

103D CONGRESS
1ST SESSION

S. 1189

To establish the Professional Boxing Corporation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 30), 1993

Mr. ROTH (for himself, Mr. BIDEN, Mr. DORGAN, and Mr. McCAIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish the Professional Boxing Corporation, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Professional Boxing
5 Corporation Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) professional boxing is beset with wide-rang-
9 ing problems which are beyond the scope of the cur-
10 rent system of State regulation to protect against;

1 (2) the rules governing professional boxing and
2 the enforcement of such rules varies widely among
3 States;

4 (3) boxing, unlike other professional sports,
5 does not have an entity by which the sport can be
6 successfully regulated, nor is there a prospect of
7 meaningful self-regulation;

8 (4) the problems currently facing professional
9 boxing can be characterized as exploitation of box-
10 ers, conflicts of interest, questionable judging, and
11 corruption, including organized crime influence; and

12 (5) such problems endanger the health, safety
13 and welfare of boxers and undermine the sport's
14 credibility with the public.

15 **SEC. 3. PURPOSE.**

16 The purpose of this Act is to establish a national or-
17 ganization which shall work with State boxing authorities
18 to establish and enforce uniform rules and regulations for
19 professional boxing in order to protect the health and safe-
20 ty of boxers and to ensure fairness in the sport.

21 **SEC. 4. DEFINITIONS.**

22 For purposes of this Act the term—

23 (1) “Board” means the Professional Boxing
24 Advisory Board established under section 7;

1 (2) “boxing match” means a professional box-
2 ing match, or any part thereof, which is held within
3 the United States and does not include an amateur
4 boxing match;

5 (3) “Corporation” means the Professional Box-
6 ing Corporation established under section 5;

7 (4) “Executive Director” means the Executive
8 Director of the Corporation;

9 (5) “Fund” means the Professional Boxing
10 Corporation Trust Fund established under section
11 13;

12 (6) “promoter” means any person or business
13 organization licensed under this Act to hold, give, or
14 otherwise conduct any boxing match, program, or
15 exhibition;

16 (7) “sanctioning organization” means any en-
17 tity that authorizes or sanctions a championship
18 boxing match;

19 (8) “Secretary” means the Secretary of the
20 Treasury;

21 (9) “State” means any State of the United
22 States and the District of Columbia, the Common-
23 wealth of Puerto Rico, Guam, the Virgin Islands, the
24 Commonwealth of the Northern Mariana Islands,

American Samoa, and any other territory or possession of the United States; and

3 (10) “State boxing authority” means a State
4 agency with authority to regulate professional box-
5 ing.

6 SEC. 5. ESTABLISHMENT OF PROFESSIONAL BOXING CORPORATION.

8 There is established the Professional Boxing Cor-
9 poration which shall be a Government corporation as de-
10 fined under section 103 of title 5, United States Code.
11 The Corporation shall maintain its principal office in
12 Washington, District of Columbia.

13 SEC. 6. EXECUTIVE DIRECTOR OF THE CORPORATION.

14 (a) EXECUTIVE DIRECTOR.—The Corporation shall
15 be administered by an Executive Director who shall be ap-
16 pointed by the President by and with the advice and con-
17 sent of the Senate.

18 (b) EXECUTIVE SCHEDULE LEVEL III POSITION.—
19 Section 5314 of title 5, United States Code, is amended
20 by adding at the end thereof the following:

21 "Executive Director of the Professional Boxing
22 Corporation.".

23 SEC. 7. PROFESSIONAL BOXING ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Professional Boxing Advisory Board. The members of the Board

1 shall be appointed by the Executive Director. The Board
2 shall consist of 7 members, of whom—

3 (1) three shall be acting State athletic or box-
4 ing commissioners;

5 (2) one shall be a physician certified in neuro-
6 surgery;

7 (3) one shall be a representative of the United
8 States Amateur Boxing Association; and

9 (4) two shall be persons with an interest in and
10 knowledge of the sport of boxing.

11 (b) QUALIFICATIONS.—(1) Each member of the
12 Board shall be a citizen of the United States and shall
13 not, during service as a member of the Board, be engaged
14 as a professional boxer, boxing promoter, agent, fight
15 manager, matchmaker, referee, judge, or in any other ca-
16 pacity in the conduct of the business of professional boxing
17 or have any pecuniary interest in the earnings of any boxer
18 or the proceeds or outcome of any boxing match.

19 (2) Each member of the Board shall be an individual
20 who, by reason of such individual's business, professional,
21 or other background, training, experience, or activities
22 outside the business of professional boxing and its related
23 activities, has a broad understanding of the relationship
24 between professional boxing, both as a sport and as a busi-
25 ness, and the public interest.

1 (c) CHAIRMAN.—The Executive Director shall ap-
2 point one of the members to serve as Chairman of the
3 Board.

4 (d) PURPOSE AND FUNCTION.—The Board shall
5 make recommendations to the Corporation to most effec-
6 tively and efficiently carry out the provisions of this Act.

7 (e) UNANIMOUS VOTE OF DISAPPROVAL.—(1) If the
8 Board by unanimous vote adopts a resolution of dis-
9 approval of any action or pending action of the Executive
10 Director, the Executive Director shall—

11 (A) stay such action for a period of 30 days be-
12 ginning on the date of the adoption of such resolu-
13 tion; or

14 (B) in the case of a pending action, refrain
15 from taking such action for a period of 30 days be-
16 ginning on the date of the adoption of such resolu-
17 tion.

18 (2) If the Executive Director determines to take or
19 resume such action after the adoption of a resolution of
20 disapproval, the Executive Director shall report to the
21 Board before the end of the 30-day period referred to
22 under paragraph (1) on—

23 (A) such determination; and

24 (B) the reasons for making such determination.

1 (3) Notwithstanding the provisions of paragraph (1),
2 the Executive Director may take the action disapproved
3 by resolution during the 30-day period referred to under
4 paragraph (1) if the Board by unanimous vote rescinds
5 such resolution of disapproval during such 30-day period.

6 (f) INITIAL APPOINTMENTS.—Initial appointments
7 under subsection (a) shall be made within 60 days after
8 the effective date of this Act.

9 (g) TERMS.—Members of the Board shall be ap-
10 pointed to 5-year terms.

11 (h) COMPENSATION OF MEMBERS.—Each member of
12 the Board who is not an officer or employee of the Federal
13 Government shall be compensated at a rate equal to the
14 daily equivalent of the annual rate of basic pay prescribed
15 for level V of the Executive Schedule under section 5316
16 of title 5, United States Code, for each day (including
17 travel time) during which such member is engaged in the
18 performance of the duties of the Board. All members of
19 the Board who are officers or employees of the United
20 States shall serve without compensation in addition to that
21 received for their services as officers or employees of the
22 United States.

23 (i) TRAVEL EXPENSES.—The members of the Board
24 shall be allowed travel expenses, including per diem in lieu
25 of subsistence, at rates authorized for employees of agen-

1 cies under subchapter I of chapter 57 of title 5, United
2 States Code, while away from their homes or regular
3 places of business in the performance of services for the
4 Board.

5 (j) STAFF AND SERVICES.—The Corporation shall
6 provide all necessary staff and support services for the
7 Board.

8 (k) SUCCESSORS.—If any member of the Board is un-
9 able to serve a full term of office or becomes unqualified
10 to serve in such position, a new member shall be appointed
11 to serve the remainder of such term of office in the same
12 manner in which the original appointment was made.

13 (l) QUORUM.—Four members of the Board shall con-
14 stitute a quorum.

15 (m) INITIAL MEETING.—The initial meeting of the
16 Board shall be held within 90 days after the effective date
17 of this Act.

18 **SEC. 8. FUNCTIONS OF THE CORPORATION.**

19 (a) PROTECTION OF GENERAL INTERESTS OF BOX-
20 ERS.—The primary function of the Corporation shall be
21 to protect the health, safety, and general interests of box-
22 ers consistent with the provisions of this Act.

23 (b) ESTABLISHMENT OF NATIONAL REGISTRY AND
24 LICENSING.—(1) The Corporation shall provide a unified

1 national computer source for the collection, storage, and
2 retrieval of information, which may include—

3 (A) a list of professional boxers;
4 (B) the medical records, won-loss records, size,
5 weight, and business associates of such boxers; and
6 (C) information pertinent to the sport of boxing
7 on boxing promoters, boxing matchmakers, boxing
8 managers, trainers, cut men, referees, boxing judges,
9 physicians, and any other personnel determined by
10 the Corporation to have a professional role in box-
11 ing.

12 (2)(A) The Corporation shall issue a license, either
13 through State boxing authorities or through the manner
14 determined most appropriate by the Corporation, on an
15 annual renewable basis, to each boxer, boxing judge, ref-
16 eree, or other person serving in a professional role in a
17 boxing match as determined by the Corporation who meets
18 Corporation minimum standards, and shall issue for li-
19 censed boxers an accurate record of their medical history,
20 biographical information, and won-loss boxing record.

21 (B) During the 2-year period beginning on the effec-
22 tive date of this Act, each boxer, boxing judge, referee,
23 or other person serving in a professional role in a boxing
24 match who is subject to licensing under subparagraph (A)
25 and holds a valid license issued by a State before the effec-

1 tive date of this Act shall be deemed to meet Corporation
2 minimum standards for purposes of subparagraph (A).

3 (3) The Corporation may require and issue a special
4 event license to each boxer, boxing promoter, sanctioning
5 organization, boxing manager or other person regulated
6 under this Act who participates in a major boxing match.

7 The Corporation shall promulgate regulations defining a
8 major boxing match for purposes of this paragraph.

9 (4) The Corporation shall issue a certificate of reg-
10 istration, either through State boxing authorities or
11 through the manner determined most appropriate by the
12 Corporation, at least every 3 years, to each boxing pro-
13 moter, boxing matchmaker, sanctioning organization, box-
14 ing manager, trainer, physician, cut man, and other per-
15 son determined by the Corporation to have a professional
16 role in boxing, who meets Corporation minimum
17 standards.

18 (c) LICENSE AND REGISTRATION FEES.—

19 (1) The Corporation may set and charge licens-
20 ing and registration fees for all persons regulated
21 under this Act. Fees paid by promoters may be de-
22 rived from gross receipts from boxing matches. Such
23 fees may be collected through State boxing authori-
24 ties or through the manner determined most appro-
25 priate by the Corporation. All such fees shall be de-

1 posited in the General Treasury of the United
2 States.

3 (2) The Corporation may set, charge, and ad-
4 just varying fees under paragraph (1) based on clas-
5 sifications of persons, functions, and events regu-
6 lated under this Act.

7 (3) In setting and charging fees under para-
8 graph (1), the Corporation shall ensure that to the
9 greatest extent practicable—

10 (A) club boxing shall not be adversely ef-
11 fected; and

12 (B)(i) sanctioning organizations and pro-
13 moters shall pay the largest portion of all such
14 fees collected under such paragraph; and

15 (ii) boxers shall pay as small a portion of
16 all such fees as is possible.

17 (d) ADDITIONAL FUNCTIONS.—In addition to the
18 functions described under subsections (a), (b), and (c), the
19 Corporation shall—

20 (1) prescribe regulations requiring a copy of
21 any contract for a boxing match to be filed with the
22 Corporation or with a State boxing authority at a
23 time before such match and in a manner determined
24 appropriate by the Corporation;

- 1 (2) prescribe regulations of the sport of profes-
- 2 sional boxing to ensure the safety of participants;
- 3 (3) establish minimum standards and proce-
- 4 dures for physical and mental examinations to be
- 5 given boxers;
- 6 (4) establish minimum standards for the avail-
- 7 ability of medical services at professional boxing
- 8 matches;
- 9 (5)(A) encourage a life, accident, and health in-
- 10 surance fund for professional boxers and other mem-
- 11 bers of the professional boxing community; and
- 12 (B) submit a report to the Congress on the fea-
- 13 sibility of establishing a pension system for profes-
- 14 sional boxing participants;
- 15 (6) research and establish minimum standards
- 16 for the manufacturing and use of boxing equipment;
- 17 (7) conduct discussions and enter into agree-
- 18 ments with foreign boxing entities on methods for
- 19 applying minimum health and safety standards to
- 20 foreign boxing events and foreign boxers, trainers,
- 21 cut men, referees, judges, ringside physicians, and
- 22 other professional boxing personnel;
- 23 (8) review State boxing authority regulations
- 24 for professional boxing and provide assistance to

1 such authorities in meeting the Corporation mini-
2 mum standards and requirements;

3 (9) prescribe regulations for establishing stand-
4 ards for the making of contracts, agreements, ar-
5 rangements, and understandings relating to profes-
6 sional boxing;

7 (10) review the role of sanctioning organiza-
8 tions in professional boxing and prescribe regula-
9 tions relating to sanctioning organizations consistent
10 with this Act; and

11 (11) prescribe regulations prohibiting conflicts
12 of interest relating to boxing matches.

13 (e) CONSULTATION WITH STATE BOXING AUTHORI-
14 TIES.—The Corporation shall consult with State boxing
15 authorities—

16 (1) before prescribing any regulation or estab-
17 lishing any standard under the provisions of this
18 section; and

19 (2) no less than once each year regarding mat-
20 ters relating to professional boxing.

21 (f) SUSPENSION AND REVOCATION OF LICENSE OR
22 REGISTRATION.—(1) The Corporation may, after appro-
23 priate notice and opportunity for a hearing, suspend or
24 revoke any license or registration made under this Act if
25 the Corporation finds—

1 (A) such suspension or revocation is in the pub-
2 lic interest, including the protection of health and
3 safety; or

4 (B) there is reasonable grounds for belief that
5 standards prescribed by the Corporation under this
6 section are not being met, or that bribery, collusion,
7 intentional losing, racketeering, extortion, or the use
8 of unlawful threats, coercion, or intimidation have
9 been used in connection with such licensing or reg-
10 istration.

11 (2) Any suspension of a license or registration under
12 this section shall be for a period of not less than 6 months
13 unless—

14 (A) such suspension results from a person's
15 medical condition; and

16 (B) such person is medically certified to partici-
17 pate in a boxing match before the end of such 6-
18 month period.

19 (g) PROHIBITORY ORDERS.—(1) The Corporation
20 may, after appropriate notice and opportunity for hearing,
21 by order prohibit the holding of any proposed boxing
22 match if it finds such prohibition is in the public interest
23 and that—

1 (A) any contract, arrangement, or agreement
2 with respect to such match does not comply with the
3 regulations of the Corporation;

4 (B) such match, or any participant in such
5 match, is not licensed or registered as provided
6 under this Act;

7 (C) there is reasonable grounds for belief that
8 such match may be affected by bribery, collusion, in-
9 tentional losing, racketeering, extortion, or the use
10 of unlawful threats, coercion, intimidation or vio-
11 lence; or

12 (D) the health and safety of any participant is
13 placed at undue risk by such proposed match.

14 (2)(A) At or after the time that notice of any pro-
15 ceeding under paragraph (1) is sent or ordered by the Cor-
16 poration to be published, regardless of whether or not any
17 person to be affected by such proceeding has received such
18 notice, the Corporation may by order without notice or
19 hearing summarily prohibit the holding of the boxing
20 match in question pending final disposition of the proceed-
21 ing by the Corporation, or for such shorter period as the
22 Corporation considers appropriate. The Corporation shall
23 issue such an order without notice or hearing if in its judg-
24 ment such action is in the public interest (including the

1 protection of the health and safety of a boxer) and nec-
2 essary to carry out the purposes of this Act.

3 (B) No liability shall attach to any person by virtue
4 of a summary order issued under this subsection unless
5 such person has actual notice thereof.

6 (h) INVESTIGATIONS AND INJUNCTIONS.—(1) The
7 Corporation may, in its discretion, make such investiga-
8 tions as it considers necessary to determine whether any
9 person has violated or is about to violate any provision
10 of this Act or any rule or regulation thereunder, and may
11 require or permit any person to file with it a statement
12 in writing, under oath or otherwise as the Corporation
13 shall determine, as to all the facts and circumstances con-
14 cerning the matter to be investigated. The Corporation
15 may, in its discretion, publish information concerning any
16 such violations, and investigate any facts, conditions, prac-
17 tices, or matters which it may determine necessary or
18 proper to aid in the enforcement of the provisions of this
19 Act, in the prescribing of rules and regulations under this
20 Act, or in securing information to serve as a basis for rec-
21 ommending further legislation concerning the matters to
22 which this Act relates.

23 (2) For the purpose of any such investigation, or any
24 other proceeding under this Act, any officer designated by
25 the Corporation is empowered to administer oaths and af-

1 firmations, subpoena witnesses, compel their attendance,
2 take evidence, and require the production of any books,
3 papers, correspondence, memorandums, or other records
4 which the Corporation considers relevant or material to
5 the inquiry. Such attendance of witnesses and the produc-
6 tion of any such records may be required from any place
7 in the United States or any State at any designated place
8 of hearing.

9 (3) In case of contumacy by, or refusal to obey a sub-
10 poena issued to, any person, the Corporation may file an
11 action in any court of the United States within the juris-
12 diction of which such investigation or proceeding is carried
13 on, or where such person resides or carries on business,
14 to enforce the attendance and testimony of witnesses and
15 the production of books, papers, correspondence, memo-
16 randums, and other records. Such court may issue an
17 order requiring such person to appear before the Corpora-
18 tion to produce records, if so ordered, or to give testimony
19 concerning the matter under investigation or in question.
20 Any failure to obey such order of the court may be pun-
21 ished by such court as a contempt thereof. All process in
22 any such case may be served in the judicial district in
23 which such person is an inhabitant or in which such per-
24 son may be found. Any person who, without just cause,
25 fails or refuses to attend and testify or to answer any law-

1 ful inquiry or to produce books, papers, correspondence,
2 memorandums, and other records, if in the power of such
3 person so to do, in obedience to the subpoena of the Cor-
4 poration, shall be guilty of a misdemeanor and, upon con-
5 viction, shall be subject to a fine of not more than \$1,000
6 or to imprisonment for a term of not more than 1 year,
7 or both.

8 (4) No person shall be excused from attending and
9 testifying or from producing books, papers, contracts,
10 agreements, and other records and documents before the
11 Corporation, or in obedience to the subpoena of the Cor-
12 poration, or in any cause or proceeding instituted by the
13 Corporation, on the ground that the testimony or evidence,
14 documentary or otherwise, required of such person may
15 tend to incriminate such person or subject such person
16 to a penalty or forfeiture. No individual shall be pros-
17 ecuted or subject to any penalty or forfeiture for or on
18 account of any transaction, matter, or thing concerning
19 which such individual is compelled, after having claimed
20 a privilege against self-incrimination, to testify or produce
21 evidence, documentary or otherwise, except that such indi-
22 vidual so testifying shall not be exempt from prosecution
23 and punishment for perjury committed in so testifying.

24 (5) If the Corporation determines that any person is
25 engaged or about to engage in any acts or practices which

1 constitute or shall constitute a violation of any provision
2 of this Act, or of any rule or regulation thereunder, it may
3 bring an action in the appropriate district court of the
4 United States, the United States District Court for the
5 District of Columbia, or the United States courts of any
6 territory or other place subject to the jurisdiction of the
7 United States, to enjoin such acts or practices, and upon
8 a proper showing a permanent or temporary injunction or
9 restraining order shall be granted without bond.

10 (6) Upon application of the Corporation the district
11 courts of the United States, the United States District
12 Court for the District of Columbia, and the United States
13 courts of any territory or other place subject to the juris-
14 diction of the United States, shall have jurisdiction to
15 issue writs of mandamus commanding any person to com-
16 ply with the provisions of this Act or any order of the
17 Corporation.

18 (i) INTERVENTION IN CIVIL ACTIONS.—The Corpora-
19 tion shall be permitted an intervention of right as provided
20 under rule 24(a) of the Federal Rules of Civil Procedure
21 in any civil action filed in a United States district court
22 on behalf of the public interest in any case relating to pro-
23 fessional boxing. The Corporation may file a brief in any
24 action filed in a court of the United States on behalf of

1 the public interest in any case relating to professional box-
2 ing.

3 (j) HEARINGS BY CORPORATION.—Hearings may be
4 public and may be held before any officer of the Corpora-
5 tion and appropriate records thereof shall be kept.

6 **SEC. 9. SUBMISSION AND APPROVAL OF STATE BOXING**

7 **PLAN TO CORPORATION.**

8 (a) IN GENERAL.—Beginning on the date occurring
9 18 months after the date of the enactment of this Act,
10 a State regulating professional boxing shall submit to the
11 Corporation a State boxing plan that meets the require-
12 ments of subsection (b).

13 (b) STATE BOXING PLAN REQUIREMENTS.—A State
14 boxing plan meets the requirements of this subsection if
15 such plan—

16 (1) establishes or maintains a State agency for
17 the purpose of regulating professional boxing in such
18 State in compliance with the minimum standards es-
19 tablished by the Corporation; and

20 (2) establishes a registration procedure consist-
21 ent with the provisions of section 8 by which such
22 State agency requires that—

23 (A) each individual and organization in-
24 volved in professional boxing in such State be
25 registered with such State agency in accordance

1 with the minimum Federal boxing standards;
2 and

3 (B) each individual and organization re-
4 ferred to in subparagraph (A) pay a registra-
5 tion fee to the Corporation in an amount deter-
6 mined by the Corporation pursuant to section
7 8(b) for the purpose of funding the Corpora-
8 tion.

9 (c) APPROVAL AND DISAPPROVAL OF STATE BOXING
10 PLAN.—No later than 60 days after the date on which
11 a State submits a State boxing plan pursuant to sub-
12 section (a), the Corporation shall—

13 (1) approve such plan if the plan meets the re-
14 quirements of subsection (b); or

15 (2) disapprove the plan and notify the State of
16 the reasons therefore.

17 (d) WITHDRAWAL OF APPROVAL.—The Corporation
18 shall withdraw its approval of any State boxing plan if
19 the Corporation determines that such plan, or the admin-
20 istration of such plan, no longer meets the requirements
21 of subsection (b).

22 (e) PROHIBITION OF CERTAIN PROFESSIONAL Box-
23 ING MATCHES.—Beginning 3 years after the date of the
24 enactment of this Act, no boxing match shall be held in
25 a State—

- 1 (1) which does not have in effect a State boxing
2 plan approved by the Corporation under subsection
3 (c);
4 (2) which has in effect a State boxing plan ap-
5 proved by the Corporation under subsection (c), if
6 the Corporation determines that there exist reason-
7 able grounds for belief that the minimum boxing
8 standards established under section 8 are not being
9 met in connection with such match; or
10 (3) which has a State boxing plan approval
11 withdrawn under subsection (d).

12 **SEC. 10. POWERS OF THE CORPORATION.**

- 13 (a) IN GENERAL.—The Corporation may—
14 (1) serve as the coordinating body for all efforts
15 in the United States to establish and maintain uni-
16 form minimum health and safety standards for pro-
17 fessional boxing;
18 (2) appoint and fix the compensation of such
19 officers and employees as may be necessary to carry
20 out the functions of the Corporation, and shall ap-
21 point such officers and employees in accordance with
22 the civil service laws and fix such compensation in
23 accordance with the provisions of title 5, United
24 States Code;

1 (3) enter into contracts for temporary and
2 intermittent services to carry out any function of the
3 Corporation;

4 (4) publish a newspaper, magazine, or other
5 publication consistent with corporate purposes; and

6 (5) take any necessary and proper action to ac-
7 complish the purposes of this Act consistent with the
8 provisions of this Act.

9 (b) PROHIBITIONS.—The Corporation may not—

10 (1) promote boxing events or rank professional
11 boxers; or

12 (2) provide technical assistance to, or authorize
13 the use of the name of the Corporation by, States
14 which do not comply with requirements of the Cor-
15 poration.

16 (c) USE OF NAME.—The Corporation shall have the
17 exclusive right to use the name “Professional Boxing Cor-
18 poration” and the acronyms “P.B.C.” and “PBC”, and
19 any person who, without the permission of the Corpora-
20 tion, uses such name or any other exclusive name, trade-
21 mark, emblem, symbol, or insignia of the Corporation for
22 the purpose of inducing the sale of any goods or services,
23 or to promote any exhibition, performance, or sporting
24 event, shall be subject to suit in a civil action by the Cor-
25 poration for the remedies provided in the Act of July 5,

1 1946 (60 Stat. 427; 15 U.S.C. 1051 et seq., popularly
2 known as the Trademark Act of 1946).

3 **SEC. 11. NONINTERFERENCE WITH STATE BOXING AU-**
4 **THORITIES.**

5 (a) **NONINTERFERENCE.**—Nothing in this Act shall
6 prohibit any agency established by or pursuant to the law
7 of any State or political subdivision of any State from ex-
8 ercising any of its powers, duties, or functions with respect
9 to the regulation or supervision of professional boxing or
10 boxing matches to the extent not inconsistent with the pro-
11 visions of this Act.

12 (b) **MINIMUM STANDARDS.**—Nothing in this Act
13 shall prohibit any State boxing authority from enforcing
14 State standards or requirements which exceed the mini-
15 mum standards or requirements promulgated by regula-
16 tion of the Corporation.

17 **SEC. 12. ASSISTANCE FROM OTHER AGENCIES.**

18 (a) **IN GENERAL.**—(1) Notwithstanding section 552a
19 of title 5, United States Code, or any other provision of
20 law, the Corporation may secure directly from any execu-
21 tive department, agency, bureau, board, commission, of-
22 fice, independent establishment, or instrumentality any in-
23 formation, suggestions, estimates, and statistics which
24 shall assist the Corporation in carrying out the purposes
25 of this Act, and each such department, agency, bureau,

1 board, commission, office, independent establishment, or
2 instrumentality shall furnish such information, sugges-
3 tions, estimates, and statistics directly to the Corporation,
4 upon request made by the Executive Director.

5 (2) Any information, including suggestions, esti-
6 mates, and statistics, secured by the Corporation which,
7 but for paragraph (1) of this subsection, could not be se-
8 cured by the Corporation by reason of section 552a of title
9 5, United States Code, or any other provision of law shall
10 be treated by the Corporation as confidential information.

11 (3) Except as provided in paragraph (4) of this sub-
12 section, no officer or employee of the Corporation may dis-
13 close to any person other than an officer or employee of
14 the Corporation any information referred to in paragraph
15 (2) of this subsection. Nothing in this subsection shall be
16 construed to authorize the Corporation to withhold infor-
17 mation from the Congress.

18 (4)(A) Any information referred to in paragraph (2)
19 of this subsection may be disclosed in accordance with the
20 prior written consent of the person with respect to whom
21 such information is maintained, but only to such extent,
22 under such circumstances, and for such other purposes as
23 may be allowed under regulations which shall be pre-
24 scribed by the Corporation.

1 (B) Whether or not the person, with respect to whom
2 any information referred to in paragraph (2) of this sub-
3 section is maintained, gives consent, such information may
4 be disclosed if authorized by an appropriate order of a
5 court of competent jurisdiction granted after application
6 showing good cause therefore. In assessing good cause the
7 court shall weigh the public interest and the need for dis-
8 closure against any prejudice to the person together with
9 the effective administration and enforcement of the provi-
10 sions of this Act. Upon the granting of such order, the
11 court, in determining the extent to which any disclosure
12 of all or any part of any information is necessary, shall
13 impose appropriate safeguards against unauthorized dis-
14 closure.

15 (5)(A) Whoever violates any provision of this sub-
16 section may be assessed a civil penalty of not to exceed
17 \$1,000 for each violation. Such penalty shall be assessed
18 by the court in a civil action brought by the Attorney Gen-
19 eral of the United States.

20 (B) The Corporation shall refer to the Attorney Gen-
21 eral the name of any person it has reasonable cause to
22 believe has violated any provision of this subsection.

23 (b) DETAILS.—Any employee of any executive de-
24 partment, agency, bureau, board, commission, office, inde-
25 pendent establishment, or instrumentality may be detailed

1 to the Corporation, upon the request of the Executive Di-
2 rector, on a reimbursable or nonreimbursable basis, with
3 the consent of the appropriate authority having jurisdic-
4 tion over such employee. While so detailed, such employee
5 shall continue to receive the compensation provided pursu-
6 ant to law for the regular employment of such employee
7 and shall retain, without interruption, the rights and privi-
8 leges of such employment.

9 **SEC. 13. PROFESSIONAL BOXING CORPORATION TRUST**

10 **FUND.**

11 (a) ESTABLISHMENT.—There is established the Pro-
12 fessional Boxing Corporation Trust Fund in the Treasury
13 of the United States, consisting of such amounts as are
14 transferred to the Fund under subsection (b) of this sec-
15 tion and any interest earned on investment of amounts
16 in the Fund under subsection (e)(2) of this section.

17 (b) TRANSFER OF AMOUNTS EQUIVALENT TO CER-
18 TAIN FEES.—(1) The Secretary shall transfer to the Fund
19 an amount equal to the sum of the fees received in the
20 Treasury under section 8 after the effective date of this
21 Act.

22 (2) The amounts required to be transferred to the
23 Fund under paragraph (1) shall be transferred at least
24 quarterly from the general fund of the Treasury to the
25 Fund on the basis of estimates made by the Secretary.

1 Proper adjustment shall be made in amounts subsequently
2 transferred to the extent prior estimates were in excess
3 of or less than the amounts required to be transferred.

4 (c) EXPENDITURE FROM FUND.—Amounts in the
5 Fund shall be available, as provided in appropriation Acts,
6 only for purposes of making expenditures to carry out the
7 purposes of this Act.

8 (d) AUTHORITY TO BORROW.—(1) There are author-
9 ized to be appropriated to the Fund, as repayable ad-
10 vances, such sums as may be necessary to carry out the
11 purposes of the Fund.

12 (2)(A) Advances made to the Fund shall be repaid,
13 and interest on such advances shall be paid, to the general
14 fund of the Treasury when the Secretary determines that
15 moneys are available for such purposes in the Fund.

16 (B) No advance shall be made to the Fund after the
17 date occurring 5 years after the effective date of this Act,
18 and all advances to such Fund shall be repaid on or before
19 such date.

20 (C) Interest on advances made to the Fund shall be
21 at a rate determined by the Secretary (as of the close of
22 the calendar month preceding the month in which the ad-
23 vance is made) to be equal to the current average market
24 yield on outstanding marketable obligations of the United
25 States with remaining periods to maturity comparable to

1 the anticipated period during which the advance will be
2 outstanding and shall be compounded annually.

3 (e) INVESTMENT OF FUND.—(1) It shall be the duty
4 of the Secretary to invest such portion of the Fund as
5 is not, in the Secretary's judgment, required to meet cur-
6 rent withdrawals. Such investments may be made only in
7 interest-bearing obligations of the United States or in obli-
8 gations guaranteed as to both principal and interest by
9 the United States. For such purpose, such obligations may
10 be acquired—

11 (A) on original issue at the issue price, or
12 (B) by purchase of outstanding obligations at
13 the market price.

14 The purposes for which obligations of the United States
15 may be issued under chapter 31 of title 31, of the United
16 States Code, are hereby extended to authorize the issuance
17 at par of special obligations exclusively to the Fund. Such
18 special obligations shall bear interest at a rate equal to
19 the average rate of interest, computed as to the end of
20 the calendar month next preceding the date of such issue,
21 borne by all marketable interest-bearing obligations of the
22 United States then forming a part of the Public Debt; ex-
23 cept that where such average rate is not a multiple of one-
24 eighth of 1 percent, the rate of interest of such special
25 obligations shall be the multiple of one-eighth of 1 percent

1 next lower than such average rate. Such special obligations
2 shall be issued only if the Secretary determines that the
3 purchase of other interest-bearing obligations of the
4 United States, or of obligations guaranteed as to both
5 principal and interest by the United States on original
6 issue or at the market price, is not in the public interest.

7 (2) Any obligation acquired by the Fund (except spe-
8 cial obligations issued exclusively to the Fund) may be sold
9 by the Secretary of the Treasury at the market price, and
10 such special obligations may be redeemed at par plus ac-
11 crued interest.

12 (3) The interest on, and the proceeds from the sale
13 or redemption of, any obligations held in the Fund shall
14 be credited to and form a part of the Fund.

15 (f) OBLIGATIONS FROM FUND.—The Corporation is
16 authorized to obligate such sums as are available in the
17 Fund (including any amounts not obligated in previous fis-
18 cal years) for—

19 (1) the functions of the Corporation under sec-
20 tion 8; and

21 (2) properly allocable administrative costs of
22 the Federal Government for the activities related to
23 such functions.

24 (g) REPORT TO CONGRESS.—It shall be the duty of
25 the Secretary to hold the Fund, and (after consultation

1 with the Corporation) to report to the Congress each year
2 on the financial condition and the results of the operations
3 of the Fund during the preceding fiscal year and on its
4 expected condition and operations during the next fiscal
5 year. Such report shall be printed as both a House and
6 Senate document of the session of the Congress to which
7 the report is made.

8 **SEC. 14. AUDIT AND REPORT.**

9 (a) AUDIT.—The Comptroller General shall conduct
10 an annual audit of the finances of the Corporation, to be
11 completed in time for inclusion in the report required by
12 subsection (b).

13 (b) REPORT.—The Corporation shall submit a report
14 to the Congress within 1 year after the effective date of
15 this Act and annually thereafter. Such report shall detail
16 the activities of the Corporation for the preceding year and
17 shall include—

18 (1) a description of the State boxing authority
19 in each State; and
20 (2) the results of the audit required under sub-
21 section (a).

22 (c) PUBLIC REPORT.—The Corporation shall annu-
23 ally issue a report made available to the public on the
24 progress made at Federal and State levels in the reform

1 of professional boxing and commenting on issues of con-
2 tinuing concern to the Corporation.

3 **SEC. 15. PETITION TO REPEAL BEFORE EFFECTIVE DATE.**

4 (a) PETITION TO CONGRESS.—During the 1-year pe-
5 riod preceding the effective date of this Act, a majority
6 of the State boxing authorities from all States may submit
7 a petition as described under subsection (b) to the Senate
8 Governmental Affairs Committee and the House of Rep-
9 resentatives Government Operations Committee. Such
10 committees shall take all necessary actions to respond to
11 such petition before the effective date of this Act.

12 (b) CONTENTS.—The petition submitted under sub-
13 section (a) shall include—

14 (1) a statement with supporting evidence that
15 the provisions of this Act are unnecessary because
16 the State authorities have established an organiza-
17 tion to effectively carry out the purposes of this Act;
18 and

19 (2) a request for the Congress to enact legisla-
20 tion to delay the effective date of this Act or repeal
21 this Act.

22 **SEC. 16. INFORMAL RULEMAKING.**

23 To the greatest extent practicable, the Corporation
24 shall conduct all rulemaking under the provisions of sec-
25 tion 553 of title 5, United States Code.

1 **SEC. 17. TERMINATION OF CORPORATION.**

2 The Corporation shall terminate effective on the date
3 occurring 7 years after the date of the enactment of this
4 Act.

5 **SEC. 18. EFFECTIVE DATE.**

6 The provisions of this Act and the amendments made
7 by this Act (except for section 15 which shall take effect
8 on the date of enactment) shall be effective on and after
9 1 year after the date of the enactment of this Act.

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S 1188 IS—3