

BILL TO REQUIRE ALL PROFESSIONAL BOXERS IN UNITED STATES TO WEAR HEADGEAR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1995

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to require all professional boxers to wear headgear during all professional fights held in the United States. Under my bill, all professional fighters in the United States would have to wear headgear that meets the standards established by the International Olympic Committee. Any State or tribal boxing authority that allows a professional boxer to fight in a professional fight without headgear would be subject to a Federal fine of up to \$1,000,000.

The recent incident in the super-middle-weight championship fight between Gerald McClellan and Nigel Benn is yet another reminder that something must be done to better protect professional boxers from head injuries. After being knocked out in the 10th round of what was described by the British press as one of the most brutal fights of the century, McClellan collapsed in his corner. He was rushed to the hospital and underwent emergency surgery to remove a blood clot in his brain. He is still in critical condition.

While headgear alone will not prevent all head injuries in boxing, it will go a long way in protecting boxers. Amateur boxing requires all fighters to wear headgear, and the number of serious head injuries in amateur boxing is significantly lower than in professional boxing. According to an article that appeared in the British Medical Journal on June 18, 1994,

During boxing training sessions head protection is regularly worn and is now a feature of the Olympic Games. In countries where headgear is compulsory there has been a reduction in the number of facial cuts and knockouts.

My legislation, Professional Boxing Safety Act of 1995, is a modest measure that will provide professional boxers in this country with some protection against head injuries. I urge my colleagues to cosponsor this bill. The full text of the legislation appears below:

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional Boxing Safety Act of 1995".

SEC. 2. HEADGEAR REQUIREMENT FOR PROFESSIONAL BOXERS.

Any individual who participates as a boxer in a professional boxing match shall, during such participation, wear headgear that meets the standards established by the International Olympic Committee.

SEC. 3. CIVIL PENALTY.

The Attorney General of the United States may impose a civil monetary penalty against any State boxing authority if the Attorney General determines on the record after opportunity for an agency hearing that the State boxing authority has allowed a boxer to participate in a professional boxing match without the headgear required by section 2. The civil monetary penalty may not exceed \$1,000,000 for each violation.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) **PROFESSIONAL BOXING MATCH.**—The term "professional boxing match" means a boxing contest held in a State between individuals for compensation or a prize, and does not include any amateur boxing match.

(2) **STATE.**—

(A) **IN GENERAL.**—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, Virgin Islands, any other territory or possession of the United States, and any Indian tribe.

(B) **INDIAN TRIBE.**—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government.

(3) **STATE BOXING AUTHORITY.**—The term "State boxing authority" means a State agency with authority to regulate professional boxing.

SEC. 5. EFFECTIVE DATE.

Sections 2 and 3 shall take effect 90 days after the date of the enactment of this Act.

THE ATTORNEY ACCOUNTABILITY ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1995

Mr. POMEROY. Mr. Chairman, I rise today in opposition to the bill, H.R. 988, the Attorney Accountability Act.

The authors of this bill would have you believe this legislation is intended to reduce the number of frivolous lawsuits. This bill would more likely discourage average Americans—most likely middle-income citizens—from seeking redress in our judicial system. As the bill is written plaintiff's whose cases were found to have merit would actually be punished under this legislation.

This bill alters the playing field between parties to a lawsuit and gives all the benefits to the large financially secure party. While a family would potentially risk all of their assets if a jury would rule against them, a large corporation could easily absorb these costs. Accordingly, the large corporation would have a tremendous advantage in a pretrial settlement conference in light of the dire risks the family would have with an adverse jury ruling.

I wholeheartedly support curtailing frivolous lawsuits. Yesterday we had an opportunity to bring this bill back in line with the rhetoric that surrounds it. An amendment offered by Representative MCHALE, as modified by Representative BERMAN, would have replaced the loser pays provisions in H.R. 988 with provisions awarding attorney's fees to a defendant if the court finds the plaintiff's case to be frivolous. The court would entertain this motion anytime in the first 90 days after the complaint was filed. If found to be meritorious, it would put a halt to the nonsense before the parties under went the costly discovery process. More importantly, the claim would be dismissed and all legal costs would be born by the plaintiff.

The McHale-Berman amendment would have given courts discretion to get rid of frivolous lawsuits that are filed in bad faith or with only the intention to harass.

This bill is appropriately called the loser pays bill. Unfortunately, the real loser here is the American people.

TRIBUTE TO ANN LAWSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1995

Mr. TOWNS. Mr. Speaker, many of us are public servants, but some of us are God's servant. Mrs. Ann Lawson is indeed one of God's servants. Born in Florence, SC, she later moved to New Jersey.

At an early age she professed her love and devotion to her Lord and joined New Jerusalem Baptist Church. In 1980 she joined New Canaan Baptist Church under the pastorship of the late Dr. Augustus Leon Cunningham. During the same period she met Rev. Richard J. Lawson and they were married. After the death of Dr. Cunningham, Dr. Lawson was installed as the new pastor of the church. As the first lady of New Jerusalem Baptist Church, Mrs. Lawson has been actively involved in various church affairs.

Mrs. Lawson is involved in numerous church activities. She is the acting supervisor for the red circle missionary department, the South Carolina club, and serves as the chairperson for the Woman of the Year Awards. Mrs. Lawson shares her unbridled energy, faith, and love with everyone, especially children. It is my pleasure to recognize the contributions and accomplishments of a remarkable woman, Mrs. Ann Lawson.

THE ATTORNEY ACCOUNTABILITY ACT

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1995

Mr. BAKER of California. Mr. Chairman, as a member of the Leader's Legal Reform Task Force, I rise in support of H.R. 988, the Attorney Accountability Act.

In this historic 100 days of progress, among the most profound reform measures Congress is enacting is legal reform. The threat of predatory lawsuits looms over every business, organization, and individual. Liability insurance alone increases the costs of doing business for all Americans.

H.R. 988 has three major components: a loser pays provision, the prevention of junk science, and new rules of conduct for attorneys.

The loser pays provision puts a stop to get-rich-quick, lottery-style lawsuits where litigants have little to lose and everything to gain. Plaintiffs would be encouraged to accept reasonable pretrial settlements offers. This incentive would free up our courts for meritorious cases and slow the growth of multimillion dollar awards.

The junk science provision prevents the use of so-called experts in a technical field by either side of a lawsuit. Both plaintiffs and defendants hire potentially biased experts who bring unsubstantiated scientific theories for the purpose of influencing the outcome of the