

GAO

Report to the Chairman, Committee on
Commerce, Science, and Transportation,
U.S. Senate

July 2003

PROFESSIONAL BOXING

Issues Related to the Protection of Boxers' Health, Safety, and Economic Interests



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Highlights of [GAO-03-699](#), a report to the Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate

Why GAO Did This Study

The Professional Boxing Safety Act of 1996 established minimum health and safety standards for professional boxing and provided for limited federal oversight by the Department of Justice and the Federal Trade Commission. In 2000, the Muhammad Ali Boxing Reform Act amended the act to better protect boxers' economic well-being and enhance the integrity of the sport. However, reports of problems continue, including permanent and sometimes fatal injuries, economic exploitation, and corruption.

GAO was asked to (1) identify fundamental elements considered important to protect professional boxers and enhance the integrity of the sport; (2) assess the extent to which provisions of the Professional Boxing Safety Act of 1996, as amended (the act), cover these elements and determine whether selected state and tribal boxing commissions have documentation indicating compliance with the act's provisions; (3) determine whether selected states and tribes have provisions that cover additional elements; and (4) identify federal actions taken under the act.

www.gao.gov/cgi-bin/getrpt?GAO-03-699.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Bernard Ungar, (202) 512-4232, ungarb@gao.gov.

PROFESSIONAL BOXING

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What GAO Found

Based on GAO's review of congressional testimonies and national studies dating from 1994 through 2002, GAO identified 15 fundamental elements that are considered important to protect boxers' health, safety, and economic well-being and to enhance the integrity of the sport.

The act addresses 10 of the 15 fundamental elements that GAO identified. The 8 (of 46) state and 2 (of 8) tribal boxing commissions that GAO selected for review accounted for 49 percent of the fights in 2001 and varied in the extent to which they had documentation indicating compliance with the 10 provisions of the act related to the fundamental elements. For example, all 10 commissions had documentation indicating compliance at least 75 percent of the time for 3 provisions—requiring prefight medical exams, disclosure of purses and payments, and registration of boxers—but only 2 commissions had documentation indicating compliance at least 75 percent of the time for a provision prohibiting conflicts of interest. Commissions either gave no reason for the lack of documentation, cited privacy or liability concerns, or said they were unaware of the federal provision.

The eight states and two tribes that GAO reviewed vary in the extent to which they adopted additional provisions that cover elements not covered by the act's provisions. The number of such provisions ranges from 10 (California) to 4 (Missouri). For example, the states have provisions requiring the filing of postfight medical reports, uniform boxing and scoring rules, and boxing commission officials' knowledge of the sport.

Federal actions taken under the act have been limited. The Department of Justice said it has not exercised its authority to prosecute cases because none have been referred to it by federal law enforcement authorities. Furthermore it noted that violations under the act are misdemeanors, and it generally applies its resources to prosecuting felonies. The Federal Trade Commission periodically checks the Web sites of the organizations that sanction professional boxing events to see whether they have posted the information that they are required to make available to the public and has found them to be adequate. Legislation was recently introduced to significantly amend the act by, among other things, creating a new organization within the Department of Labor that would provide oversight and enforcement of boxing laws. This new federal organization is intended to facilitate more uniform enforcement of federal requirements aimed at enhancing boxers' health, safety, and general interests as well as the integrity of the sport.

The Department of Justice and the Federal Trade Commission provided only technical comments on our report. The Association of Boxing Commissions and five state and tribal commissions had concerns about the lack of existing federal enforcement and the economic impact of any additional federal requirements.

Contents

Letter

	1
Results in Brief	4
Fundamental Elements Considered Important to Address Health and Safety and Economic Problems Facing Professional Boxing	7
The Act's Provisions Fully or Partially Cover 10 Fundamental Elements, and Selected Commissions Varied in the Extent to Which They Had Documentation Indicating Compliance	11
Selected States and Tribes Vary in the Extent to Which Their Provisions Cover Additional Fundamental Elements	14
Federal Action under the Act Has Been Limited	16
Concluding Observations	17
Agency Comments and Our Evaluation	17

Appendixes

Appendix I: Professional Boxing Events Held in the United States during Calendar Year 2001	21
Appendix II: Fundamental Elements to Address Health and Safety, Economic, and Integrity Problems in Professional Boxing	23
Health and Safety	23
Economic Protection	26
Integrity of the Sport	28
Appendix III: Selected Boxing Commissions' Documentation of Compliance with the Act's Provisions	31
Appendix IV: State and Tribal Provisions That Cover Additional Health, Safety, Economic, and Integrity Elements	41
Conduct Postfight Medical Examinations, Including Neurological Testing	41
Monitor Training Injuries	41
File Postfight Medical Reports	41
Require Health and Life Insurance Before and After Fights	42
Enforce Suspensions for Training Injuries	42
Require Pension Plans	42
Require Disclosure of All Purses and Payments to Trainers and Boxers	43
Prohibit Conflicts of Interest for Judges and Referees	44
Require Registration and Training for Trainers, Managers, Promoters, and Physicians	44
Preclude Sanctioning Organizations from Exercising Undue Influence	44

	Select Uniform Boxing and Scoring Rules	44
	Require Boxing Knowledge for Commission Officials	44
Appendix V:	Objectives, Scope, and Methodology	46
Appendix VI:	Comments from the Association of Boxing Commissions	49
Appendix VII:	Comments from the Missouri Office of Athletics	51
Appendix VIII:	Comments from the Miccosukee Athletic Commission	53
Appendix IX:	Comments from the Mohegan Tribal Gaming Commission Athletic Unit	59
Appendix X:	Comments from the Pennsylvania Athletic Commission	60
Appendix XI:	Comments from the Texas Department of Licensing and Regulations	62
Appendix XII:	Contacts and Contributors	64
	Contact	64
	Contributors	64

Tables

Table 1:	Fundamental Elements Considered Important to Address Major Problems Facing Professional Boxing	10
Table 2:	Extent to Which the Act’s Provisions Cover Fundamental Elements to Help Address Major Problems in Professional Boxing	11

Figures

Figure 1:	Selected Boxing Commissions’ Documentation of Compliance with the Act’s Provisions Related to 10 Fundamental Elements	14
Figure 2:	Extent to Which State and Tribal Provisions Cover Additional Fundamental Elements	15
Figure 3:	Selected Commissions’ Documentation of Compliance with the Act’s Provisions for Boxing Events Held in 2001	31
Figure 4:	Evaluate Medical Information and Assess Risks	32
Figure 5:	Require Minimum Uniform Contractual Terms	34
Figure 6:	Require Standards for Rating Boxers to Protect against Mismatches	35
Figure 7:	Conduct Prefight Medical Examinations	35
Figure 8:	Ensure Presence of Medical Personnel and Equipment	36
Figure 9:	Require Health Insurance During Matches	36
Figure 10:	Honor Suspensions Imposed by Other Commissions	37

Figure 11: Require Disclosure of Purses and Payments to Promoters and Judges	38
Figure 12: Prohibit Conflicts of Interest for Boxers, Promoters, and Commission Representatives	38
Figure 13: Require Registration for Boxers and Certification and Approval for Ring Officials	39

Abbreviations

ABC	Association of Boxing Commissions
FTC	Federal Trade Commission
NAAG	National Association of Attorneys General
USBA	United States Boxing Administration

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Accountability * Integrity * Reliability

United States General Accounting Office
Washington, D.C. 20548

July 21, 2003

The Honorable John McCain
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate

Dear Mr. Chairman:

Congress has recognized that boxing is the only major professional sport in the United States without a central regulatory authority that establishes and enforces uniform rules, business practices, and ethical standards. There is no other major professional sport in which the rules and regulations—and their enforcement—vary so widely. As a result, the sport has been plagued with reports of permanent and sometimes fatal injuries, the economic exploitation of boxers, and corruption. The Association of Boxing Commissions, a 15-year-old nonprofit organization representing 46 state and 8 tribal boxing commissions located throughout the United States,¹ promotes uniform health and safety provisions for professional boxing, but has no enforcement authority over its members, and its effectiveness in regulating boxing depends on mutual cooperation.

In 1996, because the states and tribes, which are primarily responsible for establishing provisions to regulate professional boxing, were not uniformly protecting the health and safety of professional boxers, Congress enacted the Professional Boxing Safety Act of 1996. This act established minimum health and safety standards and licensing provisions, along with enforcement responsibilities and penalties for violations. In 2000, Congress amended the 1996 act by passing the Muhammad Ali Boxing Reform Act, which established provisions to protect boxers from economic exploitation and to enhance the integrity of the sport.

¹These commissions are state or tribal organizations that are responsible for regulating professional boxing within their jurisdictions, including implementing and enforcing federal and state or tribal provisions related to boxing.

The 1996 act, as amended (the act), authorizes the Department of Justice to investigate and prosecute violations of the law and it provides for state and civil remedies as well as federal criminal prosecution. Within the Department of Justice, the Federal Bureau of Investigation is responsible for investigating violations of the law. Generally, the U.S. Attorneys are responsible for prosecuting violations of laws. The act further provides that organizations sanctioning boxing matches² annually provide certain information to the Federal Trade Commission or otherwise make such information available to the public through the Internet. The Federal Trade Commission is required to make the information provided to it available to the public.

This report responds to your request that we review current efforts to protect the health, safety, and economic well-being of professional boxers and to enhance the integrity of the sport. As agreed with your office, we addressed the following questions:

- What fundamental elements are considered important to address major health and safety, economic, and integrity problems facing professional boxing?
- To what extent do the act's provisions cover these elements, and to what extent do selected state and tribal boxing commissions have documentation indicating compliance with the act's provisions?
- To what extent have the selected states and tribes adopted provisions that cover fundamental elements that are not covered in the act?
- What actions have the Department of Justice and the Federal Trade Commission taken under the act?

To identify the fundamental elements that are considered important to address major health and safety, economic, and integrity problems facing professional boxing, we reviewed congressional testimony and studies on professional boxing conducted by a task force of the National Association of Attorneys General, the Department of Health and Human Services, and

²Sanctioning organizations are private entities that designate the champion and rank challengers for each weight class. These organizations are required to identify their rating officials and to annually disclose their criteria and policies for rating boxers, as well as their sanctioning fees, by-laws, and procedures for appealing ratings.

the Department of Labor. From these sources, which documented problems in the boxing industry and recommended actions to address them, we identified major problems facing the sport and consolidated the recommendations into 15 fundamental elements that are considered important in helping to provide an adequate level of health, safety, and economic protection to boxers and enhance the integrity of the sport. We discussed these elements with the Association of Boxing Commissions, which agreed that the elements could help provide the desired protection and enhancement.

To assess the extent to which the act covers the elements we identified, we analyzed the act's provisions and determined how many address the fundamental elements, either fully or partially. To assess the extent to which selected state and tribal boxing commissions have documented their compliance with the act's provisions, we selected 8³ of the 46 state boxing commissions and 2⁴ of the 8 tribal boxing commissions for review. These 10 commissions accounted for 383, or 49 percent, of the 777 professional boxing events held in the United States in 2001. (See app. I for a listing of the professional boxing events held by state and tribal commissions in 2001.) At 2 state (Indiana and Michigan) and the 2 tribal (Miccosukee and Mohegan Sun) commissions, we reviewed the case files for all professional boxing events held in 2001, the most recent year for which we could obtain complete information, and at the remaining commissions, we randomly selected a sample of case files for review. From our reviews of these case files, we determined the extent to which each of the 8 state and 2 tribal boxing commissions had documentation indicating compliance in 2001 with provisions in the act that related to the fundamental elements. We did not independently verify that the provisions were met. Our findings for these 10 commissions cannot be generalized to all 46 state and 8 tribal boxing commissions.

To assess the extent to which selected states and tribes have provisions that cover fundamental elements in addition to those covered in the act, we reviewed the boxing provisions of the eight states and two tribes and identified fundamental elements that do not appear in the act. We confirmed with the boxing commissions of these states and tribes that they agreed with our analysis of their provisions. We did not assess the extent to

³California, Florida, Indiana, Michigan, Missouri, Nevada, Pennsylvania, and Texas.

⁴The Mohegan Sun (Connecticut) and Miccosukee (Florida) tribes.

which the states and tribes had implemented or enforced the provisions that cover the additional fundamental elements.

To determine what actions the Department of Justice and the Federal Trade Commission have taken under the act, we asked Justice officials whether they had initiated any civil enforcement proceedings or criminal prosecutions of potential violators of the act in the eight states and two tribal jurisdictions covered by our review. We also reviewed the department's central case management system for possible cases prosecuted during fiscal years 1996 through 2002. To determine whether the sanctioning organizations were making the information they are required to provide available to the public, we reviewed the Internet Web sites of 14 sanctioning organizations to see whether the required information was posted.

We conducted our review from September 2002 through July 2003 in accordance with generally accepted government auditing standards. Appendix V provides further details about our objectives, scope, and methodology.

Results in Brief

From our review of congressional testimonies and national studies dating from 1994 through 2002, we identified 15 fundamental elements that are considered important to protect boxers' health, safety, and economic well-being and enhance the integrity of the sport. Six of these elements address health and safety issues, four establish economic protections for boxers, and five would help prevent corruption.

The act's provisions cover 10 of the fundamental elements that we identified—1 fully and 9 partially. For example, one provision fully covers the element requiring evaluations of medical information on boxers and assessments of the risks involved in allowing them to fight before each match, but only partially covers the element requiring prefight and postfight medical examinations, including neurological testing. (The provision requires prefight examinations, but not postfight examinations or neurological testing.) The 8 state and 2 tribal boxing commissions that we reviewed varied in the extent to which they had documentation indicating compliance with the act's 10 provisions. All 10 commissions had documentation indicating compliance at least 75 percent of the time for 3 provisions—those requiring prefight medical exams, disclosure of purses and payments, and registration of boxers—but only 2 commissions had documentation at least 75 percent of the time for the provision prohibiting

conflicts of interest. The commissions' documentation for the remaining 6 provisions varied within this range. When asked why they did not document their compliance with particular provisions, the commissions often did not provide a reason, but when they did, they generally identified conflicts between state and federal law, said they were unaware of the federal provision, or said they thought documentation was not needed.

The eight states and two tribes that we reviewed vary in the extent to which they have adopted provisions that cover health and safety, economic, and integrity elements in addition to those covered by the act's provisions. Each of these states and tribes has some provisions that cover additional elements. The number of additional elements enacted by an individual state or tribe ranges from 10 (California) to 4 (Missouri). All 10 states and tribes have enacted the element requiring uniform boxing and scoring rules, but California was the only state that enacted 3 additional elements—for monitoring injuries sustained during training, suspending boxers for debilitating training injuries, and providing pension plans for boxers. The primary reason provided by the states and tribes for not enacting elements in addition to those covered by the act was that the elements would be too costly to implement.

Federal action under the act has been limited. According to the Department of Justice, it has not exercised its authority to prosecute cases because no cases have been referred to it by federal law enforcement authorities. The department said there were no records of cases brought by the U.S. Attorneys' offices under the federal boxing legislation during fiscal years 1996 through 2002 and that no referrals from law enforcement agencies were made. Justice officials also said violations of the boxing statutes are misdemeanors and the department generally applies its resources to prosecuting felonies. The Association of Boxing Commissions, in commenting on a draft of this report, said it had made two referrals to U.S. Attorneys' offices, which were not prosecuted. The association said one referral was dismissed because the issue was subsequently resolved and the association had not received a response to the other referral. The Federal Trade Commission's responsibility under the act is limited to making the information it receives from sanctioning organizations available to the public. The commission said it periodically checks the various sanctioning organizations' Web sites to assess whether the required information has been made available to the public. Our review of the Web sites of 14 sanctioning organizations found that this information was posted on the Internet. Legislation was recently introduced to significantly amend the act by, among other things, creating a new organization within

the Department of Labor that would provide oversight and enforcement of the federal boxing laws. This new federal organization is intended to facilitate more uniform enforcement of federal requirements aimed at enhancing boxers' health, safety, and economic interests as well as the integrity of the sport.

The Department of Justice and the Federal Trade Commission had only technical comments on our draft report. In commenting on our report, the president of the Association of Boxing Commissions said much needs to be done to achieve uniformity in the regulation of boxing. Some of the states and tribes who commented on our report would welcome federal involvement while others said they are concerned about the costs of implementing any new measures. Some also noted that no federal agency is enforcing the existing federal laws protecting professional boxers.

Fundamental Elements Considered Important to Address Health and Safety and Economic Problems Facing Professional Boxing

According to our review of congressional testimonies⁵ and national studies on professional boxing dating from 1994 through 2002,⁶ 15 fundamental elements are considered important in helping address the sport's major problems. Six elements could help to protect the health and safety of professional boxers, four could help to protect their economic interests, and five could help to correct problems affecting the integrity of the sport.

The six elements that could help to protect the health and safety of boxers would provide

- medical examinations, including neurological testing;
- monitoring of training injuries;
- assessments of medical risks;
- health and life insurance;
- the presence of appropriate medical personnel and equipment; and
- enforcement of suspensions for injuries.

⁵Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism: *Hearing on the Federal Regulation of Boxing* (Washington, D.C.: May 22, 2002); Senate Committee on Commerce, Science, and Transportation, *Testimony on Boxing and Federal Laws* (Washington, D.C.: May 23, 2001); Senate Committee on Commerce, Science, and Transportation: *Hearing on Reform of Professional Boxing Industry* (Washington, D.C.: Apr. 22, 1999); Senate Committee on Commerce, Science, and Transportation, *Hearing on Professional Boxing* (Washington, D.C.: May 22, 1997); House Economic and Educational Opportunities Committee Workforce Protections Subcommittee and the House Committee on Commerce Subcommittee on Commerce Trade and Hazardous Materials, *The Professional Boxing Corporation Act of 1995* (Washington, D.C.: June 11, 1996); Senate Committee on Commerce, *Hearing on Health and Safety of Professional Boxing* (Washington, D.C.: Jan. 20, 1994).

⁶National Association of Attorneys General Boxing Task Force, Office of New York State Attorney General Eliot Spitzer, May 2000; Department of Health and Human Services, *Professional Boxing Safety Act of 1996: National Institute for Occupational Safety and Health Report to Congress, Study on Health, Safety, and Equipment Standards for Boxing* (Washington, D.C.: June 1, 1998); and Department of Labor, *Pension Plans for Professional Boxers: A Study Prepared by the Segal Company for the Secretary of Labor as Mandated by Congress* (Washington, D.C.: December 1997).

According to the testimonies and studies, these elements are important because, although the overall rate of injury is lower in professional boxing than in many other sports, the risk of severe or permanent brain injury is greater. Neurological testing may be needed to detect such injury. Furthermore, because injuries may occur during training and sparring as well as during boxing events, monitoring during training was recommended, and health and life insurance may be needed before and after as well as during events. In some instances, the treatment a fighter receives in the initial minutes after an injury determines whether the fighter recovers or sustains permanent damage or death. Having an ambulance and qualified medical personnel on-site, rather than on call, can be critical. Enforcement of suspensions imposed by boxing commissions in other states is important to prevent injured boxers from trying to fight outside the states in which they are registered before their injuries have healed.

The four elements that could help to protect boxers' economic interests would

- require pension plans for boxers,
- require full disclosure of purses and payments,
- require minimum uniform contractual terms between boxers and promoters, and
- prohibit conflicts of interest.

Without a union to represent their economic interests, boxers have often been exploited, and although the sport has generated enormous wealth for others, many professional boxers have been left penniless. Comprehensive pension plans for boxers are almost nonexistent, and boxers have sometimes been left to pay trainers out of their share of the fight purse when the financial responsibilities of promoters and managers were not disclosed in advance. Conflicts of interest between promoters and managers and long-term contracts with promoters have also disadvantaged boxers.

The 5 elements that could help to correct problems affecting the integrity of the sport would

- require registration and training for judges, referees, and others;

-
- prevent sanctioning organizations from exercising undue influence in the selection of judges;
 - establish uniform boxing and scoring rules;
 - require reviews of sanctioning organizations' rankings of boxers; and
 - require knowledge of the sport for commission officials.

Reports of unqualified officials, last-minute changes in the procedures for selecting judges, nonstandard boxing and scoring rules, fraudulent rankings that have resulted in injury and even death for weaker boxers, and political appointments to boxing commissions have undermined the integrity of the sport.

Table 1 sets forth the 15 elements we identified. For more detailed information on the problems discussed in the testimonies and studies and the recommendations made to address these problems, see appendix II.

Table 1: Fundamental Elements Considered Important to Address Major Problems Facing Professional Boxing

Health and safety	Economic protection	Integrity of the sport
1. Conduct prefight and postfight medical examinations, including neurological testing.	7. Require pension plans for boxers.	11. Require registration and training for boxers, trainers, managers, promoters, physicians, and other ring officials.
2. Monitor injuries sustained during gym training (e.g., sparring) before events.	8. Require full and open disclosure of all purses and costs of bouts, breaking out amounts paid to promoters, sanctioning bodies, judges, trainers, boxers, and others.	12. Ensure that sanctioning organizations do not influence the selection of judges.
3. Evaluate medical information on boxers and assess the risks involved before allowing a boxer to fight.	9. Prohibit conflicts of interest for boxers, promoters, managers, judges, referees, state boxing commission representatives, and sanctioning organization representatives.	13. Require uniform boxing and scoring rules for events, such as the championship rules of the Association of Boxing Commissions (ABC).
4. Ensure the presence of appropriate medical personnel and equipment during and after each match and require the filing of postfight medical reports.	10. Require minimum uniform contractual terms between boxers and promoters.	14. Require standards for rating boxers, considering their records of wins and losses, weight differentials, caliber of opponents, and number of past fights.
5. Require health and life insurance for boxers before, during, and after each match.		15. Require officials serving on boxing commissions to have knowledge of professional boxing.
6. Honor other states' suspensions of boxers; monitor training injuries in real time, and suspend boxers who sustain debilitating training injuries.		

Source: GAO.

Note: Our identification of the fundamental elements is based on the congressional testimonies and national studies that we reviewed. Some of these elements have multiple effects and may be related to more than one category (e.g., health and safety, economic protection, or integrity of the sport). For example, the element prohibiting conflicts of interest not only affects the economic interests of boxers but may also be related to the integrity of the sport.

The Act's Provisions Fully or Partially Cover 10 Fundamental Elements, and Selected Commissions Varied in the Extent to Which They Had Documentation Indicating Compliance

The act's provisions fully or partially cover 10 of the elements that we identified as important to address the health and safety, economic, and integrity problems facing professional boxing. Our analysis shows that one of the act's provisions fully covers the element that requires evaluations of medical information on boxers and assessments of the risks involved in allowing them to fight before each match. The act's provisions partially cover 9 elements. For example, one provision partially covers the element requiring medical examinations, including neurological testing, before and after a fight. (The provision requires prefight, but not postfight, examinations and no neurological testing.) Another provision partially covers the element requiring the presence of medical personnel and equipment at fights and the filing of postfight medical reports. (It requires the presence of medical personnel and equipment, but not the filing of postfight medical reports.) Table 2 sets forth our analysis of the extent to which the act's provisions cover the fundamental elements we identified.

Table 2: Extent to Which the Act's Provisions Cover Fundamental Elements to Help Address Major Problems in Professional Boxing

Act's provision	Fundamental element	Extent to which the act covers the element
Health and safety		
Require prefight medical examinations.	Conduct prefight and postfight medical examinations, including neurological testing.	Partially—the act's provision does not require a postfight medical examination or any neurological testing.
Evaluate medical information on boxers and assess the risks involved before allowing a boxer to fight.	Evaluate medical information on boxers and assess the risks involved before allowing a boxer to fight.	Fully
Ensure the presence of appropriate medical personnel and equipment during and after each match.	Ensure the presence of appropriate medical personnel and equipment during and after each match and require the filing of postfight reports.	Partially—the act's provision does not require the filing of postfight medical reports.
Require health insurance for boxers during each match.	Require health and life insurance for boxers before, during, and after each match.	Partially—the act's provision does not require health insurance for boxers before and after each match, and it does not require life insurance.
Honor other states' suspensions of boxers.	Honor other states' suspensions of boxers, monitor training injuries in real time, and suspend boxers who sustain debilitating training injuries.	Partially—the act's provision does not require states to monitor training injuries in real time or suspend boxers who sustain debilitating training injuries.

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Act's provision	Fundamental element	Extent to which the act covers the element
Economic protection		
Require full and open disclosure of all purses and costs of bouts, breaking out amounts paid to promoters and judges.	Require full and open disclosure of all purses and costs of bouts, breaking out amounts paid to promoters, judges, trainers, boxers, and others.	Partially—the act's provision does not require such disclosure for boxers and trainers.
Prohibit conflicts of interest for promoters and commission representatives.	Prohibit conflicts of interest for boxers, promoters, managers, judges, referees, state boxing commission representatives, and sanctioning organization representatives.	Partially—the act's provision does not prohibit conflicts of interest for judges and referees.
Recommend minimum uniform contractual terms between boxers and promoters.	Require minimum uniform contractual terms between boxers and promoters.	Partially—the act's provision establishes guidelines for, but does not require such terms.
Integrity of the sport		
Require registration for boxers and certification and approval for ring officials.	Require registration and training for boxers, trainers, managers, promoters, physicians, and other ring officials.	Partially—the act's provision does not require registration for trainers, managers, promoters or physicians, and it does not require training for any parties.
Recommend standards for rating boxers, considering their records of wins and losses, weight differentials, caliber of opponents, and number of past fights.	Require standards for rating boxers, considering their records of wins and losses, weight differentials, caliber of opponents, and number of past fights.	Partially—the act's provision establishes guidelines for, but does not require, such standards.

Source: GAO.

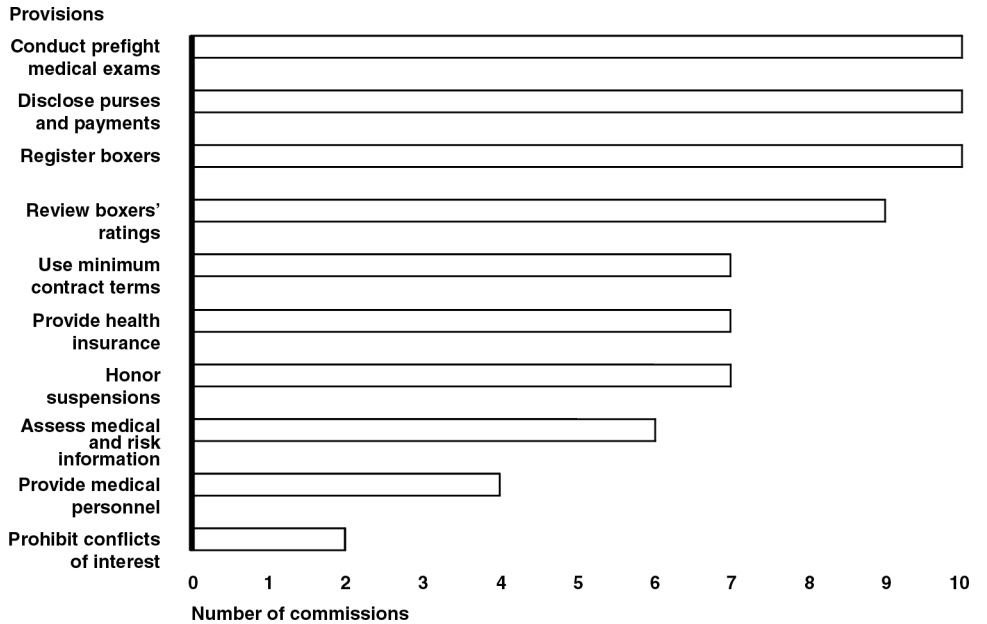
On March 13, 2003, the Senate Committee on Commerce, Science, and Transportation approved S. 275, a bill that would further amend the act. If enacted, the proposed legislation would expand the act's coverage of four fundamental elements—those dealing with the evaluation of medical information, minimum contractual terms, the selection of judges, and reviews of rankings. In addition, the proposed legislation would establish the United States Boxing Administration (USBA) within the Department of Labor and empower it to consider other fundamental elements in addressing professional boxers' health, safety, and other concerns. USBA would be responsible for providing oversight, administering the federal boxing laws, and issuing minimum standards to protect the health, safety, and general interests of professional boxers. Its responsibilities would also include licensing boxers, promoters, managers, and sanctioning organizations and maintaining a registry of medical records and medical suspension information on all boxers. USBA would also be authorized to conduct investigations and to suspend or revoke licenses for misconduct after providing notice and hearing.

Selected Boxing Commissions' Documentation of Compliance Varied

The 8 state and 2 tribal boxing commissions that we reviewed varied in the extent to which they had documentation indicating compliance with the 10 provisions of the act related to the fundamental elements we identified. The act does not require the commissions to document their compliance. However, because documentation constituted the only verifiable evidence of compliance, we reviewed all available documentation in the commissions' event files, including pre- and post-fight medical examination check sheets, insurance coverage forms, copies of contracts between boxers and promoters, event sheets identifying boxers' registration numbers, promoters' revenue reports to commissions, and statements of independence signed by ring officials.

All 10 commissions had documentation indicating compliance at least 75 percent of the time for three provisions—those that require prefight medical examinations, disclosure of amounts paid to promoters, and registration of boxers—but only 2 commissions had documentation at least 75 percent of the time for the provision prohibiting conflicts of interest. (See fig. 1.) Five of the commissions said they usually complied with this provision but did not document their compliance. The 10 commissions' documentation for the remaining six provisions varied within this range. (See table 4 in app. 3 for the results of our analysis of the commissions' documentation.) When asked why they did not always document their compliance with the provisions, the commissions often did not provide a reason, but when they did, they generally pointed to privacy or liability concerns, said they were unaware of the federal provisions, or said they thought documentation was not needed. For details on the reasons the commissions provided for not documenting compliance, see appendix III.

Figure 1: Selected Boxing Commissions' Documentation of Compliance with the Act's Provisions Related to 10 Fundamental Elements



Source: GAO.

Note: The figure represents the number of commissions that had documentation indicating compliance at least 75 percent to 100 percent of the time for the respective provisions.

Selected States and Tribes Vary in the Extent to Which Their Provisions Cover Additional Fundamental Elements

The eight states and two tribes that we reviewed vary in the extent to which their provisions cover health and safety and economic elements in addition to those covered in the act. Each of these states and tribes has some provisions that cover additional fundamental elements or portions of fundamental elements. The number of such provisions enacted by an individual Commission ranges from 10 (California) to 4 (Missouri). All 10 states and tribes have provisions fully covering the additional element that requires uniform boxing and scoring rules, and eight states or tribes have provisions fully covering the additional element that requires the filing of postfight medical reports. California was the only state with provisions fully covering 3 other additional elements—for monitoring injuries sustained during training, enforcing suspensions for debilitating training injuries, and providing pension plans for boxers. Four states or tribes have provisions that go beyond the act in requiring postfight medical examinations, but none of these states or tribes requires neurological

testing. Similarly, three states or tribes have provisions that go beyond the act in requiring that boxers be provided with health insurance before and after, as well as during, each match, but none of these states or tribes requires life insurance. Figure 2 summarizes the results of our analysis. The primary reason provided by the states and tribes for not having provisions covering additional elements was that the provisions would be too costly to implement. For more details, see appendix IV.

Figure 2: Extent to Which State and Tribal Provisions Cover Additional Fundamental Elements

Elements	California	Florida	Indiana	Michigan	Missouri	Nevada	Pennsylvania	Texas	Miccosukee	Mohegan Sun
Conduct postfight medical examinations, including neurological testing	○	○	○	○	○	◐	◐	◐	◐	○
Monitor injuries sustained during gym training before events	●	○	○	○	○	○	○	○	○	○
Require the filing of postfight medical reports	●	○	●	●	●	●	●	●	○	●
Require health and life insurance for boxers before and after each match	◐	○	◐	○	○	○	○	◐	○	○
Monitor training injuries and suspend boxers who sustain debilitating training injuries	●	○	○	○	○	○	○	○	○	○
Require pension plans for boxers	●	○	○	○	○	○	○	○	○	○
Require full and open disclosure of all purses and costs of bouts, breaking out amounts paid to trainers and boxers	◐	●	○	○	○	◐	◐	◐	◐	●
Prohibit conflicts of interest for judges and referees	○	●	●	●	○	●	●	●	●	●
Require registration and training for trainers, managers, promoters, and physicians	◐	◐	◐	◐	●	◐	◐	◐	◐	◐
Ensure that sanctioning organizations do not influence the selection of judges	●	●	○	○	●	●	●	●	○	●
Select uniform boxing and scoring rules for events, such as ABC's championship rules	●	●	●	●	●	●	●	●	●	●
Require officials serving on boxing commissions to have knowledge of professional boxing	●	●	○	●	○	●	●	●	●	○

- No provision covers element or portion of element
- ◐ Provision partially covers element or portion of element
- Provision fully covers element or portion of element

Source: GAO.

Federal Action under the Act Has Been Limited

Actions taken by the Department of Justice under the act have been limited. Justice officials said the department does not prosecute cases unless they are referred to it by federal law enforcement agencies. There were no records of cases brought by U.S. Attorneys under the federal boxing legislation during fiscal years 1996 through 2002, and there were no referrals from law enforcement agencies. Because the act provides for state and civil remedies in addition to federal criminal prosecution, Justice officials said that cases could be referred to state authorities rather than to U.S. Attorneys. Furthermore, the officials said, violations of the act are misdemeanors, and U.S. Attorneys generally pursue only felony cases, although they would prosecute a misdemeanor if circumstances warranted.⁷

In commenting on a draft of this report, the president of ABC said that ABC had made two referrals to U.S. Attorneys' offices. The first, made in October 2002, concerned the World Boxing Association's ratings of a boxer. According to the ABC president, the referral was dismissed because the World Boxing Association provided the U.S. Attorney with a copy of its rating criteria and the boxers were well known. The ABC president said that the other referral, made to the Arkansas U.S. Attorney in 2001, reported that professional boxing was occurring in bars without the supervision of the Arkansas boxing commission. The ABC president said that ABC had not received a response to the referral and the case had not been prosecuted.

The Federal Trade Commission's (FTC) responsibility under the act is limited to making available to the public the information it receives from sanctioning organizations. FTC has no responsibility for enforcing compliance or verifying the accuracy of the information.⁸ FTC officials said they periodically check the sanctioning organizations' Web sites to assess whether the required information has been made available to the public and has found the Web sites to be adequate. Our review of the Web sites of

⁷Our report focuses on enforcement of the Professional Boxing Safety Act only. Criminal violations under the act are punishable only as misdemeanors. When violations of the act are also violations of other criminal statutes, prosecution of the felony may overshadow punishment of the misdemeanor.

⁸Sanctioning organizations are required to identify their rating officials and to annually disclose their criteria and policies for rating boxers, as well as their sanctioning fees, by-laws, and procedures for appealing ratings. They can send this information to FTC or post it on the Internet.

14 sanctioning organizations found that this information was posted on the Internet. FTC officials also said they had not received any consumer complaints related to the boxing industry.

In February 2003, legislation was introduced in the Senate that would amend the act by, among other things, creating a new organization within the Department of Labor to provide oversight and enforcement of the federal boxing laws. The purpose of this new federal organization is to facilitate more uniform enforcement of federal requirements designed to enhance boxers' health, safety, and economic interests as well as the integrity of the sport. This organization would have the authority to issue regulations, including requirements for documentation; to monitor and oversee the commissions' compliance with the existing federal protections for professional boxers; and to establish additional protections, if necessary.

Concluding Observations

Although our review was limited to eight state and two tribal boxing commissions, the uneven documentation of compliance we found with the act's provisions to protect the health, safety, and economic well-being of professional boxers does not provide adequate assurance that professional boxers are receiving the minimum protections established in federal law. Without complete and accurate information on the extent to which the act is being enforced and without a federal agency to proactively ensure nationwide compliance, there is little assurance of compliance. While the Justice Department has the authority to prosecute violations of the act, it focuses its limited resources on prosecuting felonies, is not responsible for monitoring compliance, and would prosecute a case only if it received a referral from a federal law enforcement agency. Since 1996, it has received no referrals from federal law enforcement agencies and pursued no cases of violation of the act. If enacted, the legislation would create a new organization within the Department of Labor that could address this gap in the oversight and enforcement of the federal boxing laws.

Agency Comments and Our Evaluation

We requested comments on a draft of this report from the Department of Justice, the Federal Trade Commission, and the Association of Boxing Commissions (ABC). The Department of Justice's GAO liaison and the Federal Trade Commission's GAO liaison and Office of General Counsel provided only oral technical comments, which we incorporated as appropriate. The president of ABC provided written comments, which are

reproduced in appendix VI. We also provided the boxing commissions of the eight states and two tribes that we reviewed with the opportunity to review and comment on the facts in the report that related to their operations. We received written comments from the Missouri, Miccosukee, Mohegan Sun, Pennsylvania and Texas boxing commissions; these comments appear in appendixes VII through XI. As of July 16, 2003, we had received no comments from the California, Florida, Indiana, Michigan, and Nevada boxing commissions.

In his written comments, provided on June 30, 2003, the president of ABC said that while ABC has had some successes, much work needs to be done to achieve uniformity in the regulation of boxing. He said that feedback from ABC's membership on federal involvement in regulating professional boxing is mixed: many members regard such involvement as intervention, while others welcome it. He also said that some members believe that making certain types of testing (e.g., neurological testing) mandatory would have a negative impact on their jurisdictions because of the cost. According to the president, ABC is frustrated with the lack of enforcement of the Professional Boxing Safety Act of 1996. He said that violations of the act occur frequently, yet no government agency has been willing to enforce the current laws. The president said that he hopes the members can use the act's 10 provisions as a starting point for standardizing the regulation of boxing.

The Administrator of the Missouri Office of Athletics, who is also the president of ABC, provided written comments on the portion of a draft of this report applicable to Missouri on June 30, 2003 (see app. VII). While noting that the Missouri Office of Athletics encourages the standardized regulation of boxing, he said he also recognizes that any actions taken will have an economic impact on the sport that will have to be considered. In addition, he questioned who would enforce any new federal boxing provisions and stated the current law is not being enforced. He said that both state and tribal boxing commissions, through ABC, should work to standardize the regulation of boxing in the areas discussed in our report. He also made some technical comments, which we incorporated in the body of the report.

The Miccosukee, Mohegan Sun, Pennsylvania and Texas boxing commissions also provided written comments, which appear in appendixes VIII, IX, X, and XI, respectively. In their comments, they expressed appreciation of our work, indicating, for example, that our report helps to clarify issues related to the protection of boxers' health, safety, and

economic interests. In addition, the Miccosukee and Pennsylvania boxing commissions cited tribal or state regulations that cover portions of some of 15 the elements we identified in the report as fundamental to protecting boxers' health, safety, and economic interest and to enhancing the integrity of the sport. In some instances, the Miccosukee and Pennsylvania boxing commissions noted that it would be difficult for them to implement certain elements because of personnel and budgetary constraints or because of their limited jurisdiction. For example, the Miccosukee commission said that it could not monitor training injuries because it would not be feasible for the Miccosukee commission or any other boxing commission to send representatives to gyms throughout the United States and other countries to monitor real time training injuries. The Miccosukee commission also indicated that in the future it could complete and file checklists in event files to document its compliance with certain provisions, such as the one requiring the presence of appropriate medical personnel and equipment during and after events. The commission said that the lack of documentation in its files does not adequately reflect its compliance with this provision. The Pennsylvania commission noted the diversity among various boxing commissions in implementing the federal law. Finally, the Texas commission said it lacked authority to implement several of the 15 fundamental elements identified in the report.

We recognize that boxing commissions vary in their approach to regulating boxing because of differences in their laws or regulations, local situations, and available budgetary and personnel resources. Furthermore, we recognize in our report that a lack of documentation does not necessarily mean that a requirement was not met. However, we had no other practical means to assess the extent to which the federal requirements were being addressed. Additionally, we agree with the Miccosukee commission that appropriately completed checklists would help to document compliance. Finally, we believe that our findings, along with the comments we received on our draft report, should provide Congress with useful information as it considers S. 275.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 5 days after the date of this letter. At that time, we will provide copies of the report to the Ranking Minority Member, Senate Committee on Commerce, Science, and Transportation, and the Chairman and Ranking Minority Member, House Energy and Commerce. Copies of the report will also be sent to the Attorney General, the Chairman of the Federal Trade Commission, the

Secretary of Labor, the Association of Boxing Commissions, the California State Athletic Commission, the Florida State Athletic Commission, the Indiana Boxing Commission, the Michigan Bureau of Commercial Services, the Missouri Office of Athletics, the Nevada Athletic Commission, the Pennsylvania Athletic Commission, the Texas Boxing and Wrestling Program, the Miccosukee Athletic Commission, and the Mohegan Tribal Gaming Commission Athletic Unit, and to others on request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

Key contributors to this report are listed in appendix XI. If you or your staff have any questions, please contact me on (202) 512-2834 or ungarb@gao.gov.

Sincerely yours,



Bernard L. Ungar, Director
Physical Infrastructure Issues

Professional Boxing Events Held in the United States during Calendar Year 2001

State or Indian tribal commission	Number of events held ^a	Percentage of total events
California ^b	85	11%
Texas ^b	62	8%
Nevada ^b	55	7%
Pennsylvania ^b	52	7%
Missouri ^b	40	5%
Florida ^b	33	4%
New York	28	4%
Illinois	25	3%
Colorado	24	3%
Mississippi	22	3%
Indiana ^b	22	3%
Ohio	21	3%
Tennessee	19	2%
New Jersey	19	2%
Michigan ^b	18	2%
Puerto Rico	15	2%
Arizona	15	2%
West Virginia	14	2%
Virginia	14	2%
Oklahoma	14	2%
Massachusetts	14	2%
Washington	13	2%
Georgia	13	2%
Kentucky	10	1%
Iowa	10	1%
South Carolina	9	1%
Miccosukee (FL) ^b	9	1%
Maryland	8	1%
Wisconsin	7	1%
Utah	7	1%
Mohegan Sun (CT) ^b	7	1%
Louisiana	7	1%
New Mexico	6	1%
Mashantucket Pequot (CT)	6	1%

Appendix I
Professional Boxing Events Held in the
United States during Calendar Year 2001

(Continued From Previous Page)

State or Indian tribal commission	Number of events held^a	Percentage of total events
Hawaii	6	1%
Delaware	6	1%
Rhode Island	5	1%
North Dakota	5	1%
Arkansas	5	1%
Washington, D.C.	4	1%
Idaho	4	1%
Oregon	3	0%
North Carolina	3	0%
Nebraska	3	0%
Saginaw Chippewa (MI)	2	0%
Pueblo de San Juan (NM)	2	0%
Oneida (NY)	2	0%
Yakahama Nation (WA)	1	0%
New Hampshire	1	0%
Connecticut	1	0%
Alaska	1	0%
Total	777	100%

Source: Fight Fax, Inc.

^aAn event is a meeting of boxers at a place such as a casino or sports arena where one or more bouts (matches between two boxers) are held on a particular day.

^bThe state and tribal boxing commissions we selected for our review.

Note: We did not verify the information we received from Fight Fax, Inc., the official record-keeping body of the Association of Boxing Commissions.

Fundamental Elements to Address Health and Safety, Economic, and Integrity Problems in Professional Boxing

For each of the 15 fundamental elements that we identified, this appendix provides a summary of a major problem in professional boxing that the element is designed to address. The summaries are based on the congressional testimony and national studies—by the National Association of Attorneys General (NAAG) Task Force, the Department of Health and Human Services, and the Department of Labor—that we reviewed. The summaries also include recommendations made at the hearings and in the studies to address the problems. The problems are divided into three categories: health and safety, economic protection, and integrity of the sport.

Health and Safety

Conduct Medical Examinations, Including Neurological Testing

In June 1998, the U.S. Department of Health and Human Services reported the results of a study mandated by Congress on health, safety, and equipment standards for boxing.¹ The study found that although the overall rate of injury is lower in professional boxing than in many other sports, the risk of sustaining a severe or permanent brain injury is greater in boxing because fighters are exposed to repeated blows to the head. Head injuries account for a significant portion of all boxing injuries. Factors such as poor boxing ability, reduced supervision, and small stature are thought to increase the likelihood of traumatic head injury. Similarly, the length of a boxer's career and the total number of bouts in training, sparring, and competition combined have been linked to the severity of neurological damage. Because neurological damage is not always detected during routine medical examinations, neurological testing may be necessary to identify it.

Monitor Training Injuries

According to a professional boxing trainer with over 25 years of experience whom we interviewed, boxers are required to train and spar in the gym daily for months in preparation for a fight. He said that during the sparring sessions, many boxers sustain injuries that are not reported to the boxing commissions. As a result, some of the boxers participate in events with pre-

¹Professional Boxing Safety Act of 1996: *National Institute for Occupational Safety and Health Report to Congress, Study on Health, Safety, and Equipment Standards for Boxing* (June 1, 1998).

existing injuries, exposing themselves to further injury or harm. In an effort to protect the health and safety of professional boxers, the NAAG task force recommended in 2000 that state inspectors inspect boxing gyms if adequate funding and staff are available.

Evaluate Medical
Information and Assess
Risks

To help protect the health and safety of boxers, the NAAG task force recommended that all commissions implement a medical classification system that would establish risk levels for boxing injuries. For a fighter whose record included any element of a high-risk classification (e.g., repeated knockouts), the task force further recommended that commissions be required to impose a temporary suspension until the fighter received a medical clearance or required examination, such as a neurological examination conducted by a neurologist using magnetic resonance imaging and an electrocardiogram.

Ensure Presence of Medical
Personnel and Equipment
and File Postfight Reports

In 2001, a representative of the Nevada Attorney General testified² that although common sense dictates that an on-site ambulance is needed for all boxing matches and should be available to transport an injured boxer to a hospital, many promoters would prefer to call 911 if an ambulance is needed. The representative said that while this arrangement may be more cost-effective for the promoter, the treatment of a fighter in the initial minutes after an injury—whether waiting for an ambulance to arrive or receiving immediate and appropriate medical care—is critical in determining whether the fighter will recover or suffer permanent damage or death. Similarly, in 1983, the World Medical Association³ said that professional boxing events should be held in locations where

- adequate neurosurgical facilities are immediately available for emergency treatment of an injured boxer,
- a portable resuscitator with oxygen equipment and appropriate endotracheal tubes are available at ringside, and

²Senate Committee on Commerce, Science, and Transportation, *Testimony on Boxing and Federal Laws*, (Washington, D.C.: May 23, 2001).

³The World Medical Association is an international organization created to ensure the independence of physicians and to work for the highest possible standards of ethical behavior and care by physicians.

**Appendix II
Fundamental Elements to Address Health
and Safety, Economic, and Integrity Problems
in Professional Boxing**

- an ambulance is continuously on-site to transport any seriously injured boxer to a hospital immediately.

The Professional Boxing Safety Act of 1996, as amended (the act), requires the continuous presence of a ringside physician and an ambulance or medical personnel with appropriate resuscitation equipment at each boxing event, unless equivalent protection is required by the boxing commission's provisions.

A Pennsylvania Athletic Commission official testified⁴ in May 2001 that boxing commissions should be required to develop criteria for licensing professional boxers, which should include reviews of boxers' fight records (i.e., wins, losses, knockouts) and suspensions, and a centralized database of medical examination information on all licensed boxers. He said that the database should be accessible only to boxing commission officials and would provide boxing commissions with an additional screening mechanism to use in their license determination process.

**Require Health and Life
Insurance**

The president of the Association of Boxing Commissions (ABC) told us that current insurance provisions require promoters to provide health insurance coverage only during a boxing event. However, he said such coverage does not protect boxers in other instances when they may need medical treatment but do not have health insurance or the financial resources to pay for treatment. For example, boxers may sustain injuries during an event but not recognize until later that they have been injured and need treatment. Many boxers also sustain injuries during training or sparring. In 1996, a New Jersey Boxing Commission representative testified⁵ that boxers spend far more time sparring in gyms than competing in events; as a result, they are more likely to sustain injuries during this period. The representative said that to prevent injuries to the head and other parts of the body, the amount and intensity of sparring should be monitored. A trainer we interviewed said that boxers should have health and life insurance coverage throughout the training period, as well as before, after,

⁴Senate Committee on Commerce, Science, and Transportation: *Testimony on Boxing and Federal Laws* (Washington, D.C.: May 23, 2001).

⁵House Economic and Educational Opportunities Committee Workforce Protections Subcommittee and the House Committee on Commerce Subcommittee on Commerce Trade and Hazardous Materials, *The Professional Boxing Corporation Act of 1995* (Washington, D.C.: June 11, 1996).

and during an event, in order to address any medical conditions or injuries. However, he said many insurance companies do not offer boxers health and life insurance at affordable prices.

Enforce Suspensions

In 2002, the president of ABC testified before the Senate Committee on Commerce, Science, and Transportation on the need for the uniform enforcement of all suspensions imposed by boxing commissions. Currently, such enforcement is applicable only to suspensions imposed on boxers for recent knockouts or for a series of consecutive losses and medical reasons. The president said that in some instances, commissions have suspended boxers for falsifying documents or other types of inappropriate behavior and that to avoid serving the imposed suspensions, some boxers have traveled to other states and obtained a license to continue boxing.

Economic Protection

Require Pension Plans for Boxers

Professional boxing offers no long-term financial protection for its participants, although purses for the big events are in the millions of dollars and televised worldwide, often on a pay-per-view basis. The New York State Attorney General testified in 1999⁶ that the boxing industry has generated enormous wealth for virtually everyone except professional boxers. He added that over the decades, the interests of professional boxers have been ignored, leaving many penniless and medically at risk. In 1996, Congress mandated that the Secretary of Labor undertake a study on the feasibility of establishing a pension plan for professional boxers. According to the study,⁷ apart from programs run by the California commission and by the International Boxing Federation for its championship fights, comprehensive pensions for boxing are virtually nonexistent. The study concluded that a comprehensive program, if implemented for professional boxers, would consist of a charitable trust, a defined contribution plan, a

⁶Senate Committee on Commerce, Science, and Transportation: *Hearing on Reform of Professional Boxing Industry* (Washington, D.C.: Apr. 22, 1999).

⁷*Pension Plans for Professional Boxers: A Study Prepared by the Segal Company for the Secretary of Labor as Mandated by Congress* (December 1997).

defined benefit plan, and a disability income and survivor's benefit program.

Disclose Purses and Break Out Payments

In 1997, a reporter testified⁸ that in 1986 a boxer was guaranteed \$300,000, with up to another \$100,000 in training fees, for a fight. Out of a potential \$400,000, the boxer was paid about \$99,000. The manager did not pay the trainer and the boxer paid the trainer out of his share of the purse, leaving the boxer with \$69,000. To address problems such as this, the NAAG task force study recommended that a model contract be developed to outline contractual disclosure requirements between the promoters, managers, and boxers. The model contract should specify the rights and responsibilities of all parties, such as the contest requirements, compensation (including a full accounting and disclosure of all deductions from a boxer's purse), licenses, and remedies for lack of good faith, collusion, or breach of contract, including arbitration provisions.

Prohibit Conflicts of Interest

A Texas Boxing and Wrestling Program official cited reports of fights in which a manager managed both boxers and the manager and promoter were related. Such business arrangements limited the boxers' chances of receiving fair payment. The official said that in theory, a manager is supposed to negotiate the most favorable economic terms for the fighter, while the promoter is supposed to make the largest possible profit on the event.

Establish Uniform Contractual Terms

There are frequent reports of boxers' economic exploitation. For example, in January 2003, officials of the Mohegan Tribe Department of Athletic Regulations reported that a boxer had been fighting for more than a year and had never received payment for participating in events throughout the United States, although the manager was receiving the boxer's fight purses. For this violation, the commission revoked the manager's license for an indefinite period. In 2001, a Pennsylvania Athletic Commission official said that for years fighters have been contractually tied to promoters for a series of boxing events, limiting their ability and opportunities to pursue other promoters and to box in other events. The official said that the Muhammad

⁸Senate Committee on Commerce, Science, and Transportation, *Hearing on Professional Boxing* (Washington, D.C.: May 22, 1997).

Ali Boxing Reform Act, which limits the contracts between the boxer and promoter to 1 year, is a step in the right direction to correct this problem.

Integrity of the Sport

Require Registration and Training for Judges, Referees, and Others

A Nevada State Athletic Commission official testified in 1994⁹ that boxing referees have to decide in a split second which fighter has won a bout. Accordingly, he said, judges should have the ability to closely observe the fighters and base their decisions on consistent scoring criteria. The NAAG task force made recommendations to help enhance the integrity of the sport, including the following:

- ABC should develop a standardized testing program to be administered to judges and referees.
- Judges and referees should be required to pass this examination before they receive their licenses.
- To be licensed as a referee, an individual should have prior experience officiating in amateur competition or in other states or jurisdictions.
- All referees should be required to receive training and attend a minimum of two medical training seminars each year.
- To be licensed as a judge, an applicant should be proficient in the rules and regulations of boxing and have prior experience officiating in amateur competition or in other ABC states or jurisdiction.
- To be licensed as a ringside physician, a physician should have a state medical license, be in good standing in the respective state, and have experience as a licensed physician for a minimum of 2 years.
- Ringside physicians should be required to receive training in ringside medicine.

⁹Senate Committee on Commerce, *Hearing on Health and Safety of Professional Boxing* (Washington, D.C.: Jan. 20, 1994).

- Promoters and managers should be licensed and regulated.
-

Prevent Undue Influence

The president of ABC testified in 2002¹⁰ on the need for standards to prevent sanctioning organizations from interfering with boxing commissions' selection of judges and referees. According to the president, that need was demonstrated during a nationally televised championship fight in 2001. He said that several weeks before the scheduled event, the sanctioning organization and the state boxing commission agreed that the sanctioning organization would designate the referee and one judge and the commission would designate the remaining two judges. However, less than 5 minutes before the event was to begin, a representative from the sanctioning organization threatened to withdraw the organization's sanction—an action that would reduce the status of the fight to a nontitled event—if the commission did not agree to replace one of the judges selected by the commission with a judge designated by the sanctioning organization. The commission agreed to the sanctioning organization's demands in order to retain the title status of the fight. Because the sanctioning organization was allowed to select two of the three judges, the president of ABC said the outcome of the event might have been compromised.

Require Uniform Boxing and Scoring Rules

In June 1996, a former Nevada Athletic Commission official testified¹¹ that every boxing match in the United States should be conducted under the same boxing and scoring rules. While noting that ABC has established Unified Championship Rules for title bouts, he said that some commissions do not implement the same rules. The official said that standardizing boxing and scoring rules is important because fighters can have difficulty concentrating on protecting themselves in the ring when they are trying to remember whether a particular state uses a rule. Similarly, it is difficult for referees to focus on a bout if they are worrying about changes in the rules for different bouts.

¹⁰Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism: *Hearing on the Federal Regulation of Boxing* (Washington, D.C.: May 22, 2002).

¹¹Senate Committee on Commerce, Science, and Transportation, *Hearing on Effective Regulation of the Boxing Industry: A Cooperative Effort* (Washington, D.C.: May 23, 2001).

**Appendix II
Fundamental Elements to Address Health
and Safety, Economic, and Integrity Problems
in Professional Boxing**

**Review Sanctioning
Organizations' Rankings**

The NAAG task force study reported that sanctioning organizations' rankings often are not based on objective assessments of talent or records of fighters' wins and losses. Instead, according to the study, boxers associated with certain promoters may be highly ranked regardless of their skill and ability. The study reported that this creates fraud that can have deadly consequences. For example, a fight advertised as a major championship battle may turn out to be a mismatch, as was a bout held on November 13, 1982, between Ray "Boom-Boom" Mancini and Duk Koo Kim of South Korea. Mancini knocked out Kim, who never regained consciousness and died. The World Boxing Association had rated Kim as a top contender, even though he was not among Korea's top 40 fighters.

**Require Knowledge of
Professional Boxing for
Commission Officials**

In 2002, an entertainment manager testified¹² that state boxing commissions are generally underfunded and dominated by political appointees with limited knowledge of the sport. He said that many of these officials do not understand the boxing industry well enough to regulate it.

¹²Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism: *Hearing on Federal Regulation of Boxing* (Washington, D.C.: May 22, 2002).

Selected Boxing Commissions' Documentation of Compliance with the Act's Provisions

This appendix presents the results of our analysis of the eight state and two tribal boxing commissions' documentation of compliance with the act's provisions and provides information on the reasons given by the commissions for not having documentation. Figure 3 summarizes the results of our analysis of the commissions' documentation.

Figure 3: Selected Commissions' Documentation of Compliance with the Act's Provisions for Boxing Events Held in 2001

Provision	California	Florida	Indiana	Michigan	Missouri	Nevada	Pennsylvania	Texas	Miccosukee	Mohegan Sun
Evaluate medical information on boxers and assess risks involved in allowing boxers to fight before each match ^a	○	●	○	○	○	●	●	●	●	●
Require minimum uniform contractual terms between boxers and promoters	○	●	◐	●	○	●	●	●	●	●
Require standards for rating boxers, considering their records of wins and losses, weight differentials, caliber of opponents, and numbers of past fights ^b	○	●	●	●	●	●	●	●	●	●
Conduct preflight medical examinations	●	●	●	●	●	●	●	●	●	●
Ensure that appropriate medical personnel and equipment are present during and after each match ^c	○	●	○	●	○	○	○	●	○	●
Require health insurance for boxers during each match ^d	●	◐	○	◐	●	●	●	●	●	●
Honor other states' suspensions of boxers ^e	○	●	●	○	●	○	●	●	●	●
Require full and open disclosure of all purses and costs of bouts, breaking out amounts paid to promoters and judges										
Promoters	●	●	●	●	●	●	●	●	●	●
Judges	●	●	○	●	◐	●	●	●	●	●
Prohibit conflicts of interest for promoters and commission representatives ^f										
Promoters	◐	○	○	○	○	○	○	○	●	○
Commission representatives ^g	○	○	○	○	○	○	●	○	◐	○
Require registration for boxers and certification and approval for ring officials										
Boxers	●	●	●	●	●	●	●	●	●	●
Ring officials ^h	○	●	○	●	●	●	●	●	●	●

- Fewer than 50 percent of the boxing events had documentation for this provision
- ◐ 50-74 percent of the boxing events had documentation for this provision
- 75-100 percent of the boxing events had documentation for this provision

Source: GAO.

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

Note: This analysis reflects (1) actual percentages for Indiana, Michigan, and the Miccosukee and Mohegan Sun tribal jurisdictions, where we examined documentation for all events held in 2001, and (2) estimated percentages for California, Florida, Missouri, Nevada, Pennsylvania, and Texas, where we examined documentation for a statistical sample of all events held in 2001. Typically, one boxing event consists of 6 to 10 bouts, each of which may have its own documentation.

^aThe California and Indiana commissions said they complied with the provision but did not provide documentation for our review, citing privacy or other concerns. A California official sought higher-level approval for our review, but it was not obtained until after we had completed our work at the commission.

^bThe California commission said it usually complied with this provision but did not document its compliance.

^cThe California, Indiana, Missouri, Nevada, Pennsylvania, and Miccosukee commissions said they usually or always complied with this provision but did not document their compliance.

^dThe Indiana commission did not provide documentation for our review.

^eThe California, Michigan, and Nevada commissions said they usually complied with this provision but did not document their compliance.

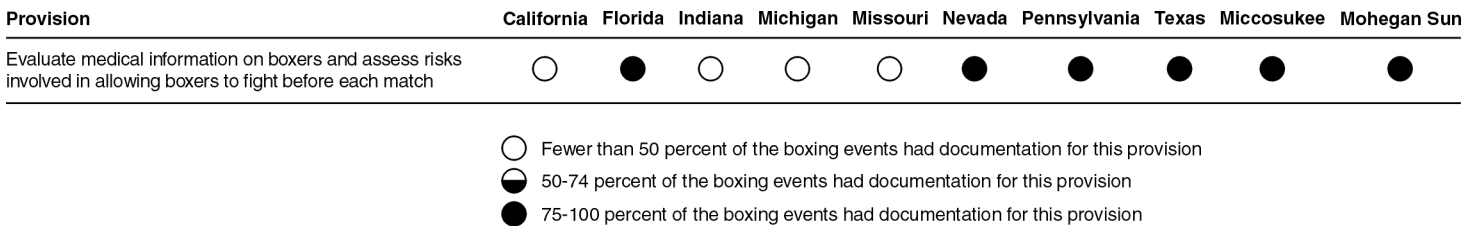
^fIn figure 1 (p. 14), we categorized two commissions (Pennsylvania and the Miccosukee Tribe) as having documentation for this provision at least 75 percent of the time.

^gThe California, Florida, Indiana, Nevada, and Texas commissions said they complied with this provision but did not document their compliance. In commenting on a draft of this report, the Missouri Office of Athletics said that Missouri does not have a commission, but is staffed by 3 officials. Since Missouri does not have procedures to prohibit conflicts of interest for the 3 officials, we considered the 3 officials as a commission that did not have documentation evidencing compliance with this provision.

^hThe California commission said it had purged its documentation for this provision from its files, and the Indiana commission said it was experiencing computer problems and could not provide the documentation.

The remainder of the appendix provides information on the extent to which the 10 boxing commissions had documentation indicating compliance with each of the act's provisions related to a fundamental element. For the commissions that did not have or did not provide documentation for our review, the appendix also includes the reasons given by the commissions for not having or providing the documentation. When a reason is not specified, the commission did not provide a reason.

Figure 4: Evaluate Medical Information and Assess Risks



Source: GAO.

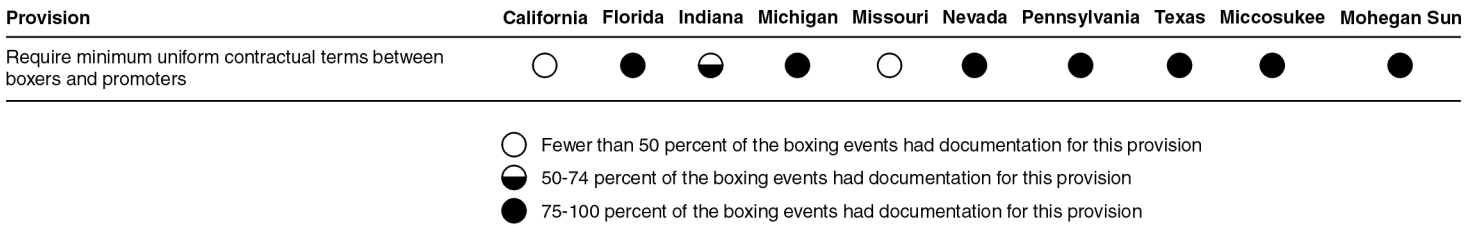
Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions

Four of the 10 state and tribal boxing commissions (California, Indiana, Michigan, and Missouri) provided us with documentation of compliance less than 50 percent of the time with the act's provision requiring the evaluation before each match of medical information and the assessment of risks involved in allowing a boxer to fight. The Missouri boxing commission said that it does not collect and maintain medical information because state law concerning confidentiality, disclosure, and civil liability issues prohibited them from doing so. The Michigan boxing commission said that they were advised by its legal counsel to limit the amount of medical information collected due to the commission's limited authority to collect and protect such information. The Indiana Boxing Commission said it maintained medical information on professional boxers, but would not provide that information for review because of confidentiality and civil liability concerns. A Texas official said that the Texas Boxing and Wrestling Program used prelicense and preflight examinations, along with information obtained from Fight Fax, Incorporated,¹ detailing a boxer's record of wins and losses and medical suspensions, to assess the risks involved in allowing a boxer to fight before each match. This official added that when reported information indicated that a boxer's physical condition was questionable, the commission might require the boxer to undergo additional medical tests to ensure that he or she was not participating in an event with a pre-existing injury. According to the official, the Texas Boxing and Wrestling Program does not disclose medical information it maintains on boxers to other commissions because of confidentiality and civil liability concerns. The California State Athletic Commission said it maintained medical information, such as the results of annual physicals and any neurological tests, on professional boxers registered in California, but it did not make this information available for review during our visit to the commission.

¹Fight Fax, Incorporated, is the official record-keeping body of ABC.

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

Figure 5: Require Minimum Uniform Contractual Terms

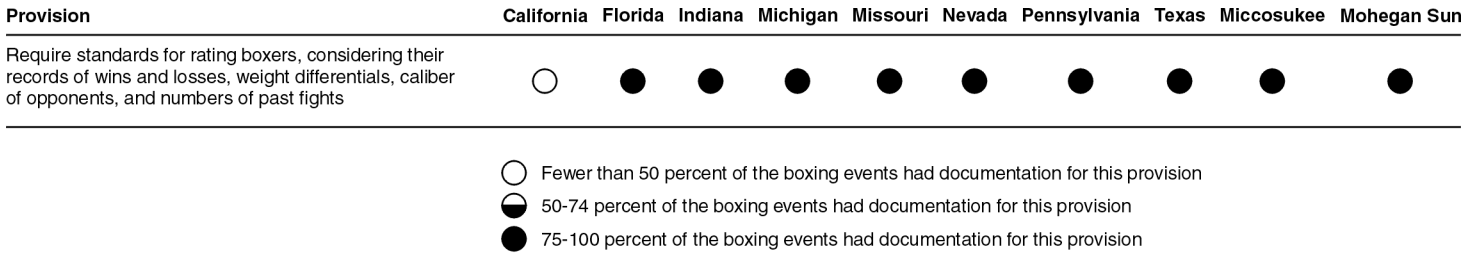


Source: GAO.

Seven of the 10 state or tribal boxing commissions (Florida, Michigan, Nevada, Pennsylvania, Texas, Miccosukee, and Mohegan Sun) had documentation at least 75 percent of the time for the provision requiring minimum uniform contractual terms between boxers and promoters; the Indiana Commission had documentation 50 to 74 percent of the time; and the California and Missouri commissions had documentation less than 50 percent of the time. The Director of the Indiana Boxing Commission said that the commission's representatives were responsible for obtaining copies of all contracts between promoters and boxers before an event and for ensuring that boxers were paid in accordance with the contractual terms. However, contracts between the promoters and boxers were missing from most of the commission's event files. The director said that in some cases boxers forgot to forward their bout agreements to the commission after the matches. The Executive Officer of the California State Athletic Commission said that the contractual agreements between boxers and promoters were submitted to the commission before events and no events were held unless copies of the agreements were on file. However, many of the 2001 event files that we reviewed had no documentation of contractual agreements between boxers and promoters. No reason was given for the missing contracts. According to a Missouri Office of Athletics official, its legal counsel advised the commission against requiring boxing contracts because such agreements involved civil matters that were outside the jurisdiction of the Missouri Office of Athletics.

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

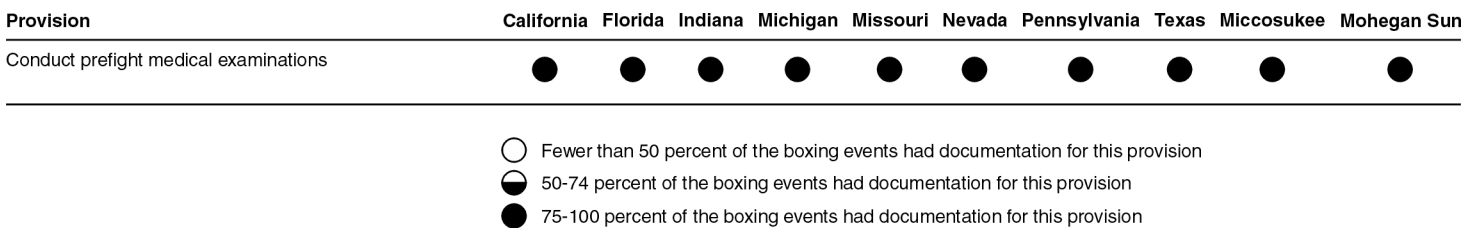
Figure 6: Require Standards for Rating Boxers to Protect against Mismatches



Source: GAO.

Nine of the state and tribal boxing commissions (Florida, Indiana, Michigan, Missouri, Nevada, Pennsylvania, Texas, Miccosukee, and Mohegan Sun) that we reviewed had documentation at least 75 percent of the time for the provision requiring standards for rating boxers', considering their records of wins and losses, weight differentials, caliber of opponents, and numbers of past fights, to protect against mismatches. The California State Athletic Commission was the only commission we reviewed that lacked documentation for this provision. According to the Executive Officer, the commission reviewed the reports of Fight Fax, Incorporated, and the commission's chief inspector determined whether boxers were matched in accordance with their boxing skill levels, but the commission did not maintain any records on this process.

Figure 7: Conduct Prefight Medical Examinations

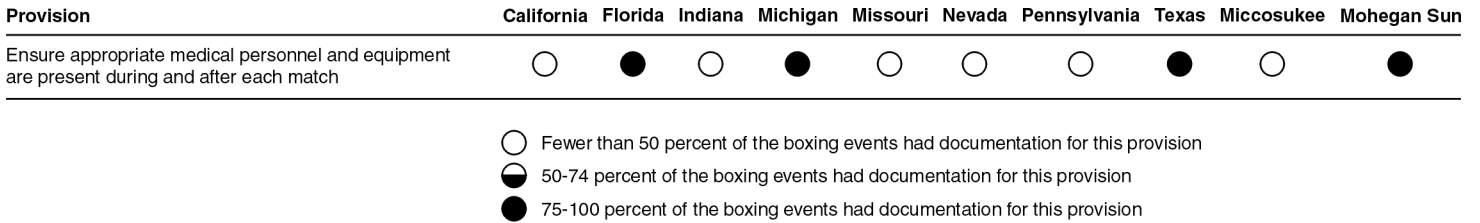


Source: GAO.

All 10 of the state and tribal boxing commissions had documentation at least 75 percent of the time for the provision requiring medical examinations before fights.

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

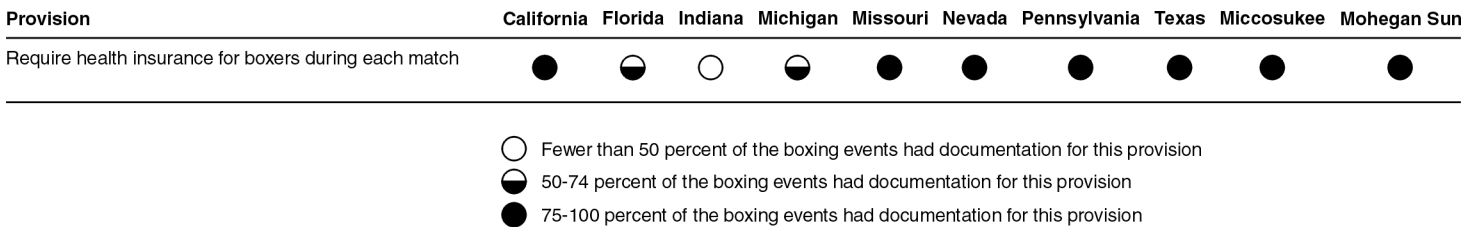
Figure 8: Ensure Presence of Medical Personnel and Equipment



Source: GAO.

Six of the 10 state and tribal boxing commissions (California, Indiana, Missouri, Nevada, Pennsylvania, and Miccosukee) had documentation less than 50 percent of the time for the provision requiring the presence of appropriate medical personnel and equipment during and after each match. Officials from these 6 commissions said that no fight would proceed without emergency medical service and an ambulance on-site during events, but they did not document their compliance with this requirement. Furthermore, in commenting on a draft of this report, the Administrator of the Missouri Office of Athletics noted that the act does not require such documentation. The Florida, Michigan, Texas, and Mohegan Sun boxing commissions documented the presence of emergency medical personnel and equipment during the events at least 75 percent of the time.

Figure 9: Require Health Insurance During Matches



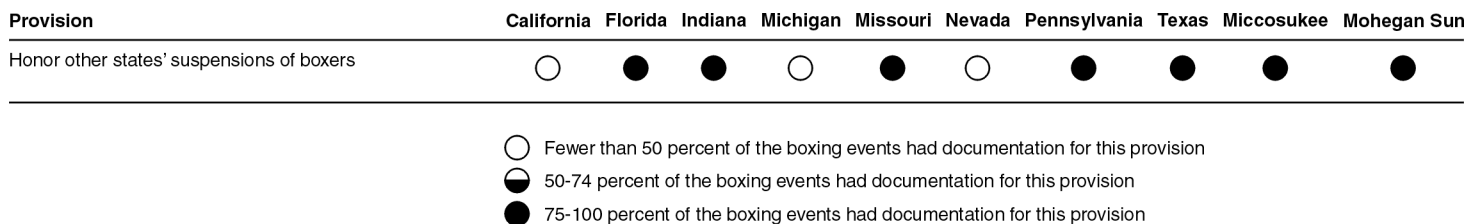
Source: GAO.

Three of the 10 state and tribal boxing commissions (Florida, Indiana, and Michigan) lacked documentation at least 75 percent of the time for the provision requiring health insurance for boxers during matches. The Florida State Athletic Commission said that it had not documented boxers' health insurance because of a clerical mistake. The Director of the Indiana Boxing Commission said that many of the commission's 2001 event files

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

were missing documentation of health insurance coverage because in Indiana, a majority of the professional boxing events were organized by the same promoters, who usually secured an annual policy covering all of the events for the year. We asked the official for documentation of health insurance coverage for the events whose files were missing such documentation. However, this documentation was not made available during our review.

Figure 10: Honor Suspensions Imposed by Other Commissions

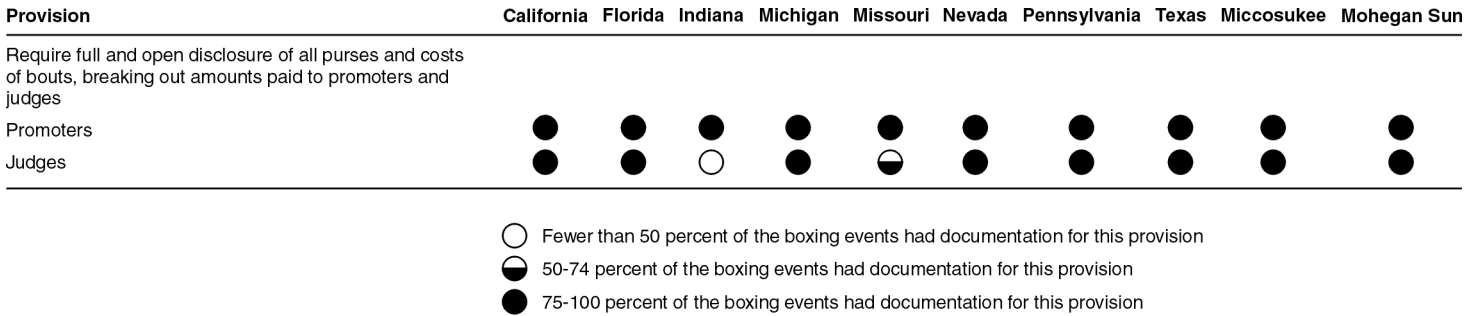


Source: GAO.

Three of the 10 state and tribal boxing commissions (California, Michigan, and Nevada) had documentation less than 50 percent of the time indicating that they had enforced suspensions of boxers imposed by other commissions. Officials from these 3 commissions said that before approving fights, they reviewed the suspension information received from Fight Fax and the national suspension list to ensure that boxers were not participating in events while serving suspensions imposed by other commissions. The officials added that although this information was reviewed, they did not maintain a record of the information in the event files.

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

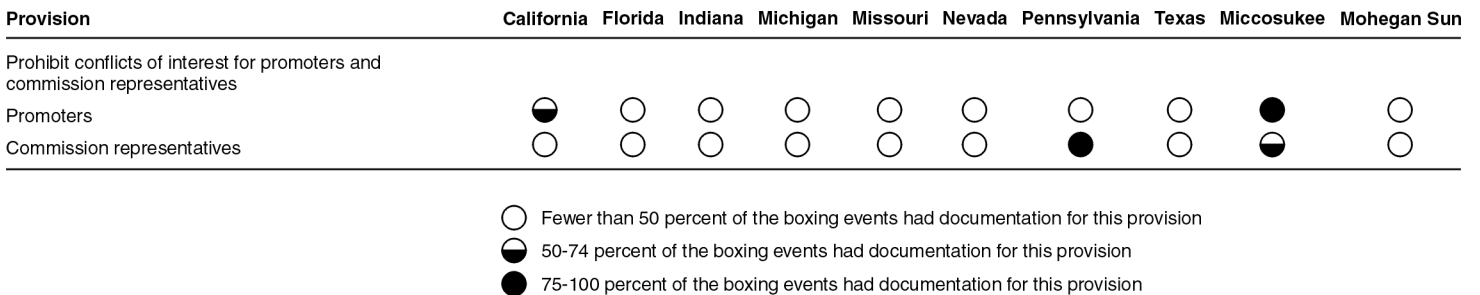
Figure 11: Require Disclosure of Purses and Payments to Promoters and Judges



Source: GAO.

All 10 of the state and tribal boxing commissions we reviewed had documentation at least 75 percent of the time for the provision requiring the disclosure of all purses and amounts paid to promoters. Two of the 10 commissions (Indiana and Missouri) had documentation less than 75 percent of the time for the provision requiring the disclosure of amounts paid to judges. The Director of the Indiana Boxing Commission said that the commission verified all forms of payment before events and ensured that all payments were made immediately after the events, but the commission did not make this information available during our review. The Missouri Office of Athletics said that the commission did not always document amounts paid to judges because Missouri law did not require the disclosure of such information. The official added that the promoters usually pay the judges by check through the Missouri Office of Athletics for tax purposes.

Figure 12: Prohibit Conflicts of Interest for Boxers, Promoters, and Commission Representatives



Source: GAO.

Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions

The Miccosukee Athletic Commission was the only boxing commission with documentation at least 75 percent of the time for the provision that calls for ensuring that there are no conflicts of interest for boxers and promoters. Officials from the Michigan, Missouri, and Mohegan Sun boxing commissions said they were unaware that the provision had been enacted in federal law. The Director of the Indiana Boxing Commission said Indiana had not experienced any problems with boxers and promoters relating to conflicts of interest; therefore, the commission felt documentation for this provision was unnecessary.

The Pennsylvania Athletic Commission was the only boxing commission with documentation at least 75 percent of the time for the provision that calls for ensuring that there are no conflicts of interest for boxers and commission representatives. Officials from the Michigan, Missouri, and Mohegan Sun commissions said they were unaware that the provision had been enacted in federal law, and officials from the California, Florida, Indiana, Nevada, and Texas² commissions said they did not maintain documentation for this provision because they believed these issues were addressed through discussions.

Figure 13: Require Registration for Boxers and Certification and Approval for Ring Officials

Provision	California	Florida	Indiana	Michigan	Missouri	Nevada	Pennsylvania	Texas	Miccosukee	Mohegan Sun
Require registration for boxers and certification and approval for ring officials										
Boxers	●	●	●	●	●	●	●	●	●	●
Ring officials	○	●	○	●	●	●	●	●	●	●

- Fewer than 50 percent of the boxing events had documentation for this provision
- ◐ 50-74 percent of the boxing events had documentation for this provision
- 75-100 percent of the boxing events had documentation for this provision

Source: GAO.

All 10 of the state and tribal boxing commissions we reviewed had documentation at least 75 percent of the time for the provision requiring boxers to be registered. Two of the 10 commissions (California and

²In commenting on a draft of this report, the Texas Department of Licensing and Regulation said that all of its employees are required to sign a certification that they have read the department's conflict of interest policies. However, when we met with the Texas boxing commission officials they said there was no documentation of this for us to review.

**Appendix III
Selected Boxing Commissions'
Documentation of Compliance with the Act's
Provisions**

Indiana) had documentation less than 50 percent of the time for the provision requiring ring officials to be certified and approved. The Executive Officer of the California State Athletic Commission said the commission documented only current registrations and had purged the 2001 data from its files. During our review, the Director of the Indiana Boxing Commission said the commission was experiencing computer problems and could not provide us with the list of ring officials certified and approved in 2001.

State and Tribal Provisions That Cover Additional Health, Safety, Economic, and Integrity Elements

This appendix provides information on the extent to which the 10 states and tribes that we reviewed had provisions covering health, safety, economic, and integrity elements in addition to those covered by the act. The appendix also provides the states' and tribes' reasons for not having provisions covering certain elements. When reasons are not specified, the commissions did not provide them.

Conduct Postfight Medical Examinations, Including Neurological Testing

None of the 10 state and tribal commissions we reviewed had provisions requiring postfight medical examinations, including neurological testing, for all boxers who participate in events outside their own jurisdictions. Three of the commissions said they did not have provisions requiring postfight medical examinations or neurological testing because they did not have the financial resources to administer such requirements and it would not be feasible to require small promoters or boxers to pay for them. However, the California, Indiana, Nevada, Texas, and Pennsylvania boxing commissions said they required postfight medical examinations when a commission requested that a previously injured boxer obtain a medical release before being allowed to fight.

Monitor Training Injuries

California was the only commission that required the monitoring of injuries sustained during training before events. Five of the state and tribal boxing commissions (Indiana, Missouri, Mohegan Sun, Pennsylvania, and Texas) agreed that from a safety perspective, monitoring boxers' gym activities was a good concept, but they said they did not have the personnel or financial resources to monitor local gym activities. The Executive Director of the Pennsylvania Athletic Commission said that Pennsylvania did not require the monitoring of gym injuries before events, but he personally visited each local gym once or twice a year to monitor gym activities.

File Postfight Medical Reports

Eight of the state and tribal commissions (California, Indiana, Michigan, Missouri, Nevada, Pennsylvania, Texas, and Mohegan Sun) required the filing of postfight medical reports. The Executive Director of the Florida State Athletic Commission said Florida did not require the filing of postfight medical reports because the commission and the small promoters and boxers did not have the financial resources to pay for physicians to conduct such examinations. The official added that in many cases the small promoters struggled to pay for the physicians needed to conduct the required prefight examinations. The Executive Director of the Miccosukee

Athletic Commission said that the commission did not require the filing of postfight medical reports; however, he said a medical referral might be given to a boxer if the ringside physician suspected that the boxer had been injured and a follow-up examination or observation was needed.

Require Health and Life Insurance Before and After Fights

None of the state and tribal commissions require that boxers be provided with health and life insurance before and after each match. Generally, the commissions required the promoters to secure health insurance during a match, as the act requires. Some of the policies provided extended coverage for medical and accidental death and dismemberment for up to 1 year following the match. Four of the commissions (Michigan, Missouri, Pennsylvania, and Texas) said that providing coverage to boxers before or between matches—that is, during training—would be too costly. They stated that it is not the commissions' responsibility to provide coverage, since boxers are independent contractors.

Enforce Suspensions for Training Injuries

California was the only state that required its commission to suspend boxers for training injuries. All of commissions agreed that suspending boxers for gym injuries was not feasible because many of the commissions were experiencing personnel and budgetary constraints and did not have the resources to monitor gym activities.

Require Pension Plans

California was the only state that required pension plans for professional boxers. Officials at the other nine commissions said that this was a positive initiative; however, six of the commissions (Indiana, Miccosukee, Michigan, Missouri, Pennsylvania, and Texas) questioned the contribution sources and basis for qualification. The Boxing Administrator of the Texas Boxing and Wrestling Program said that the problems associated with pension and retirement plans were similar to those attending the health insurance issue and that they were social rather than professional boxing issues. According to the Director of the Indiana Boxing Commission, pension plans would benefit boxers a great deal, particularly if boxers were older and nearing retirement, younger and intending to make a career of professional boxing, or injured and without an alternative source of income. The official said that problems would arise with funding, because promoters have little incentive to fund pension plans for boxers and might be unable to afford the additional expense. He said that deducting money

from each boxer's purse would also be difficult, because most boxers do not earn more than a few hundred dollars per bout.

According to the Executive Director of the Pennsylvania Athletic Commission, the commission is pursuing funding for pension plans. The official added that in 1992, the commission attempted to use its budget surplus to start a trust for professional boxers; however, because of shortfalls elsewhere in the state's budget, the funds were expended on other projects. The commission is initiating a charitable trust under ABC that has received some voluntary contributions thus far. The goal is to reach \$500,000 in principal and operate the program using the account's interest. The official said that because professional boxers are not unionized, a traditional pension fund would not be feasible.

The Enforcement Division Director of the Michigan Bureau of Commercial Services said that the commission views operating a pension plan as outside the state's role to protect the consumer. In addition, the official said, promoters operating in Michigan would not be willing to fund a pension plan. Officials from the Missouri Office of Athletics and the Miccosukee Athletic Commission supported the establishment of a pension plan; however, they questioned the feasibility of doing so, since boxers are independent contractors.

Require Disclosure of All Purses and Payments to Trainers and Boxers

Two of the state and tribal boxing commissions (Florida and Mohegan Sun) required full and open disclosure of all purses and costs of bouts, with the amounts paid to trainers and boxers broken out. According to the Executive Officer of the California State Athletic Commission, California has no provision requiring the disclosure of all purses and costs to trainers, but does require that the amounts paid and costs assessed to boxers be disclosed. The Enforcement Division Director of the Michigan Bureau of Commercial Services said that the commission did not have a provision requiring the disclosure of all purses and costs to trainers and boxers because the commission did not enforce any such agreements between these parties, as directed by their legal counsel. The Boxing Administrator of the Texas Boxing and Wrestling Program said that Texas only had provisions requiring the disclosure of all purses and costs to promoters and boxers. However, the Texas official said that the organization documented information on the fees that the trainers were paid from the boxer's purse, although there was no requirement for such documentation.

Prohibit Conflicts of Interest for Judges and Referees

Eight state and tribal commissions (Florida, Indiana, Michigan, Nevada, Pennsylvania, Texas, Miccosukee, and Mohegan Sun) prohibited conflicts of interest for judges and referees. According to the Missouri Office of Athletics official, the commission has provisions for ensuring that there are no conflicts of interest for state boxing commission representatives. The official did not explain why the provisions do not address conflicts of interest for managers, judges, and referees. The Enforcement Division Director of the Michigan Bureau of Commercial Services said that a number of state officials resigned after the act established conflict of interest standards.

Require Registration and Training for Trainers, Managers, Promoters, and Physicians

Missouri was the only commission we reviewed with a provision requiring trainers, managers, promoters, and physicians to be registered and receive training. Officials from six of the commissions (California, Florida, Indiana, Miccosukee, Pennsylvania, and Texas) said that they had provisions requiring these occupations to be registered, but because of limited financial resources, the provisions governing training were applicable only to physicians and ring officials.

Preclude Sanctioning Organizations from Exercising Undue Influence

Seven of the 10 state and tribal commissions (California, Florida, Missouri, Nevada, Pennsylvania, Texas, and Mohegan Sun) we reviewed had provisions for selecting judges and ensuring that sanctioning organizations do not influence the selection process.

Select Uniform Boxing and Scoring Rules

All 10 of the commissions we reviewed had provisions for selecting the boxing and scoring rules for events, such as ABC's rules for championship events.

Require Boxing Knowledge for Commission Officials

Seven of the 10 commissions (California, Florida, Michigan, Nevada, Pennsylvania, Texas, and Miccosukee) had provisions that require officials who serve on boxing commissions to have knowledge of professional boxing. According to the Administrator of the Missouri Office of Athletics, the governor appoints the officials serving on the state's boxing commission, and, as a result, some of these officials may not have a

**Appendix IV
State and Tribal Provisions That Cover
Additional Health, Safety, Economic, and
Integrity Elements**

professional boxing background or knowledge. Similarly, representatives of the Mohegan Tribe appoint the officials serving on the Mohegan Tribal Gaming Commission Athletic Unit and therefore, according to the unit's legal counsel, some of the officials may not have an extensive background in boxing. However, this has not been the commission's experience, the counsel said.

Objectives, Scope, and Methodology

In analyzing the adequacy of efforts to protect the health, safety, and economic well-being of professional boxers and to enhance the integrity of the sport, our objectives were to (1) identify fundamental elements considered important to address the major health and safety, economic, and integrity problems facing professional boxing; (2) assess the extent to which the act's provisions cover these elements and whether selected state and tribal boxing commissions have documentation indicating compliance with the act's provisions; (3) assess the extent to which selected states and tribes have adopted provisions that cover fundamental elements in addition to those covered in the act; and (4) determine what actions the Department of Justice and the Federal Trade Commission (FTC) have taken under the act.

To identify fundamental elements that are considered important to address the major health and safety, economic, and integrity problems facing professional boxing, we reviewed recent congressional testimony and studies conducted by a task force of the National Association of Attorneys General, the Department of Health and Human Services, and the Department of Labor. From these sources, which documented problems in the boxing industry and made recommendations to address them, we identified major problems facing the sport and consolidated the recommendations into 15 fundamental elements that, if implemented, could provide an adequate level of health, safety, and economic protection to boxers and help enhance the integrity of the sport. We discussed these elements with the Association of Boxing Commissions, which agreed that the elements could provide the desired protection and enhancement.

To assess the extent to which the act's provisions cover the fundamental elements we identified, we analyzed the act's provisions and determined how many cover fundamental elements, either fully or partially. To assess the extent to which selected state and tribal boxing commissions have documented their compliance with the act's provisions, we identified 8 of the 46 state boxing commissions and 2 of the 8 tribal boxing commissions for review. We looked at provisions in the act that were related to the 15 fundamental elements. The eight states are California, Florida, Indiana, Michigan, Missouri, Nevada, Pennsylvania, and Nevada; the two tribes are the Mohegan Sun (Connecticut) and the Miccosukee (Florida). We selected California, Florida, Missouri, Nevada, Pennsylvania, and Texas because they held the largest number of professional boxing events in calendar year 2001, the most recent year for which complete data were available. We selected Michigan and Indiana to represent states that held a smaller number of events in calendar year 2001 than the other states selected. We

selected the Miccosukee and Mohegan Sun tribes because they were the Indian tribes that held the largest number of professional boxing events in calendar year 2001. The state and tribal commission we selected accounted for 49 percent of all professional boxing events held in the United States during calendar year 2001.

At the Indiana, Michigan, Miccosukee, and Mohegan Sun commissions, we reviewed the cases files for all professional boxing events held in 2001, and at the remaining commissions, we reviewed the case files for a random selection of professional boxing events held in 2001. Because we randomly selected boxing events in these states for review, our sample for each of these states is just one of many samples we could have drawn. Since each sample could have produced a different estimate, we express our confidence in the precision of the estimates for our particular samples using 95 percent confidence intervals. These are ranges within which we are confident that 95 out of 100 samples drawn from these particular events would include the true value for all the events in the state. All the estimates based on sample data in table 3 have 95 percent confidence intervals not exceeding plus or minus 10 percentage points, unless otherwise indicated. To present the results of our case file reviews, we divided the actual or estimated percentages of cases with documentation into three compliance categories: 75 to 100 percent, 50 to 74 percent, and below 50 percent. We did not independently verify the documented compliance, and the results of our reviews at these 10 commissions cannot be generalized to all boxing events held nationwide during 2001.

The documentation that we reviewed at the selected commissions varied. Because the act does not require documentation and the commissions have no uniform record-keeping standards, we considered all types of documentation maintained and provided to us by the commissions for our review. Such documentation included pre- and post-fight medical examination check sheets, insurance coverage forms, copies of contracts between boxers and promoters, event sheets identifying boxers' registration numbers, promoters' revenue reports to commissions, and statements of independence signed by ring officials.

To assess the extent to which selected states and tribes have adopted provisions that cover fundamental elements in addition to those covered in the act, we reviewed the boxing provisions enacted by the eight states and two tribes and identified provisions that cover fundamental elements or portions of fundamental elements that the act does not cover. We confirmed with the boxing commissions of these states and tribes that they

agreed with our analysis of their provisions, and we asked these officials why their state or tribe had not enacted provisions covering additional fundamental elements. Our findings for these selected states and tribes cannot be generalized to all 46 states and eight tribes. We did not assess the extent to which the states and tribes had implemented or enforced the provisions that cover additional fundamental elements.

To determine what actions the Department of Justice and FTC have taken under the act, we determined the role that each is assigned under the act. We then met with Justice officials to identify whether any investigations or prosecutions had been conducted under the act in the jurisdictions of the eight state and two tribal commissions in 2001. In addition, we reviewed Justice's central case management system for possible cases prosecuted during fiscal years 1996 through 2002. We also met with FTC officials to determine whether they had received consumer complaints related to the boxing industry. Furthermore, to determine that the sanctioning organizations were making the required information available to the public, we reviewed the Internet Web sites of 14 sanctioning organizations.

We performed our work in accordance with generally accepted government auditing standards from September 2002 through July 2003 in Washington, D.C., and at the following state or tribal boxing commission locations: California State Athletic Commission, Sacramento, California; Florida State Athletic Commission, Tallahassee, Florida; Indiana Boxing Commission, Indianapolis, Indiana; Michigan Bureau of Commercial Services, Lansing, Michigan; Missouri Office of Athletics, Jefferson City, Missouri; Nevada Athletic Commission, Las Vegas, Nevada; Pennsylvania Athletic Commission, Harrisburg, Pennsylvania; Texas Boxing and Wrestling Program, Austin, Texas; Miccosukee Athletic Commission, Miami, Florida; and the Mohegan Tribal Gaming Commission Athletic Unit, Uncasville, Connecticut.

Comments from the Association of Boxing Commissions

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June 30, 2003

Bernard L. Ungar, Director
Physical Infrastructure Issues
General Accounting Office
Washington, DC 20548

Re: Professional Boxing: Issues Related to the Protection of Boxers' Health,
Safety and Economic Interests. (GAO 03-699)

Dear Director Ungar:

Thank you for the opportunity to respond to the above report on behalf of the Association of Boxing Commissions, (ABC). The ABC draws its membership from state and tribal boxing commissions from around the country. It has long been an organization, which has attempted to standardize the regulation of boxing in the United States. The ABC has had some successes, however, much work needs to be done to continue to improve how each of its members uniformly regulate boxing. These comments are being made after reviewing a draft copy of the report for only two hours. It was very unfortunate that I was unable to retain a draft copy in order to formulate my response on behalf of the ABC.

The ABC's membership comes from a wide spectrum of members, in that some members regulate in excess of 60 boxing shows per year while other members regulate as few as one or two boxing shows per year. As you could imagine the feedback that I receive from the membership is very mixed. There are many who do not want federal intervention, while others welcome it. Yet there are others that are very concerned with economic impact to their jurisdiction with the discussion of the mandatory implementation of neurological testing and HIV and Hepatitis testing prior to each bout. There are still others who are not concerned with the cost of these types of exams.

Appendix VI
Comments from the Association of Boxing
Commissions

June 30, 2003
Page 2

Some commissions will suffer and the number of boxing shows will be greatly reduced if these medical exams become law.

The ABC is frustrated at the lack of enforcement of the Professional Boxing Safety Act of 1996. The ABC has made two referrals to the United States Attorney General's office, but each complaint was turned down and not prosecuted. There are violations on a monthly basis, by promoters, sanctioning organizations, managers and yes, even boxing commissions. However, no governmental agency is willing to stick their neck out to enforce the current laws. Quite often the ABC is scolded by the media and other for not taking action, however, the ABC has no power. It is a "toothless tiger."

I hope the membership can use the ten areas outlined in this report as a starting point to begin the process of standardizing there regulations of boxing across the board.

Sincerely,



Timothy J. Lueckenhoff
President

Comments from the Missouri Office of Athletics



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June 30, 2003

Bernard L. Ungar, Director
Physical Infrastructure Issues
General Accounting Office
Washington, DC 20548

Re: Professional Boxing: Issues Related to the Protection of Boxers' Health,
Safety and Economic Interests. (GAO 03-699)

Dear Director Ungar:

Thank you for the opportunity to respond to the above report on behalf of the Missouri Office of Athletics. First, I would like to commend both Fredrick Lyles and Bernice Benta for their professionalism in the treatment of myself and the staff of our office. These comments are being made after reviewing a draft copy of the report for only two hours. It was very unfortunate that I was unable to retain a draft copy in order to formulate my response.

I must say that the results of the report are not shocking to this office and I somewhat expected the findings contained herein. The Missouri Office of Athletics prides itself on compliance with the state and federal laws and its close relationship to the Association of Boxing Commissions. The Missouri Office of Athletics encourages the standardized regulation of boxing across the country. However, everyone involved must understand that any actions taken will come at a cost to the profession of boxing. Therefore, the recommendations that are made in this report, must also consider the economic impact to the sport of boxing.

It is noted in this report that the Missouri Office of Athletics failed to document that appropriate medical personnel was present at each and every boxing event. I will assure you that prior to May 2002, medical personnel with resuscitation equipment were present at each boxing event. In May of 2002, the Missouri Office of Athletics



Appendix VII
Comments from the Missouri Office of
Athletics

June 30, 2003
Page 2

enacted an administrative rule, which requires the presence of an ambulance and crew at each boxing and martial arts event promoted in Missouri.

The report noted that the Missouri Office of Athletics does not have procedures to prohibit conflicts of interest for commission members. The Missouri Office of Athletics does not have a commission; it is staffed by the Division Director, Executive Director and the Administrator.

The report also notes that neurological testing should be completed before and after a boxing match. I agree with these types of testing, however, to implement such a requirement would surely drastically decrease the number of club shows. Avenues should be researched to assist club show boxers with the means to obtain these medical exams at a reduced rate.

The report further suggests that medical insurance should be provided before, during and after a boxing event. The office certainly agrees that the promoter should provide medical insurance and death benefit insurance for boxers, however, the office would oppose insurance to be provided for boxers before an event.

The bottom line with all of the suggestions contained with this report are, who is going to enforce these new laws, if passed? Currently, the federal law is not enforced. Considerations must also be made for the economic impact of the sport.

Both state and tribal boxing commission through the Association of Boxing Commissions should work to standardize the regulation of boxing in the areas outlined in this report.

Sincerely,



Timothy J. Lueckenhoff
Administrator

Comments from the Miccosukee Athletic Commission



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June 30, 2003

SENT VIA FAX AND U.S. MAIL

Bernard L. Ungar, Director
Physical Infrastructure Issues
United States General Accounting Office
Washington, D.C. 20548

**Re: Professional Boxing Draft Report on Issues Relating
to the Protection of Boxers' Health, Safety, and
Economic Interests (GAO-03-699)**

Dear Mr. Ungar:

Thank you for providing information extracted from the above-referenced report pertaining to the Miccosukee Athletic Commission ("MAC"), for our review. We welcome the opportunity to offer additional comments.

Please be advised that many of the issues raised in your draft report were addressed through correspondence to Mr. Frederick Lyles, Jr., dated January 6, 2003, and subsequent discussions between Mr. Lyles and Don Hazelton, MAC Executive Director. We hope the additional comments provided herein will assist your office in adequately addressing and clarifying some of the preliminary findings pertaining to MAC's treatment of the elements identified in the draft report.

1. DOCUMENTATION OF COMPLIANCE¹

1. Provision - Ensure the presence of appropriate medical personnel and equipment during and after each match.

Comments - MAC General Rules of Boxing, Section 1.006 2(b) provides that "[A] seat for each physician shall be located adjacent to each participant's corner in such location and at such height that each physician shall have a clear and unobstructed view of the ring, ring floor, the participant's corner and the referee." Subsection (c) provides that no match shall begin or continue unless at least one physician is located in

¹ It should be noted that under Florida and federal law "documentation" of compliance is not required.

**Appendix VIII
Comments from the Miccosukee Athletic
Commission**

his/her designated seat.

Moreover, Section 1.006 further provides:

(3) Emergency Medical Equipment and Services.

(a) It shall be the responsibility of the promoter to provide the following:

1. A portable resuscitator with all additional equipment necessary for its operation;
2. An ambulance with two qualified attendants;
3. A clean stretcher and clean blanket, to be located along with the ambulance attendants, at a location determined by the executive director.

(b) No match shall begin or continue unless such equipment and personnel are on the premises, in a state of readiness and in a pre-designated readily accessible location known to the referee, physicians and the Commission representative.

As attested by Executive Director, Don Hazelton, in his discussions with Mr. Lyles, no match under the jurisdiction of the Commission has commenced or continued, without the continuous presence, on site, of an ambulance, emergency personnel and equipment, and at least one physician. In fact, MAC Rules require the presence of two (2) physicians at all of its professional boxing matches, who are required to remain on the premises until released by the Executive Director. See MAC Rules, Section 1.010 (2) (a) and (g). Moreover, the Boxing Program Results form (MAC-464), which is transmitted via facsimile to the National Boxing Registry ("Fight Fax") following each boxing event, identifies the names of the physicians present at the match.

A finding that there was no "documentation" concerning the above-mentioned requirement, does not adequately reflect MAC's compliance therewith. To the extent documentation is found to be necessary, this concern can be addressed by generating an additional "check-list" type form identifying the medical and emergency personnel and equipment and times of arrival and departure and including said form in each boxing event file.

2. Provision - Prohibit conflict of interest for commission representatives.

Comments - MAC General Rules of Boxing Section 1.0023, provides, in pertinent part, as follows:

(9) No member or employee of the Commission shall have any direct or indirect financial or pecuniary interest in any person under the jurisdiction of the Commission.

(10) No member or employee of the Commission shall be a member of, belong to, contract with, or receive any compensation from, any person or entity who sanctions, arranges, or promotes professional boxing or who otherwise has a financial interest in an active boxer currently registered with a boxing registry.

Pursuant to MAC Rules, Section 1.002 (8), the commission representative, inspector and time-keeper are considered employees of the Commission. The General Application for License form (MAC-450), which is required to be completed and submitted annually by MAC inspectors, time-keepers, and officials, such as, judges and referees, requires the applicant to disclose the identity of any persons under

**Appendix VIII
Comments from the Miccosukee Athletic
Commission**

the jurisdiction of any boxing commission or similar governmental authority, in which the applicant has a financial interest. This disclosure requirement identifies potential conflict of interest issues with respect to officials (e.g. judges, referees), commission employees (e.g. inspectors, time-keepers), and others. Following each match all MAC Officials (e.g. judges and referees) are required to complete and submit a Disclosure Statement for Officials form (MAC-500), which additionally identifies any potential conflict of interest issues.

Moreover, due to the structure of the MAC, and the fact that boxing matches held under its jurisdiction are limited in number and location, generally the Executive Director has not found it necessary to appoint a "Commission Representative" to perform the duties and responsibilities outlined in MAC Rules, Section 1.0027. Many of those duties are carried out by the Executive Director himself, the chief inspector and the inspectors.

2. EXTENT TO WHICH TRIBAL PROVISIONS COVER ADDITIONAL ELEMENTS ²

1. Element - Conduct medical post-fight medical examinations, including neurological testing.

Comments - With regard to neurological examination, MAC General Rules of Boxing, Section 1.005 (2) provides:

(1) The executive director shall, if he has cause to believe that a participant may have suffered cardiac or neurological injury, direct the participant to undergo an EKG, EEG, or CAT scan. The interpretation and diagnosis shall be filed with the Commission. It is the responsibility of the promoter to ensure that this requirement is satisfied.

Section 1.012 (d) further provides, in pertinent part, that no person shall be licensed as a participant and the license of any participant shall be suspended or revoked if such person:

5. Has suffered cerebral hemorrhage or any other serious head injury. The Commission representative shall, if he has cause to believe that a participant may have suffered neurological injury, direct the participant to undergo an EKG or CAT scan, and the interpretation and diagnosis shall be filed with the Commission.

Furthermore, the MAC Rules specifically address post-match physical examinations. For example, Section 1.037, entitled: "Post-Match Physical Requirements; Suspensions," provides, in pertinent part, as follows:

(1) As a result of injuries or suspected injuries sustained or suspected to have been sustained in any match, the executive director or Commission representative shall order a medical examination to be given to any participant or referee at any time, if he has cause to believe that the health or safety of the participant or referee is in jeopardy.

² It should be noted that compliance with these additional elements or documentation thereof, is not presently required under Florida or federal law.

Appendix VIII
Comments from the Miccosukee Athletic
Commission

As illustrated by the foregoing provisions, the MAC has regulations which adequately address post-match physical and neurological examinations.

2. Element - Monitor training injuries.

Comments - Given the limited jurisdiction of the MAC, as well as its structure and manpower, it would not be feasible for MAC, or any other boxing commission for that matter, to send representatives to gymnasiums throughout the United States and other countries to monitor real time training injuries. The best method to monitor such injuries is by conducting a thorough pre-match physical examination. In that regard, MAC General Rules for Boxing, Section 1.004 (3) entitled "Pre-Match Physical of Participant and Referee", evaluates such things as recent wounds and injuries.

3. Element - Filing of post- fight medical reports.

Comments - The MAC Rules and Regulations do not require the filing of post-fight medical reports, but address the issue of post-fight physical examinations. See Comments set-forth at Section B (1) above. To the extent it is determined that a post-fight medical report should be generated, this can be accomplished by producing an appropriate form to be included in each boxing event folder.

4. Element - Health and life insurance before and after fights.

Comments - MAC regulations do not specifically require promoters to provide pre-match and/or post-match health and life insurance coverage to boxers. However, MAC Rules, Section 1.0035 (4) provide that "the promoter shall provide additional insurance coverage as may be required by the commission", thereby giving the Commission discretion to require either pre-match and/or post-match health and life insurance. While, from a regulatory stand point, it may be feasible to enforce this requirement, its practical effect would be to impose an undue financial burden on small promoters.

5. Element - Enforce suspensions for training injuries.

Comments - As noted by the comments of the Executive Director Don Hazelton in the draft report at page 13, and as stated in Section B 2 above, suspensions, and enforcement thereof, for training injuries would not be feasible because most commissions do not have the experienced personnel and budget to monitor training activities throughout the United States or other countries. However, if a suspension is issued by any commission for training injuries and filed with the National Boxing Registry, it should be honored and enforced by other commissions just like any other suspension.

6. Element - Require pension plans.

Comments - As noted in the comments of the MAC Executive Director, as outlined in the report at page 13 - 14, as a general principle MAC is not opposed to establishment of pension plans for boxers. However, this issue needs to be carefully studied and considerations be given to such things as sources of contribution, basis for qualification, etc. Moreover, the boxers' status as "independent contractors" may affect the appropriateness of requiring pension plans.

7. Element - Require disclosure of all purses and payments to trainers and boxers.

Comments - MAC General Rules for Boxing, Section 1.005 provides disclosure requirements for promoters and requires acknowledgment of such disclosures by the boxer. See Mac Rules Section 1.005 (3)(a) (c). Both promoter and boxer are required to submit to the Commission documentation

**Appendix VIII
Comments from the Miccosukee Athletic
Commission**

of compliance. See Promoter Disclosure Statement (MAC-501) and Acknowledgment of Disclosure by Promoter (MAC-502).

8. Element - Prohibit conflicts of interest for Judges and Referees.

Comments - MAC General Rules for Boxing Section 1.013 (1) provides, in pertinent part:

- (b) A judge shall not also be licensed as a booking agent, manager, matchmaker, participant, representative of a booking agent, second or trainer.
- (c) No judge shall have a financial or pecuniary interest in any participant.
- (d) No judge shall also serve as a supervisor or serve on the ratings committee for a sanctioning body.

Section 1.019 provides, in pertinent part:

- (c) No person who has financial or pecuniary interest in any participant shall be granted a referee license.
- (d) No referee shall also be licensed as a booking agent, manager, matchmaker, participant, representative of a booking agent, second or trainer and shall not act as a booking agent, manager, matchmaker, participant, representative of a booking agent, second or trainer.
- (e) No referee shall also serve as a supervisor or serve on the ratings committee for a sanctioning body. The applicant must have a demonstrated record and evidence that he/she has the ability to perform the duties outlined below. The executive director may issue a temporary license pending final action by the Commission.

The General Application for License form (MAC-450), which is required to be completed and submitted annually by MAC judges and referees, requires the applicant to disclose the identity of any persons under the jurisdiction of any boxing Commission or similar governmental authority, in which the applicant has a financial interest. This disclosure requirement identifies potential conflict of interest issues with respect to judges and referees. Moreover, pursuant to MAC Rules, Section 1.013 (3) and Section 1.019 (3), judges and referees are required to complete and submit a Disclosure Statement for Officials form (MAC-500), which documents compliance with conflict of interest concerns.

9. Element - Require registration and training for trainers, managers, promoters and physicians.

Comments - MAC General Rules for Boxing Sections 1.005, 1.010, 1.011, and 1.023 require licensing (registration) for promoters, physicians, managers and trainers. The license application for seconds, trainers and managers asks the applicant to provide information which qualifies the applicant for the license being sought. This information is used to evaluate the individuals' experience and training in this area. The training of promoters, managers and trainers is certainly an aspirational goal, however enforcement of minimum training requirements may not be feasible. With regard to ring officials, the MAC Rules provide for training and certification requirements. See MAC Rules, Section 1.013 (1)(e) and (f); and Section 1.019 (1)(f), (2)(d).

10. Element - Preclude sanctioning organizations from exercising undue influence.

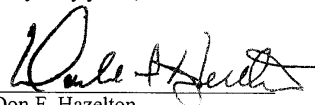
Appendix VIII
Comments from the Miccosukee Athletic
Commission

Comments - Pursuant to MAC Rules Section 1.0025 (a) it is the duty and responsibility of the Executive Director to ensure that all matches are conducted in accordance with the MAC Rules and Regulations. By implication, this provision precludes sanctioning organizations from exercising undue influence over the decisions of the Executive Director concerning appointment of match officials, approving/disapproving a match, and other matters relating to the conduct of professional boxing matches held under the jurisdiction of the Commission. MAC agrees that sanctioning organizations should be prohibited from engaging in any attempt to exercise undue influence over regulatory decisions of state and tribal boxing commissions.

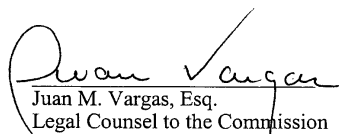
In conclusion, we would note that the GAO report helped to clarify the issues related to the protection of boxers' health, safety and economic interests. In that regard, we commend the efforts of Frederick Lyles whose professionalism and fairness facilitated our ability to candidly express our concerns on the impact of current and future federal legislation.

The foregoing represents the Miccosukee Athletic Commission's comments concerning the preliminary findings contained in the draft report. Again, we appreciate the opportunity to provide input for your office's final report. If you have any questions concerning these comments, please contact Don Hazelton at (850) 878-7725 or the undersigned at the number listed above.

Very truly yours,



Don F. Hazelton
Executive Director,
Miccosukee Athletic Commission



Juan M. Vargas, Esq.
Legal Counsel to the Commission

cc: Frederick Lyles

Comments from the Mohegan Tribal Gaming Commission Athletic Unit



June 23, 2003

Mr. Bernard L. Ungar, Director
Physical Infrastructure Issues
U.S. General Accounting Office
Room 2T23, 441 G Street, N.W.
Washington, DC 20548

Dear Mr. Ungar:

I have received a copy of the draft report titled, Professional Boxing: Issues Related To the Protection of Boxers' Health, Safety and Economic Interests (GAO-03-699). As requested, I have reviewed the report and appreciate the opportunity to make the following comments:

In regards to the monitoring of boxer training injuries and suspensions for such, the Mohegan Tribe purposely does not engage in such oversight for an obvious reason. There are no training facilities or gyms (public or private) within its 247-acre reservation.

Boxers who compete on the reservation prepare for their bouts off site and, obviously, beyond our jurisdiction. Therefore, monitoring of training session injuries is beyond the purview of our department. If a boxer sustains a training injury, for his protection we can only hope that a) he or his camp notifies us directly of such, b) the regulatory body with oversight of the training location notifies us of the injury or subsequent suspension or c) the injury is detected by our physicians during the pre-fight medical examination.

I would like to commend the General Accounting Office for the professional effort put forth during the research phase of the report. In particular, Misters John Vocino and Frederick Lyles displayed genuine interest in the subject matter and an understanding of the current issues surrounding the sport of professional boxing. It was a pleasure assisting them during their visit to the reservation.

Sincerely,

Jerome F. Boyle
Manager
Department of Athletic Regulations

THE MOHEGAN TRIBE



One Mohegan Sun Boulevard • Uncasville, CT 06382 • Telephone (860) 862-7583 • Fax (860) 862-9001

Comments from the Pennsylvania Athletic Commission



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE ATHLETIC COMMISSION
2601 NORTH 3rd STREET
HARRISBURG, PA 17110

Gregory P. Sirb
Executive Director

Telephone: (717) 797-5720
Fax: (717) 783-0824

DATE: June 26, 2003

SUBJECT: GAO Report – Professional Boxing

TO: Bernard L. Unger, Director, Physical Infrastructure Issue:

FROM: Gregory P. Sirb, Executive Director
Pennsylvania State Athletic Commission *GPS*

Thank you very much for the opportunity to provide comment on the Pennsylvania portions of your draft report, Professional Boxing: Issues Related To The Protection of Boxers' Health, Safety and Economic Interests (GAO-03-699). Our Commissions comments are as follows:

- **Ensure Presence of Medical Personnel/Equipment (p. 9).** Please note that Section 707 of the State Athletic Code, 5 Pa.C.S. § 707, requires that an ambulance with appropriate equipment be at ringside at all times. (Act 32-1992, Section 707). This is verified by the ringside doctors, the Executive Director and the Inspectors assigned to the event. There has never been a professional boxing event held in Pennsylvania without an ambulance and medical personnel present.
- **Conduct post fight exams(p. 12).** In Pennsylvania, ringside physicians are required to complete a Post-bout exam/report of each boxer competing. These reports are on file with the Commission. When completing these reports the doctors can include any type of follow-up medical testing (including neurological) if the doctor feels it is necessary for the over-all well-being of the boxer.
- **Require health and life insurance for boxers before and after each match (p. 12).** In Pennsylvania, all boxers are covered by insurance. This covers them for any and all injuries sustained in a match. This coverage is good for one (1) year after the match so that a boxer is covered for a year for any injury sustained in a boxing event held in Pennsylvania.

Appendix X
Comments from the Pennsylvania Athletic
Commission

- **Enforce Suspensions for Training Injuries (p. 12).** Although this does occur at times, because of personnel and budgetary restraints it is very difficult to be at all the training facilities monitoring all the boxers. Often boxers or their trainers will contact the Commission regarding an injury suffered before an event at which case a Commission-approved physician will follow up with a physical exam to determine this boxer's over-all physical health.
- **Require Pension Plans (p. 13).** Because professional boxers are not unionized, creating a national pension plan similar to the other professional sports would be very difficult. The Association of Boxing Commissions (ABC) created a Charitable Trust Fund for those boxers that have suffered injuries during an event. This is solely funded by voluntary contributions. Pennsylvania is examining the feasibility of having a Commission funded Pension/Trust program for all Pennsylvania boxers.

In closing, let me state that I was impressed with the thoroughness and professionalism of how this survey/study was conducted. This report, particularly in the format it has been presented, definitely shows the diversity amongst the various athletic commissions and how they have implemented the federal law.

PENNSYLVANIA "POUND FOR POUND" THE BEST BOXING IN THE COUNTRY

Comments from the Texas Department of Licensing and Regulations



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Mr. Bernard L. Ungar, Director
Physical Infrastructure Issues
United States General Accounting Office
Washington, DC 20548

July 15, 2003

Dear Mr. Ungar,

Thank you for the opportunity to review and comment on the portion of your draft report, Professional Boxing: Issues related to the Protection of Boxer's Health, Safety, and Economic Interests, relating to our Texas program. We also want to take this opportunity to commend the GAO staff, particularly Frederick Lyles, John Vocino and Bernice Benta, for their extensive and very professional study of the health, safety and economic interests of the sport of professional boxing.

Texas is proud of its efforts to ensure the safety of boxers in this state. Nevertheless, we continuously seek to improve our combatant safety program, our standards for licensing combatants, and our oversight of boxing events. We welcome any recommendations that can help improve the operation of our program.

As requested, we have reviewed the draft information and offer the following comments:

- Prohibit conflicts of interest for commission representatives.
 - The Department's enabling statute requires each member of the Commission to be a representative of the general public and prohibits a Commissioner or their spouse from having an interest in any business entity or organization regulated by the Department. Further, they may not be affiliated with a trade association in a field regulated by the Department and may not be a lobbyist for a profession related to the operation of the Commission or Department. These are a part of the statutory requirements for eligibility for Commission membership.
 - All Department employees are required to sign a document certifying that they have read and understood all requirements of the Department personnel manual, which includes a section on employee ethics. This section includes provisions on "Conflicts of Interest," which prohibits any activities that create or even seem to create "conflicts of interest with our public duties or responsibilities." This provision extends to all employees in all of their Department duties, including any activities related to all boxing activities overseen by the Department.
 - For these reasons, we believe that the Program complies with this provision for 100 percent of the boxing events it oversees.
- Prohibit conflicts of interest for boxers and promoters.
 - We currently have no statutory authority to address conflicts of interest relative to boxers or promoters.
- Evaluate Medical Information and Assess Risks.
 - We agree with the findings under this heading, but wish to offer this additional information:
 - As noted, the commission may require the boxer to undergo additional medical tests, which by program rule includes neurological and other medical testing.
 - Although we are prohibited from disclosing protected personal medical information, we do share with other Commissions such information as results and terms of medical suspensions issued by our Commission.

Austin Headquarters: E.O. Thompson State Office Building • 920 Colorado • Austin, Texas 78701

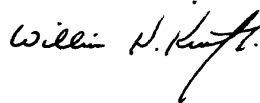
Appendix XI
Comments from the Texas Department of
Licensing and Regulations

Mr. Bernard L. Ungar, Director
July 15, 2003
Page 2

- Conduct post-fight medical examinations, including neurological testing.
 - The commission may require additional medical examinations, including neurological and other medical testing. These examinations can be recommended by the ringside physician immediately following a bout, and may be required as part of the minimum criteria for lifting a medical suspension.
- Monitor Training Injuries; Enforce Suspensions for Training Injuries.
 - The Department has no statutory authority to monitor or inspect boxing gyms. We will, however, be investigating the feasibility of requiring licensed boxers and managers to report training injuries to the Department.
- Require health and life insurance for boxers before and after each match.
 - The Department does require promoters to provide health and life insurance for boxers for the day of the fight and the day following the event, and for up to one year for injuries sustained during an event. However, we have no statutory authority to provide this insurance through the State.
- Require Pension Plans.
 - The Department has no statutory authority to require or to provide pension plans for boxers.
- Require Disclosure of All Purses and Payments to Trainers and Boxers.
 - The Department has no statutory authority to require this information from trainers. However, we do provide this information to the boxers when it is provided to us, such as when these payments are documented as a deduction in a boxer's contract.
- Require Registration and Training for Trainers, Managers, Promoters, and Physicians.
 - We currently have statutory authority to license managers and promoters, although we are prohibited from making continuing education a mandatory requirement for licensees. Recent statutory changes will allow the Department to register ringside physicians starting September 1, 2003. These statutory changes will also give the Commission the authority to establish a medical advisory committee to advise the Department concerning health issues for boxing event contestants.

Once again, thank you for selecting Texas to participate in this comprehensive study of issues related to the protection of boxers' health, safety, and economic interests. We look forward to continuing to work with you and your staff to help improve the safety of boxing in Texas and nationwide. We also ask that you provide us with a copy of your final report.

Sincerely,



William H. Kuntz, Jr.
Executive Director

Cc: Brian E. Francis, Deputy Director
Richard J. Cole, Program Administrator, Texas Combative Sports Program
Greg Alvarez, Assistant Program Administrator, Texas Combative Sports Program
George W. Ferrie, Director Code Review and Inspections Division

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John S. Baldwin, Sr. (202) 512-2834

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Frederick Lyles, Jr., John Vocino, Bernice Benta, Christopher Factor, Elizabeth Eisenstadt, Jerry Sandau, Brandon Haller, Bert Japikse, and Sidney Schwartz

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