standards that the organizations have that are enforced and that—they have the ability to say, If you don't do X, Y, and Z, and you don't—for example, we have a second-day weigh-in, at this point, for champion fights to ensure that the boxer has not gained more than 10 percent over the contract weight, so that you don't have two fighters in the room with a, you know, 25-pound weight difference. And we have the ability to say to the boxer, If you do not go along with this, and you refuse to attend the second-day weigh-in, the fight will not be for our title. The fight will go on—

Ms. BLACKBURN. All right. Thank you. Thank you. Dr. Schwartz, she has just mentioned, you know, the U.S., Venezuela, Mexico City—I read, recently, Mike Tyson is training in Australia. And I think we all remember—I know, growing up, I remember the Joe Frasier/Muhammad Ali Thriller in Manila fight—so do you think that it would be possible to enforce some of these regulations on an international basis? Do you think that we would be able to see enforcement, or are we going to see—if we try to enforce, are we going to see more matches leaving the U.S. and going to other countries, and then we will just be viewing that over TV here?

Mr. SCHWARTZ. Yes. The money is in the United States, so it is never going to be an issue that you are going to have that many of the—that many championship fights out of the country. The only way we could enforce the international aspect is through the sanctioning bodies. If the sanctioning body goes into an area—like for example in Thailand—and says that each boxer needs to have these medical tests, or else the fight doesn't go on, at the very least, the championship fights will. As far as the under-card, we don't have any control in that. What I am trying to do is, obviously, increase the number of people in my organization to include international members, but it is hard enough to do it in this country for me, than, you know, to go across the world and try to enforce these regulations at this time.

Ms. BLACKBURN. Do other countries have national boxing commissions?

Mr. SCHWARTZ. Most do. England, United Kingdom, obviously has a very good boxing commission; but there are boxing commissions all around the world, and the sanctioning bodies could talk better about that, because they deal with them on a more regular basis.

Ms. BLACKBURN. Okay. I thank you.

Mr. Stevens, if a boxing commission was created, do you foresee an eventual progression where States that currently have active commissions—like in Tennessee where we have an active commission—do you see that they would disband those commissions? Or would that be your expectation that they would slowly start to place the sole responsibility for sanctioning boxing with the Federal Commission?

Mr. STEVENS. I think that the State commissions should retain their autonomy. The problem that we have is that we don't have any enforce mechanism, so they created—the Federal Government did when they created the Boxing Professional Safety Act and the Muhammad Ali Boxing Reform Act—they created minimum standards, and they sanctioned—or the sanctified the Association of Boxing Commissions to set up a lot of the standards we are now talking about. But the ABC has no enforcement capability, so the States don't feel completed to follow their guidelines. Many do; some don't. I think a national commission would want to use the States as a fabulous resource and let the States self-regulate and only jump in when they needed to. In other words, make the States comply with the minimum standards, whether it is about medical or about rules and regulation or whether it is about the business of boxing, and use those States to assist you. Without the States, you—I mean the job, the task, would be enormous. It would require hundreds of people, a tremendous amount of man-hours. We need the States. I think that if you consider a bill, the States should retain their autonomy. They should be used as a tool to assist the national commission and that, at least, the national commission would have enforcement power. That is what we are missing.

Ms. BLACKBURN. Thank you. Thank you, Mr. Chairman. I yield back.

Mr. STEARNS. I thank you. Mr. Murphy?

Mr. MURPHY. Thank you, Mr. Chairman, and I want to thank the panel for giving me a lot of information I didn't know about boxing. I appreciate that.

Doctor, I would like to start with you. In terms of the things that your organization—

Mr. SCHWARTZ. Sure.

Mr. MURPHY. [continuing] and physicians are looking at in boxers to determine their suitability for a match, do you—you named a number of things that are done on a physical exam and reviewing things—et cetera for them. Are there any measures that are done to also look at other functions besides that that might show up on an eye exam or a physical exam—for example, behavioral learning, changes in them, too, over time?

Mr. SCHWARTZ. Yes. As the sport has evolved and our organization has been more active—and again, as a non-for-profit organization, we don't have the funding, and there is not a lot of money in boxing to do research and studies, there are a select few number of individuals who are looking at this. We have one company, for example, that is putting things in gloves to measure the impact for us. We may be able to use that information over 10 to 15 to 20 years to determine how much impact one fighter could take before they develop brain damage. There is blood tests now that may indicate whether somebody is prone to develop dementia as they get

older. We may be able to preclude those individuals from competing. There are neuropsych testing—following somebody when they start their career, a year later, 2 years later, and we start to see a decline, perhaps we could stop them from competing so that they don't develop this putralistic dementia down the line.

Mr. MURPHY. So for example, you would be able to with the neuropsych—and I am a psychologist, myself. You would be looking at such things as changing intellectual functioning, language functioning, visual/perceptual—other things of that nature that might affect someone's ability, when they are done with their boxing years, to even hold a job?

Mr. SCHWARTZ. Right. Well, as you probably know, there are so many different levels of neuropsych testing. Some of the new ones that are coming out actually could work with a Palm, and you could do it in a 5-minute or 10-minute exam. The problem is, without the standardization, without the enforcement power, and without the funding, we can't do these things. So then, once again, these fighters go off; they have their career for maybe 2, 5, or 10 years, and then 30, 40 years later, you hear that they are demented and living in a nursing home with no money. And it is wrong.

Mr. MURPHY. My—and like our concerns even about youth sports and concussions that children may receive and those issues.

Now, let me ask this—and a question for all of the panel here. As in any sport, there is a lot of pressure to make money, not only for the individuals participating, but those who are the promoters, and obviously for media and other venues that may be hosting a match, and there is a lot of pressure among those. I am assuming media is going to put an event on either Pay-Per-View or broadcast, they would want events to be done in a certain way. And I am wondering, along those lines, when we have all of these multiple commissions throughout the States or the tribes, et cetera, is there enough power, enough authority, among the States to stand up to pressure from promoters and other forces to really follow by the rules in a way that assures the safety of the fighters? Any of you? Yes, Mr. Stevens.

Mr. STEVENS. I don't want to speak for the other State commissions, but in New York—I mean we are it. We—let me just go back a second.

Generally, as a general rule, when a fight is televised, the promoter receives what is known as a rights fee, so the promoter who is licensed by whatever State the event is taking place in, he is paid a sum of money from the network, and he gives the rights to that network so that they can broadcast it.

When a fight is brought to a particular site, especially a casino, the promoter is also hoping to get a site fee. And those are the two, basic revenue streams for a promoter, the rights fee and a site fee. When you hear the expression a club show, there is generally no site fee. That means the promoter is selling tickets. When he is at a casino, he gives up the right to sell tickets in exchange for a fixed amount of money.

Mr. MURPHY. My concern is with—I don't know what those site fees would be or what some of those other fees would be. What

kind of levels are we talking about? If somebody is going to be broadcast, what would the promoter be getting there?

Mr. STEVENS. It could be anywhere from Fox SportsNet or ESPN.

Mr. MURPHY. Well, what kind of money would we be talking about?

Mr. STEVENS. You could—well, listen. EPSN, which a few years ago was paying \$150,000 for what they call their ESPN-1 International Show, \$150,000. Eventually, they moved the boxing to ESPN-2, and they were paying approximately \$60,000. And I have heard, as of late, that they have been asking the promoters to basically subsidize their rights fee, and I think it is down to about \$15,000, and they are asking—this isn't as current information as you need; but we are in the ballpark. And they are asking them to subsidize some of the programming with sponsors.

Mr. MURPHY. I am just wondering, overall here, as we are looking at whether it is keeping States doing this or using a national commission here, if a value of the national commission is to have—as you mentioned there is not—maybe no enforceability with some of these State and tribal groups. Now, and what I am trying to find out is, will the Federal cloud be enough and are there instances where promoters and casinos and media is putting a lot of pressure on to, say, make the fight go on, even if someone isn't physically ready.

Mr. STEVENS. The Federal legislation would be enough, if—when who—whatever group the Federal Government decides to make the commissioners or the executive directors, if there is enforcement of the action that they take, which would mean in many instances, spending money and having legal enforcement. If there is no enforcement, people are going to do what they do, knowing—

Mr. MURPHY. So right now—

Mr. STEVENS. [continuing] there is no repercussions.

Mr. MURPHY. Right now, Mr. Stevens—and Ms. Torres, I would like your responses, too. Right now, the way things exist with the States and tribes and without that kind of power of enforcement, is it possible, does it happen—or potentially happen—that there could be tremendous pressure that would still have boxers fighting who may not be ready, who, neuropsychologically, neurologically, physically, to go ahead and do this for the sake of money? Does this happen?

Ms. TORRES. Well, I am sure it does happen. I am sure that some of the boxers may be their own worst enemies. I mean they may want to fight when they really shouldn't be fighting because they want to earn money. I don't know how much influence a national commission is going to have on some of the economics involved in site fees and in promoting fights. I don't know that that would necessarily be part of your function.

Mr. MURPHY. Well, I am—there is a commercial on television now, promoting a certain community where—you know, what goes there—what goes on there, stays there.

Ms. TORRES. Yes, I know that community.

Mr. MURPHY. And I find it—actually, I find it pretty degrading to the gentleman who is a boxer there, who doesn't know who he is or what he is doing or what happened the night before. That is yes, come on. He is ready; let us go. I don't find that amusing be-

cause I think that is beyond what the sport should be doing. I mean fighting can be a fun sport, but if it is to the point where they are saying here is this gentleman who doesn't even know what is going on in the world, physically is clearly, pretty seriously injured, but I just wondered, for the sake of money, are people just saying let him go and he is just an expendable human being and who cares?

Ms. TORRES. Well, I that can be overcome by the enforcement of the medical standards. And unfortunately, sometimes you can see a change in a boxer over the course of only a year. We had a situation with litigation with a boxer, and he is in our office, and we deposed him twice. The next time I saw him on television, he was slurring his words, which was not happening before. So I think, as Dr. Schwartz said, there has to be at least yearly check-ups of these boxers. And I apologize if it looked like I was making fun of that commercial. I have not seen the one with the boxer.

Mr. MURPHY. I hope you get to see it because I don't think it is a good one for the sport.

Mr. STEVENS. Can I just make 1 comment, if I may? Bernard Hopkins said to me recently that the boxers need somebody to save them from themselves, and I think that is where the physicians and these strong commissions—I am never concerned about a commission like New York or New Jersey or Connecticut, because they are going to do the right thing. So as far as can States enforce themselves? Yes. Certain States and jurisdictions and commissions can. The majority do not, and that is the problem.

Mr. STEARNS. The gentleman's time has expired, and we have finished our questioning. I want to thank the witnesses. I think we had the 1996 Professional Boxing Safety Act we passed. We, I think, brought out some interesting points about this bill we have. I think, Dr. Schwartz, you are to be commended for starting this American Association of Professional Ringside Physicians. I think that is very impressive, and if we could get you to get it international that would help, too. I know you have your hands full.

But I think that it is continuing in our mind that the boxing community is not doing that it—that we feel it should, and perhaps there might be a need for Federal regulation, much like the Professional Boxing Safety Act. So we are willing to work with you. We are willing to move this very general bill, as pointed out by you folks—it is not specific—to see if we can find some happy medium and pass it.

So I will conclude the hearing on that positive note. Thank you.

[Whereupon, at 12:55 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

PREPARED STATEMENT OF HON. JOHN MCCAIN, A UNITED STATES SENATOR FROM THE STATE OF ARIZONA

Thank you, Chairman Stearns, for holding this hearing to discuss the need for boxing reform and your bill, the United States Boxing Commission Act.

Mr. Chairman, I have been a boxing fan for nearly fifty years, and while I have derived great joy from watching the sweet science, all too often I have been saddened and dismayed by the lack of integrity that has weakened professional boxing—called by many the “red light district” of professional sports. Of particular concern to me is the treatment of the sport's athletes. With rare exception, professional boxers come from the lowest rung on our economic ladder. They are the poorest and least educated among us, and the most exploited athletes in our nation.

Congress has made efforts to protect professional boxers before. The Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act of 2000 established uniform health and safety standards for professional boxers, as well as basic protections for boxers against the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations. Unfortunately, ineffective and inconsistent oversight of professional boxing has contributed to the continuing scandals, controversies, unethical practices, and unnecessary deaths in the sport. Further legislative action is needed.

One very important step we could take to better protect boxers and the integrity of professional boxing is to establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport. Professional boxing remains the only major sport in the United States that does not have a strong, centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national selfregulating organization—though preferable to Federal government oversight—is not a realistic option. Many in professional boxing have concluded that the only rational solution is an effective and accountable Federal boxing commission.

The Professional Boxing Amendments Act of 2005, which I introduced in January; the House companion bill introduced in February by Congressmen King, Osborne, and Pickering; and your own bill all would establish United States Boxing Commissions that perform substantially similar functions. I am very pleased that we all agree on the need for a Federal boxing commission.

Mr. Chairman, the troubles that plague the sport of professional boxing undermine its credibility in the eyes of the public and—more importantly—compromise the health and safety of boxers. I believe that the creation of a Federal boxing commission would effectively curb these problems. In the last Congress, the Senate passed by unanimous consent a bill identical to the Professional Boxing Amendments Act of 2005, and this year I expect quick action to approve the act, beginning with a Senate Commerce Committee executive session in the very near future to vote on the legislation and report it to the full Senate. I am hopeful that your committee and the entire House of Representatives too will pass legislation that establishes a United States Boxing Commission and helps to improve the health and safety protections for professional boxers.

Again, Mr. Chairman, thank you for holding this hearing.

