PERSPECTIVES ON MIXED MARTIAL ARTS

HEARING

BEFORE THE

SUBCOMMITTEE ON DIGITAL COMMERCE AND CONSUMER PROTECTION

OF THE

COMMITTEE ON ENERGY AND COMMERCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

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PERSPECTIVES ON MIXED MARTIAL ARTS

THURSDAY, NOVEMBER 9, 2017

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

The subcommittee met, pursuant to call, at 10:02 a.m., in room 2123, Rayburn House Office Building, Hon. Robert Latta, (chairman of the subcommittee) presiding.

Present: Representatives Latta, Harper, Burgess, Lance, Guthrie, Bilirakis, Bucshon, Mullin, Walters, Costello, Duncan, Schakowsky, Luján, Welch, Kennedy, Green, and Pallone (ex officio).

Staff Present: Kelly Collins, Staff Assistant; Zachary Dareshori, Staff Assistant; Melissa Froelich, Chief Counsel, DCCP; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, O&I, DCCP; Elena Hernandez, Press Secretary; Zach Hunter, Director of Communications; Paul Jackson, Professional Staff, DCCP; Bijan Koohmaraie, Counsel, DCCP; Katie McKeogh, Press Assistant; Alex Miller, Video Production Aide and Press Assistant; Madeline Vey, Policy Coordinator, DCCP; Jessica Wilkerson, Professional Staff, O&I; Greg Zerzan, Counsel, DCCP; Michelle Ash, Minority Chief Counsel, Digital Commerce and Consumer Protection; Jeff Carroll, Minority Staff Director; Lisa Goldman, Minority Counsel; Caroline Paris-Behr, Minority Policy Analyst; and C.J. Young, Minority Press Secretary.

OPENING STATEMENT OF HON. ROBERT E. LATTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. LATTA. Good morning. I would like to call the Subcommittee on Digital Commerce and Consumer Protection to order. And the chair now recognizes himself for 5 minutes for an opening statement.

Good morning, and thank you to our witnesses for being here to discuss the mixed martial arts, or MMA, this morning. This sport has enjoyed tremendous success since its beginnings in the 1990s. I would like to thank my colleague from Oklahoma, Mr. Mullin, for his continued work on this issue in promoting safety for fighters. I look forward to learning more this morning about MMA and Mr. Mullin's legislation as we hear the testimony this morning.

The history of mixed martial arts goes back to Ancient Greece when the first Olympians in the 7th century B.C. fought. Today's MMA is far more regulated. All 50 states permit the sport, subject to rules governing issues like banned substances, equipment re-

quirements, round length, weight classes, and allowing referees and physicians to hock a fight to protect the competitors. In some ways, MMA is regulated in a similar matter to boxing. However, there are differences.

We look forward to hearing more about how MMA operates and is regulated today. Mixed martial arts competitions are held throughout the United States under the banner of both professional and amateur sponsors. The unified rules of mixed martial arts have been adopted by the largest organizers and regulators, including the Ultimate Fighting Championship, Bellator, and the Association of Boxing Commissions and Combative Sports.

The rules include requirements for the fighting area, equipment, how fights are to be judged, the use of gloves, mouthpieces, and the prohibition of certain tactics like biting and gouging. MMA includes both men's and women's divisions, and in both cases, the champions of the sport have become internationally known celebrities.

Nothing else rates this point more clearly than the recent boxing match between MMA champion Conor McGregor and boxer Floyd Mayweather, Jr., which reportedly drew hundreds of millions of viewers around the globe, including a near record number of pay-per-view purchases and nearly 27 million social media interactions.

MMA has gone through many changes in its comparatively short time, as a high-profile American sport. At the hearing today, we will hear testimony about how the sport is regulated, how competitors and promoters are compensated, and what it takes to compete at a high level. We will hear about what state regulators are doing to ensure fighter safety and learn more about how it has become one of America's fastest growing sports.

I thank our witnesses for joining us today, and I look forward to your testimony. At this time, I will yield to the gentleman from Oklahoma.

[The prepared statement of Mr. Latta follows:]

PREPARED STATEMENT OF HON. ROBERT E. LATTA

Good morning, and thank you to our witnesses for being here today to discuss Mixed Martial Arts, or MMA. This sport has enjoyed tremendous success since its beginnings in the 1990s. I would like to thank my colleague from Oklahoma, Mr. Mullin, for his continued work on this issue and promoting safety for fighters. I look forward to learning more about this industry and Mr. Mullin's legislation this morning.

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I thank our witnesses for joining us today, and we look forward to your testimony.

OPENING STATEMENT OF HON. MARKWAYNE MULLIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. MULLIN. Thank you, Mr. Chairman.

And thank you for allowing us to have this legislative hearing on H.R. 44, the Muhammad Ali Expansion Act, and learn more about this growing industry.

Many times we get asked the question, why is Congress involved in this? Well, it is the same reason why we got involved in boxing with the Muhammad Ali Act. Right now, we have actors that are acting like the Don King of the MMA world. MMA has become an interstate commerce. Congress has the responsibility when we are talking about commerce moving across state lines. MMA is supposed to be a professional sport, much like NFL, the MLB, and the NBA. But, without a merit-based ranking system, then how is it going to be any more than a WWE?

Right now, we have a ranking system that is based more on market and marketing value than it is merit-based. In the UFC history, we see more and more fights being not fought for title fights but simply a trophy. And when you have a number one ranked individual not fighting for the title shot, but you have in the last three fights—Bisping versus Luke for the title fight at 185 pounds, you had number four, Bisping, fighting for the title. The first defending was against Dan Henderson for Bisping, who wasn't even in the top 10.

And then, just recently, this weekend, you had a retired fighter of 4 years that had had the belt at 170 pounds, but came out in his first professional fight in 4 years, fight for the title shot, at 185 pounds. How is that a merit-based system? How can we sit there and honestly say to the consumers that are spending millions of dollars with a professional sport, or what they perceive to be, when they are using a ranking system that is not merit-based?

The UFC is an interstate commerce industry now. Congress does have a role to oversee and to make sure that the consumers know the product to which they are buying. As I said before, there is a reason why Congress stepped up and kept people like Don King from manipulating fighters in the boxing world. If it was good enough for boxing, then it should be good enough for other combative sports, such as MMA.

This legislation is about protecting the fighters and sustaining a sport which I love, which I have given blood and sweat and have dedicated a tremendous amount of time to. We want to see this sport sustainable for future generations, and the Muhammad Ali Expansion Act does just that.

So I look forward to hearing our witnesses, and I appreciate your all's time, and I appreciate the opportunity that the committee has given me here.

And I yield back.

Mr. LATTA. Thank you very much.

And the gentleman yields back.

At this time, the chair now recognizes the ranking member of the subcommittee, the gentlelady from Illinois, for 5 minutes.

OPENING STATEMENT OF HON. JANICE D. SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

I was new to MMA when we had our first hearing on the subject a year ago. I have learned a lot since then. I actually did some research for today's hearing. I watched a few highlighted videos of UFC fights. They were a little bloody, more bloody than I would like for my taste. I don't think I am going to become a regular viewer, but I know a lot of people like it and are involved in the sport.

I have also met with several MMA fighters. First of all, what they do seems absolutely crazy to me. But if they are going to fight, I believe they should be able to negotiate for higher pay, improved safety, and working conditions, and have more control over themselves.

Congressman Mullin and I come to this issue from different perspectives. He was an MMA fighter. I am a long-time advocate for safety and labor rights, and today that puts us on the same side. I am proud to join him as a cosponsor of H.R. 44, the Muhammad Ali Expansion Act.

And now that we are holding our second MMA hearing in 12 months, I think our subcommittee is ready to advance the Muhammad Ali Expansion Act.

I expect that the bill would get strong bipartisan support in a markup. I am happy to talk with Congressman Mullin and Chairman Latta about a path forward for this legislation. Negotiating power for fighters is interlinked with safety. If you only get paid when you enter the octagon, you feel pressure to fight through an injury, putting yourself at greater risk.

UFC encourages hard hits to the head by paying out bonuses to fighters who win by knockouts or a technical knockout. It might make sense for good TV, but it also puts fighters at greater risk of traumatic brain injury. Fighters have to secure their own health insurance, and low pay may push fighters to sign on for more fights in a year than is best for their long-term health.

Brain injuries are a real risk for MMA fighters. Last year, Jordan Parsons became the first MMA fighter to be diagnosed with chronic traumatic encephalopathy, or CTE. He died at 25 years old. CTE is not a new subject for this subcommittee. We discussed it in the football context at a forum last year, and 11 months ago, Dr. Ann McKee of Boston University testified about CTE risks in our previous hearing on MMA.

I look forward to continuing our examination of brain injury risks with Dr. Kristen Dams-O'Connor from Mount Sinai. Her re-

search has focused on the long-term outcome of people who suffer traumatic brain injuries. Very relevant to the types of injuries we see in MMA. Fighters should know the risks when they enter the ring, and organizers should want to change the rules and incentives to mitigate that risk in the first place.

I especially worry about young fighters who can experience traumatic brain injury while their brains are still developing. Today, I want to hear specific suggestions for how to make MMA safer for its young participants. Our discussion of safety really comes down to the future of the sport.

We have seen a steep drop in youth participation in football as more parents learn the risks of CTE. MMA has had a rise in popularity in recent years, but that could be jeopardized if athletes' parents and family members decide the risk is too much.

Finally, I want to raise the issue of domestic violence. In 2015, HBO reported that the rate of domestic violence among MMA fighters is double the rate of the general population. We have seen multiple instances of athletes with athletes' histories of domestic violence being welcomed into the sport. Domestic violence cannot be accepted as normal. I hope all actors in the industry take this problem seriously.

I do thank all the witnesses for being here today, and I look forward to your testimony. And I yield back.

Mr. LATTA. Thank you very much.

The gentlelady yields back.

The chair of the full committee is not here right now. Would anyone like to claim the chairman's time?

Hearing none, the chair recognizes the ranking member of the full committee, the gentleman from New Jersey, for 5 minutes.

OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Mr. Chairman.

Today's hearing is on mixed martial arts, or MMA, a full contact sport that has risen in popularity over the last several years, and youth interest in the sport has followed. MMA camps start for children as young as 6, and this year, a 15-year-old fought against a 23-year-old in a sanctioned match in Montana. And I am hoping we can spend some time today talking about participation of kids and teens in this sport.

For several years, this committee has been following the issue surrounding sports and head trauma. Most recently, Democratic members held a forum last month with our Judiciary Committee Democratic colleagues on the long-term effects of football-related brain injuries. And while much of the attention on sports and head trauma has focused on football, head injuries from MMA are real and concerning.

An MMA fighter was diagnosed post-mortem with CTE last year. And retired fighters who were still living had reported headaches, forgetfulness, loss of train of thought, and other effects that are similar to Alzheimer's disease. We have known for some time that getting hit in the head is simply not good for you, but we are learning more and more about the effects of cumulative hits to the head

over time and how head trauma is particularly dangerous to children.

Adults need to know the full long-term risks so they can make informed choices to participate in contact sports. But I am most worried about the risks to children. Studies show that brain injuries in children can be more serious, and we need to focus on how we can reduce the risks for children who engage in MMA.

It has been less than a year since our subcommittee's last hearing on MMA in December 2016. And while these hearings are raising legitimate issues that deserve to be heard, I would be remiss if I did not raise another sports issue deserving the committee's review as well as the subcommittee. There is a revolution in the world of sports, and that is the exploding popularity of sports betting. So, Mr. Chairman, sports betting is more popular and widely accepted than ever before, despite that it is still illegal in most of the country. The majority of Americans now believe that sports betting should be legal, and since it is happening anyway, we should ensure that basic consumer protections are attached to it.

I have released a comprehensive bill to update our outdated Federal gambling laws, the Gaming, Accountability, and Modernization Enhancement Act, or GAME Act. And my bill allows states to put strong consumer protections in place to legalize sports betting and online gaming if they chose to. It would be increasing transparency and integrity in the industry and could bring in much needed revenue.

So, Mr. Chairman, I think this is an issue where members on both sides of the aisle can find common ground. And as I said to you before, I hope to see the committee, or actually the subcommittee, hold hearings to consider my sports betting or GAME Act in the near future.

And unless someone else wants time on my side, I yield back.

Mr. LATTA. Thank you.

The gentleman yields back.

And that now concludes the member opening statements. The chair would remind members that, pursuant to the committee rules, all members' opening statements will be made part of the record.

Additionally, I ask unanimous consent that Energy and Commerce members not on the Subcommittee on Digital Commerce and Consumer Protection be permitted to participate in today's hearing.

Without objection, so ordered.

Again, we want to thank our witnesses for being with us today and taking time to testify before us. Today's witnesses will have the opportunity to give 5-minute opening statements followed by a round of questions from the members.

Our witness panel for today's hearing will include Mr. Marc Ratner, the Senior Vice President of Government and Regulatory Affairs at Ultimate Fighting Championship; Mr. Greg Sirb, the Executive Director of the Pennsylvania state Athletic Commission; Dr. Kristen Dams-O'Connor, the Director of the Brain Injury Research Center at the Icahn School of Medicine at Mount Sinai; and Mr. Randy Couture, six-time UFC and MMA world champion, Hall of Famer, and President of Xtreme Couture MMA.

And, again, thank you very much for being with us.

And, Mr. Ratner, you have 5 minutes. And just pull the mike up and press the button, and thanks for being with us today.

STATEMENTS OF MARC RATNER, VICE PRESIDENT OF REGULATORY AFFAIRS, UFC; GREG SIRB, EXECUTIVE DIRECTOR, PENNSYLVANIA STATE ATHLETIC COMMISSION; KRISTEN DAMS-O'CONNOR, M.A., PH.D., DIRECTOR, BRAIN INJURY RESEARCH CENTER, ICAHN SCHOOL OF MEDICINE AT MOUNT SINAI; AND RANDY COUTURE, PRESIDENT, XTREME COUTURE

STATEMENT OF MARC RATNER

Mr. RATNER. Thank you and good morning. And excuse me if—I have a little cold, so I may have to get some water in between. But my name is Marc Ratner. I am the Senior Vice President of Government and Regulatory Affairs at the UFC. I am pleased to share with you my perspectives about the regulation of mixed martial arts and why applying the Muhammad Ali Boxing Reform Act to MMA does not make sense.

I would like you to take away three key points from my testimony. First, it was only because of the leadership of the UFC that MMA exists as you know it today. Second, at the UFC, athlete and health safety is paramount. And, third, the conflicts and corruption that give rise to the Ali Act are not present in MMA.

After nearly 20 years on the Nevada State Athletic Commission regulating boxing, a sport that I truly love, I joined the UFC because I had come to admire and appreciate what the UFC was building. Make no mistake: It was the UFC and only the UFC that undertook the hard work to make MMA what it is today. It was not always so.

A short 5 years before I joined the UFC, it was nearly bankrupt. In 2001, MMA was in disregard because it was not a real sport. It had no rules and events were held in unregulated markets. It was marketed as a blood sport. Senator John McCain, a huge boxing fan, famously derided the sport as human cockfighting.

Today, the sport is the fastest growing professional sport because the fans and athletes have confidence about its well-earned reputation for integrity. MMA was transformed from a shunned spectacle to a respected sport because of the UFC's leadership. A key to the MMA success is regulation, which ensures fairness, consistency and adherence to a common set of rules.

Instead of avoiding regulations, the UFC ran toward regulation because we knew regulation was critical to instilling the confidence in fans and athletes that the sport had integrity. We traveled from state capital to state capital urging legislators to regulate the sport. I want to emphasize that no one else embarked on this hard work. We didn't ask Congress for a grant or a tax break. Our many competitors did not spend a dime or lift a finger in a single state capital advocating for the regulation of MMA.

It was the UFC and only the UFC that criss-crossed the country and the world to convince lawmakers to legalize and regulate the sport. In 2001, only the State of New Jersey regulated MMA. Sixteen years later, we are proud to report that MMA is regulated by

every state with an athletic commission and in many countries around the world.

This subcommittee should understand that state regulation is real and effective. The UFC has consistently embraced regulation of MMA because these rules help ensure athlete safety and fair competition by providing a consistent set of rules for the sport, something that was missing in the early days of MMA. However, we don't wait for state regulators to instruct us about health and safety. We are determined to lead.

The UFC has the most comprehensive anti-doping program in all of sports. It is administered by the United States Anti-Doping Agency and requires athletes to be available for random drug testing 24/7, 365 days a year. The UFC is the largest supporter of a landmark study on fighter brain health being conducted by the noted Cleveland Clinic.

Earlier this year, the UFC opened a new performance institute that provides its athletes with the most advanced training and wellness network, and unveiled new guidelines to improve weight management practices.

We also treat our fighters fairly. The sport has created wealth and opportunity for many for whom no such opportunity previously existed. Today, former collegiate and Olympic wrestlers, judo specialists, and other mixed martial arts have a professional outlet for their athletic endeavors that barely existed 15 years ago. We pay the highest purses on the average in the industry, plus an opportunity to earn fight night bonuses. The UFC is first and the only promoter providing prefight accident insurance while they are training. Very, very important.

Dozens upon dozens of mixed martial artists are millionaires because of these opportunities. They have capitalized on their successes by opening gyms, managing and training fighters, obtaining sponsorships, and even making movies.

Women excel in the UFC because we have created one of the biggest platforms for female athletes in professional sports. Women competing in the UFC do so on the same terms as their male counterparts, on the same fight cards, under the same rules, and with the same earning opportunities.

Some have argued that because boxing and MMA are both combat sports, both should be governed by the Ali Act. However, the two sports are entirely different, and the Ali Act should not cover MMA. Of principal concern is the application of Ali Act's sanctioning organization rules to MMA. MMA does not rely on sanctioning organizations, and Congress should not impose the boxing sanctioning organization model onto MMA.

The UFC's fighters are ranked by sports reporters, and those rankings guide our merit-based competitive matchmaking decisions. We put on the fights that the fans want to see, and it is merit-based on competitive matchmaking decisions. Fighter fans and sports reporters keep MMA promoters accountable.

H.R. 44 would remove from the promoter the decisions regarding when and against whom fighters are matched. It might force interpromotional fights. Because different promotions have less comprehensive health and safety standards than the UFC, our fighters would be endangered.

Mr. Chairman, state regulation is working well. MMA is thriving because athletes and fans understand that it is a sport with high integrity. There is no need for Federal regulation, and I urge this subcommittee to be careful that it not hastily enact rules that make little sense for the sport. Thank you very much.

[The prepared statement of Mr. Ratner follows:]

STATEMENT OF

MARC RATNER
SENIOR VICE PRESIDENT OF
GOVERNMENT AND REGULATORY AFFAIRS
UFC

BEFORE THE

COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON DIGITAL COMMERCE AND
CONSUMER PROTECTION
U.S. HOUSE OF REPRESENTATIVES

FOR A HEARING ON

"PERSPECTIVES ON MIXED MARTIAL ARTS"

PRESENTED

NOVEMBER 9, 2017

Chairman Latta, Ranking Member Schakowsky, my name is Marc Ratner, Senior Vice President of Government and Regulatory Affairs at the UFC. I am pleased to share with you my perspectives about regulation of mixed martial arts (MMA) and why applying the Muhammad Ali Boxing Reform Act to MMA does not make sense.

I have been involved in boxing, a sport I love, for most of my adult life. For over 20 years, I served at the Nevada State Athletic Commission as a boxing regulator. I started in 1985 as an Inspector and in 1998 was promoted to Chief Inspector. After a brief stint as Acting Executive Director, I was officially elevated to the position in 1993 and served until 2006. I also served as the President of the Association of Boxing Commissioners. I was honored to have been inducted into the International Boxing Hall of Fame in 2016 and the Southern Nevada Sports Hall of Fame. It has been a great point of pride that I have been associated with the sport of boxing for these many years.

Because of my love and admiration for the sport of boxing, I was concerned about the conflicts, cronyism, and corruption that was undermining this great sport. In fact, because of my significant concerns, I testified before the Senate Committee on Commerce, Science and Transportation nearly 20 years ago about the problems in the sport and discussed with the Committee measures that could be taken to fix what was so clearly broken. I can tell you from a lifetime of experience that the problems facing boxing when Congress considered the Muhammad Ali Boxing Act are absolutely not present in MMA.

After nearly 20 years on the Nevada Boxing Commission, I joined the UFC because I had come to admire and appreciate what the UFC, under new leadership, had done for MMA. Make no mistake, it was the UFC and only the UFC that undertook the hard work and expended the personal and monetary capital to make MMA what it is today – the fastest growing sport in the world. It was not always so.

A short five years before I joined the UFC, it was nearly bankrupt. Run into the ground by its previous owners, Frank and Lorenzo Fertitta and their good friend Dana White, the current President of the UFC, purchased the UFC for $2 Million in 2001. For that $2 million, they received the UFC's limited intellectual property – basically three letters, "U, F, and C" and a box of old tapes. There were no distribution deals, no plans for future events, and the UFC was nearly bankrupt. MMA was in disregard because it was not a real sport. It had no rules and events were held in unregulated markets. It was marketed as a blood sport. Sen. John McCain, a huge boxing fan, famously derided the sport as "human cockfighting." A sport, which combines disciplines from many honorable combat sport specialties like boxing, wrestling, judo, kickboxing and ju-jitsu, was shunned.

MMA was transformed from a shunned spectacle to a respected sport because of the UFC's leadership, ingenuity, entrepreneurship, foresight, hard work and some significant risk taking. A key to the UFC's success is regulation which ensures fairness, consistency, and adherence to a common set of rules. I traveled, along with my colleagues, from capital to capital urging states to legalize MMA, adopt the uniform rules of mixed martial arts, and regulate the sport. Sixteen years after purchasing the UFC in 2001, we are proud to say that MMA is and regulated in all states that have athletic commissions and around the world. I want to emphasize

that no one else embarked on this hard work. We didn't ask Congress for a grant or tax break. Our many competitors did not spend a dime or lift a finger in a single state capital advocating for the legitimization of MMA. It was the UFC, and only the UFC, that crisscrossed the country and the world to convince lawmakers to legalize and regulate the sport. We have many competitors today, but they did not assist with the effort to transform MMA from a shunned and disregarded spectacle into a sport that has earned the admiration and respect of millions. In 2001, only one state regulated MMA. Today, all 50 states regulate the sport and it is regulated around the world. In 2017, UFC will host 39 events around the world, and will be broadcast in over 163 countries and territories to more than 1.1 billion TV households worldwide in 35 different languages.

This Subcommittee should understand that state regulation is real and effective. The UFC has consistently embraced thorough regulation of MMA because these rules help ensure athlete safety and fair competition by providing a consistent set of rules for the sport – something that was missing in the early days of MMA. All UFC bouts are now governed with full adherence to the provisions set forth in the Unified Rules of MMA, as regulated by state athletic commissions. Each fight is overseen by the appropriate state athletic commission, which provides independent evaluation and rule enforcement. State athletic commissions and similar regulatory bodies are true champions for athlete safety and their involvement in the sport has done a great deal to improve safety. We're proud to partner with these organizations to protect MMA athletes, and we are continuously evaluating procedures to determine how to further improve safety measures.

Furthermore, this quintessential American success story has created wealth and opportunity for many for whom no such opportunity previously existed. I regard this as one of the great virtues of the UFC and is rightly a point of pride for us. Today, collegiate and Olympic wrestlers, judo specialists, and other mixed martial artists have a professional outlet for their athletic endeavors that barely existed a 15 years ago. Dozens upon dozens of mixed martial artists are millionaires because of these opportunities. They have capitalized on their successes by opening gyms; managing and training fighters; obtaining sponsorships; and some have even made it in Hollywood.

We are also proud of our female fighters. Women excel in the UFC. The UFC has created one of the biggest platforms for female athletes in professional sports. The organization has done so by putting athletes first, regardless of gender. Women competing in the UFC do so on the same terms as their male counterparts, on the same fight cards, under the same rules, and with the same earning opportunities. UFC's biggest event in history, which attracted more than 56,000 fans, was headlined by four women competing in championship events. Their success has been a significant contribution to the global popularity of UFC today. Rhonda Rousey was the UFC's biggest draw for over two years and she accomplished that it a combat sport historically dominated by men.

A very small minority of fighters have urged this Committee to enact legislation because of some perceived unfairness. The contrary is true. The UFC is the undisputed leader in how it supports athletes, and promotes athlete health and performance. Because there are many competitive promoter options for MMA athletes around the world, UFC does everything it can to be the prime destination for top tier talent. UFC offers its athletes a generous compensation and benefits package. We consistently pay the highest purses in the industry, plus an opportunity to

earn fight night bonuses. The UFC is the first and only promoter providing accident insurance that covers both competition and training injuries. Last year, this Subcommittee heard from Jeff Novitzky, the UFC's Vice President of Athlete Health and Performance who explained the UFC anti-doping program, which is the most comprehensive anti-doping program in all of sports. It is administered by the United States Anti-Doping Agency (USADA), not by the UFC. It requires athletes to be available for random drug testing 24/7, 365 days a year. We are the largest supporter of a landmark study on fighter brain health being conducted by the Cleveland Clinic. This study seeks to determine whether particular individuals are predisposed to brain injury. It further seeks to determine whether tiny changes in the brain can foretell problems before symptoms become apparent. Earlier this year, the UFC opened a new performance institute that provides its athletes with the most advanced training and wellness network, and unveiled new guidelines to improve weight management practices.

Some have argued that because boxing and MMA are both combat sports, both should be governed by the Muhammad Ali Boxing Reform Act. However, the two sports are entirely different.

The Ali Act was passed in 2000 to address specific problems created by boxing promoters and sanctioning organizations over decades. I supported that effort. Boxing's conflicts of interest and corruption are not found in MMA. States and government entities around the world are doing an outstanding job regulating MMA, which has helped foster MMA's explosive growth and popularity. While the expansion of the Ali Act to include MMA is intended to aid athletes, it would actually harm the sport and the athletes it's supposed to help.

MMA is not run in any way like boxing was during the 1980s and 1990s. The Muhammad Ali Boxing Reform Act was enacted to address chronic corruption in boxing, including conflicts of interest and self-dealing. These problems not associated with MMA. In boxing, some managers also served as promoter and agent – a clear conflict of interest and bad for boxers and the sport. In MMA, athletes are represented by their own agents and attorneys, not by the promoter.

Furthermore, the Ali Act attempted to address corruption in so-called sanctioning organizations. These are the numerous privately run businesses that rank fighters for a fee. Many were concerned that these sanctioning organizations were corruptly holding certain fighters down or propping others up. MMA does not rely on sanctioning organizations. The UFC's fighters are ranked by sports reporters and those rankings guide our merit-based competitive matchmaking decisions. We put on the fights that fans want to see and they want to see competitive fights. Fighters, fans, and sports reporters keep MMA promoters honest and the success of these promotions, including UFC, is a testament to the fair way these enterprises are managed.

H.R. 44 would impose boxing's sanctioning organization model onto MMA. This would undermine the sport the way it has hindered boxing's growth. There is a reason why MMA is more popular today than boxing, and a large reason for that is the predictability and transparency of the MMA system. A multiplicity of ranking systems is not conducive to running a sports organization and has hampered boxing's growth. When I testified in favor of congressional

action to help the states regulate boxing, I warned about the metastasizing sanctioning bodies. My testimony stated: "Any discussion of these [sanctioning] organizations, which rank boxers and State championship bouts, should begin by recognizing that the number of these organizations have multiplied like rabbits . . . [and] there does not seem to be any end in sight. There is a lack of uniformity in the rating of boxers. This situation has become unwieldy to the boxing industry. Having only one ranking organization should be the goal." The UFC learned this lesson in boxing and relies on only one ranking system. Furthermore, Congress passed the Ali Act to address the alleged corruption involving sanctioning bodies. Why would Congress force MMA promoters to use a system that has failed so miserably and was the rationale for the Ali Act in the first place? Why Congress would insist on applying that system which was of such concern on MMA is baffling? H.R. 44 would remove from the promoter the decisions regarding when and against whom fighters are matched, and might force inter-promotional fights. Because different promotions have less comprehensive health and safety standards than the UFC, our fighters would be endangered.

Mr. Chairman, From all accounts, if the market response is a reliable guide, the UFC is not disappointing MMA athletes or fans, which is why MMA is the fastest growing sport in the world. We led the creation of this exciting sport, we are leaders in athlete health and safety, we treat our fighters fairly by any objective measure, and we appropriately and with integrity put on the fights that fans want to see.

I look forward to your questions.

Mr. LATTA. Thank you very much.
Mr. Sirb, you are recognized for 5 minutes.

STATEMENT OF GREG SIRB

Mr. SIRB. Chairman Latta and members of the committee, thank you very much for being here. My name is Greg Sirb. I served as the Executive Director of the Pennsylvania commission for the past 27 years. I have also served as the National President of the Association of Boxing Commissions and Combat Sports. I testified before Congress on multiple occasions concerning the Professional Boxing Safety Act of 1996 and the Ali Act of 2000. I will be always proud to say I was one of the architects at getting both of those bills passed, along with my good friend Senator John McCain.

First, some background information. In 2016, we had about a thousand MMA fights in the United States, it is increasingly being popularized. The top states: California, Texas, Nevada, Ohio, Pennsylvania, and Florida. Currently, we have about 52 state or tribal commissions that regulate these sports. Regulations can vary between state and state, particularly when we talk about the amateur MMA athlete.

One of the driving forces when we first were here in 1996 when we passed the Pro Boxing Safety Act, we had five sections we wanted to make sure we dealt with. I am going to go over those and see how they deal with MMA.

One, under the current Federal law, no boxing can occur in a state that does not have a commission. Cannot occur. If the state does not have a commission, they can ask a neighboring state to come in or they can ask the ABC to supervise. That is not the case in MMA. It is not against Federal law to have an unregulated pro MMA fight.

Two, safety procedures. Each boxer must have a physical exam before the fight, an ambulance must be present, a physician must be present. And health insurance must be provided to that boxer in case he is injured. That is in the Federal law. Although not mandated by the Federal law, many of the state and tribal commissions do this for MMA currently.

Three we had as registration. The Federal Boxing Act requires all pro boxers to apply for a Federal ID card with their home state. This ID card has a photo of the fighter, the name of the fighter, the date of birth, Social Security number, and a unique six-digit number that tracks that fighter all over the world.

In the MMA, the ABC has developed a national database for MMA fighters. This national registry is accessible to all state and Tribal commissions, and again, although not mandated by the Federal law, the Federal ID system is in effect for the MMA world.

Four, suspensions. The current Federal law mandates that if you are a boxer and you have suffered a knockout or an injury and you are a placed on suspension, you cannot fight in any other state. That is Federal law. You cannot fight for a KO, a series of knockouts, a failed drug test, a failed alias that you are trying to falsify a documentation, or unsportsmanlike conduct. And although not mandated by Federal law, with the help of the ABC, the vast majority of the states with MMA uphold MMA suspensions and require that they uphold the suspensions in other states.

Five, reporting. The Federal law requires you to report your boxing results and your suspensions within 48 hours after the event. The ABC has developed two national registries. We have one for boxing, and we have one for MMA. Again, although not mandated, all state and Tribal commissions have the results in by 48 hours with their suspensions.

As you can see with the ABC and with the help of the many state and Tribal commissions we have, we have already implemented much of the Federal law for the MMA fighters. But what haven't we done? Generally, the MMA fighter, under Federal law, is not covered when he is dealing with his promoter or manager. He is not covered in that section, of course, of contract. He is not covered in that section of sanctioning bodies and rankings organization.

As a boxer, I can go after that event. I am entitled to my contract. I am entitled to see and ask for disclosure of that promoter of the financial dealings with that promoter, how much did he make from the event, where that money is going, and what money is being assessed against me as a fighter. I have that authority as a boxer.

Boxers are also entitled to the so-called firewall between a manager and a fighter; i.e., a manager cannot act as your promoter, and a promoter cannot act as your manager and take money from both. There is no double dipping. Boxers have that ability.

Boxers are also protected under the Federal act from the so-called coercive contract. A coercive contract generally means under the Pro Boxing Safety Act, that I can't be forced to sign a contract or I cannot be forced to extend an existing contract if I want a particular fight. I can't be forced to do that. Coerciveness.

The Federal law also states that the promoter of the event is obligated, under perjury, to sign forms and disclose to the state or Tribal commission where the event is to be held, all the financial dealings that he has with the fighter, all the money that he is bringing in, and all the money that he may be paying out. So a promoter can't——

Mr. LATTA. You need to wrap up. You need to wrap up.

Mr. SIRB. Of those five things, let's be clear about the financial disclosure. Financial disclosure is a good thing.

And I will leave you with this. Twenty-seven years I have been here. I am one of the longest serving state regulators in the country. I served many times with a fighter and a manager, sit down with them and their promoter, and we have to mediate his contract. One famous fighter told me just like this, he said: "Sirb, if I don't know how big the financial pie is, how do I know what type of piece of the pie I should ask for?" I will leave with you that.

[The prepared statement of Mr. Sirb follows:]

Testimony of GREG SIRB – Executive Director of the Pennsylvania State Athletic Commission – Past President of the Association of Boxing and Combative Sports

November 9, 2017

My name is Greg Sirb I have served as Executive Director for the Pennsylvania State Athletic Commission for the past 27 years - I have seen and heard it all. I have testified before the US Congress on multiple occasions concerning the Professional Boxing Safety Act of 1996 and its amendment the Ali Act of 2000. I am always very proud to say that I was one of the architects along with Senator John McCain that helped to get both off these Federal laws passed.

First some general background information - in 2016 there was a total of just over 1,000 Mixed Martial Arts (MMA) events staged in the United States. The top states in MMA activity are California, Texas, Nevada, Ohio, Pennsylvania and Florida. Currently there are about 52 state and tribal commissions that regulate these events. Regulations in MMA can vary from state to state especially when it pertains to the regulation of amateur MMA.

One of the driving issues in passing the Professional Boxing Safety Act was to get some type of uniformity into the sport of boxing and in that regard (5) major issue were developed: let's look at these and compare them to the current state of MMA:

1. No boxing event can occur in any state or tribal land unless it is supervised by that's state or tribal Commission or supervised by a commission in another state or by the Association of Boxing Commissions (The ABC) -which is defined in the federal law - This is NOT the case for MMA.

2. Safety Procedures – each Boxer must have a physical exam before the event – a physician and ambulance must be present at the events and health insurance must be provided for the boxers if injured during the event – although not mandated by Federal law the vast majority of the Athletic Commissions have implement these same safety procedures for all pro MMA fighters-this is not the case for all amateur fighters.

3. Registration – the Federal Boxing Act requires all boxer to apply for a Federal ID card through their home state commission which has the Boxer's name-Date of Birth and Social Security number along with a photo of the boxer. With this Federal ID card the boxers are also assigned a unique 6-digit number that can then track this boxer's activity (wins and losses) throughout the world.

In MMA the ABC has developed a similar situation for all MMA fighters. The ABC developed a National Registry of all MMA fighters which is accessible to all state/tribal athletic commissions - again although not mandated by Federal law this National ID system for MMA fighters is implement by the vast majority of athletic commissions.

4. Suspension – The current Federal Box law mandates that no commission may allow a boxer to compete if under suspension from another state/tribal commission due to a KO loss or a series of consecutive losses, an injury or physician's denial, a failed drug test, the use of false aliases or attempting to falsify identification documents or unsportsmanlike conduct. Again although not mandated by Federal law with the help of the ABC – these suspensions in MMA are recognized and upheld by the vast majority of athletic commissions.

5. Reporting – The Federal law requires that all athletic commissions are to report their results of all boxing matches and any suspensions to a National boxing registry (as designated by the ABC) within (48) hours after the event. The ABC has developed two national registries one for Boxing and one for MMA where all results and suspensions are filed.

So as you can see for the most part through the efforts of the ABC and cooperation from many of the state/tribal athletic commissions most of the current the fed law pertaining to boxing are already in effect for MMA.

Generally What is NOT in effect for MMA and its fighters are those parts of the current Federal Boxing Act the deal with promoters and managers, the section dealing with coercive contracts, the section dealing with how MMA fighters are rated in a ranking system, the promoters and ranking organizations financial disclosures to the fighters and the section dealing with conflicts of interest between a fighter manager and promoter.

Generally a BOXER –through the Federal boxing act may request from the Promoter of the event:

The amount of compensation that the promoter received/earned from the event

All fees and expenses that are or will be passed onto the boxer

And any reduction in a boxers purse that may be contrary to any previous contract agreement between that boxer and the promoter

Boxers are also entitled to ensure that there is a so-called fire wall between his manager and the promoter of the event basically stating that the manger cannot also receive funds as the promoter and the promoter cannot receive any funds for managerial duties – basically no double dipping.

Boxers are protect under the Federal act from the so-called coercive contracts- which generally means that no boxer can be forced to sign a contract or an extension of an existing contract in order to get a particular fight or to fight in a particular event or possibly to get a better world ranking.

The Federal act also requires the boxing promoter to disclose to the state/tribal athletic commission where the event is held:

A copy of all agreements in writing that this promoter has with the Boxer

A statement made under penalty of perjury that there are no other agreements with this boxer

All fees and expenses that the promoter will charge the boxer including any fees that the promo will directly receive from this boxer

All payments the promoter is providing to any sanctioning or ranking organization affiliated with the event, and

Any reduction in the boxer's purse that may be contrary to a previous agreement

Let me be very clear that as one of the longest serving state regulators in the country I firmly believe that all pro fighters just like their pro counter parts in other sports deserve to be treated, particularly financially, on a level playing field and deserve the right to request certain financial information that can enable them to make a more informed decision about their fighting careers.

Full financial disclosure is a good thing.

If the fighter does not know how big the financial pie is then how is he to know how big of a piece of that pie he should bargain for? I have also seen this work in a sort of reverse manner in that once a fighter sees all the expenses that a promoter has in putting on an event he becomes to realize why he was paid a certain amount.

It should be noted that since the inception of the Federal boxing act there has be NO legal cases that have been brought forward and tried in a court of law – the enforcement part of the Federal act has been very weak.

MY SUGGESTIONS:

1. **Combat Sport Competition**

The term 'combat sport competition' in context to this Act means a competition that allows fighters to use striking or grappling. The term 'combat sport competition' does include mixed martial arts competitions that allow fighters to use both striking and grappling, standing and on the ground, and any variation of these techniques including mixed martial arts. Such term does not include a combat sport competition that is regulated by an amateur sports organization. This last sentence should be amended to:

Such term does not include a combat sport competition that is regulated by an amateur sports organization that is approved by the Association of Boxing Commissions (ABC).

2. **Bond or other Surety:**

A boxing commission may not approve either a pro boxing match or a Combat Sport competition unless the promoter of that event has posted a surety bond, cashier's check, letter of credit or other security with the boxing commission in an amount acceptable to that boxing commission.

3. **Firewall between Promoters and Managers**

Exceptions should read - only applies to fighters scheduled for (16) not 11 minutes or more. The exceptions in this section were developed for only the "elite" fighters not just for the everyday fighters.

4. **Simply create a United State Combat Sports Commission**

This US Commission would enforce all aspects of the current Federal law. This Commission would ensure, with the help of al the state/tribal commissions, uniformity on how these laws are applied to all fighters, promoters, managers and ranking organizations. It would also make it much easier for any fighter, who feels the current laws have been violated, to pursue a legal judgment.

Attachments include:

1. Boxers Federal ID Application and Health and Safety Disclosure
2. Pro Boxers Bill of Rights
3. Disclosure for a Sanctioning/Ranking organization to an Athletic Commission
4. Disclosures by a Promoter to a Boxer
5. Disclosures by a promoter to an Athletic Commission
6. Sample copy of a Boxer's Federal ID Card
7. Sample copy of an MMA fighter's ID Card

COMMONWEALTH OF PENNSYVLANIA
DEPARTMENT OF STATE
STATE ATHLETIC COMMISSION
2601 NORTH 3RD STREET
HARRISBURG, PA 17110

Gregory P. Sirb
Executive Director

Telephone: (717) 787-5720
Fax: (717) 783-0824

Federal I.D. Card

Enclosed is your Federal I.D. Card. As per federal law you must present this card at all times when you are scheduled to box anywhere in the United States.

→This card is for Identification purposes only and is not a license to box.←

**Your Federal I.D. Card will expire on _____.

DO NOT LOSE THIS CARD.

"Health and Safety Disclosure."

As per the Muhammad Ali Act each Commission must now present to every professional boxer, upon the issuance of their Federal ID Card, the following medical disclosure:

As a professional boxer you should be aware that this sport includes many health and safety risks. In particular the risk of brain injury. As such it is strongly recommended that you as a professional boxer take the necessary medical exams that detect brain injury. If you need further information about these exams please ask your doctor or your local boxing commission representative.

If you have any questions concerning this information feel free to contact the Pennsylvania Athletic Commission at (717) 787-5720.

Pennsylvania "Pound for Pound" the Best Boxing in the Country

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE ATHLETIC COMMISSION
116 PINE STREET, THIRD FLOOR
HARRISBURG, PA 17101

Gregory P. Sirb
Executive Director

Telephone: (717) 787-5720
Fax: (717) 783-0824

The Pennsylvania State Athletic Commission in association with The Association of Boxing Commissions and the National Association of Attorneys General "Boxing Task Force"
PRESENT

The Professional Boxers " Bill of Rights"

1. You have the right to be treated in a professional manner and to be fully informed about all aspects of your sport.

2. You have the right to have all terms of any contract with a promoter or manager in writing.

3. You have the right to have all contracts read and explained to you, either by the local commission representative or anyone of your choosing (including an attorney).

4. Before any bout you have a right to know your opponents name, their record, the weight class of the bout, the number of rounds of the bout, and the amount of your purse, including any travel or training expenses. To check on any boxers record, including your own, contact (Fight Fax) at 856-782-8868.

5. You have a right to review, obtain and keep copies of any of your contracts.

6. You have a right to directly receive any and all payments from a bout as set forth in your bout agreement.

7. You have the right to receive a written, post bout accounting from either the promoter or your manager or both, which shows how the total amount of your purse was distributed. If you have any deductions taken from your purse you have the right to ask for a written accounting of what these deductions were, and why they were deducted from your purse.

8. You have a right to have a doctor at ringside at all times as well as emergency medical personnel and / or an ambulance present at the location at all times.

9. You have a right to have medical insurance to cover any injuries resulting from a bout and to know the name of the insurance company and the amount of coverage that is being provided.

10. You have the right to hire individuals of your choice to serve as your mangers, trainers or seconds. You are not required to hire any individual in order to obtain a bout.

11. You have a right to know why your ranking with any sanctioning body has changed and the reasons for this change. This may be done by writing to the organization and requesting why your ranking has been changed. The organization must respond to you, in writing, within (7) days.

12. You have a right to appeal any and all suspensions and to be informed on exactly why you were suspended and the length of your suspension. To check if you are on the National Suspension List just go onto the Internet at www.sportsnetwork.com and click onto Boxing then onto the National Suspension List.

13. You have a right to contact you local commission or the Association of Boxing Commissions to report any violations, ask any questions or seek any advice.

** You as a Boxer should get a copy of and *read* the two federal boxing bills that detail many of your rights and responsibilities as a professional boxer. These two bills are:

The Professional Boxing Safety Act of 1996 and the Muhammad Ali Act of 2000

Required Disclosures by a Sanctioning Organization to a Boxing Commission
(as required by Section 12 of the Muhammad Ali Reform Act)

Name of Sanctioning Organization: _____
Date of the Event: _____
Location of the Event: _____

As a representative of the above named Sanctioning Organization, I hereby affirm that the following represents all charges, fees and costs that we will assess on the following boxers: (List only those boxers on whom fees are being assessed.)

Name of Boxer	All costs that will be charged to this Boxer
1.	
2.	
3.	
4.	
5.	
6.	

I also hereby affirm that the following monies represent all payments, benefits, complimentary benefits, and fees that the above named Sanctioning Organization received for its affiliation with the above event from the promoter, host of the event and all other sources: (these amounts should match to what was put on the promoter's disclosure form)

$$ Amount received	$$ Received from
1.	
2.	
3.	
4.	
5.	

The undersigned hereby affirms that the statements made herein are true and correct to the best of my information, knowledge and belief, and are made subject to the penalties prescribed for perjury set forth in 18 Pennsylvania Consolidated Statutes, Section 4904, relating to unsworn falsification to authorities.

By: _____ _____
Signature of Sanctioning Organization Representative Date

Required Disclosures by a Promoter to a Boxer
(as required by Section 13 of the Muhammad Ali Reform Act)

This is disclosed only to the boxers with whom the promoter has a promotional contract. This does not have to be disclosed to the Pennsylvania State Athletic Commission, but may be required to be disclosed to the Office of Attorney General for the Commonwealth of Pennsylvania. Also you, as the promoter, would only disclose dollar amounts to those boxers "primarily" responsible for generating the income. Gate receipts would be disclosed to all boxers. For site fees, if your contract states that the site fee is only for the two main events (four boxers), then this revenue would be disclosed only to these four boxers.

Name of Boxer: _____
Date of the Event: _____
Location of the Event: _____

** Boxers Purse: _____ Any Deductions to this Purse: _____
If any Deductions please list and explain each Deduction:

As the promoter of the above named event I have received the following compensations or considerations resulting from your match.

ITEM	$ AMOUNT RECEIVED	Received from
Site Fee		
TV Revenue		
Pay-per-View		
Ticket Sales		
Advertising		
Other (describe)		

* Because you as the promoter may not have exact figures, (for example PPV buys) you should use your best estimates at the time of disclosure and then follow up with actual figures to your Boxer.

_____ _____ _____
Boxer's Signature Promoter's Signature Date

Required Disclosures by a Promoter to a Boxing Commission
(as required by Section 13 of the Muhammad Ali Boxing Reform Act)

Name of Promoter: _____
Date of Event: _____
Location of the Event: _____

As the Promoter of the event, I hereby affirm that the following has been provided to the local boxing commission in charge of regulating the above event:

A copy of any and all agreements* in writing that I, as the promoter, have with any boxer participating in the match, and that there are no other agreements written or oral, between myself and the boxer with respect to the above named event. This shall include any reduction in a Boxer's purse that is contrary to any previous agreement between the boxer and myself. (*Agreements shall be the bout agreements, and any other agreements that the boxer and promoter are parties to that will generate revenue for this particular match. Also this would include providing a list to the Commission by (Name-Title and Date) of any active and binding agreements with the boxer other than those listed for this particular bout.)

As the promoter of the above event, I also hereby affirm that the following represents all charges, fees and expenses that I will assess, including any training expenses, on the following boxers and any portion of the boxers' purse that I will receive:
(List only those boxers that you are assessing costs to and/or where you will be taking a share of the boxer's purse.)

Name of Boxer	All costs that will be assessed on this Boxer	Promoter's share of this Purse
1.		
2.		
3.		

I also hereby affirm that the following monies represent all payments, gifts, or benefits that I, as the promoter, am providing to any Sanctioning Organization affiliated with the above named event, including any travel, rooms, meals, etc that will be provided to the organization

Name of Sanctioning Organization	$$ Amount of payment and/or type of gift or benefit that was provided
1.	
2.	
3.	
4.	

The undersigned hereby affirms that the statements made herein are true and correct to the best of my information, knowledge and belief, and are made subject to the penalties prescribed for perjury set forth in 18 Pennsylvania Consolidated Statutes, Section 4904, relating to unsworn falsification to authorities.

By: _____ _____

Signature of Promoter Date

Full Name: JOSEPH ADORNO
Identification #: PA 002221
Date of Birth:
Social Security #:
Current Address:
Phila, PA
Expiration Date: 11-14-2020
Height: 5'8 Weight: 135
Hair Color: Black Eye Color: Hazel
Signature On File
CONFIDENTIAL

3 years
Expired
ID
Card

MMA fighter's ID card

Mr. LATTA. Thank you very much.

And, Dr. Dams-O'Connor, you are recognized for 5 minutes. Thank you.

STATEMENT OF KRISTEN DAMS-O'CONNOR, M.A., PH.D.

Ms. DAMS-O'CONNOR. Thank you. I am Dr. Kristen Dams-O'Connor. I am an Associate Professor of Rehabilitation Medicine and Neurology at the Icahn School of Medicine at Mount Sinai, where I am also the Director of the Brain Injury Research Center. The testimony I will provide today reflects my own professional opinion.

My research focuses on understanding and improving long-term outcomes associated with traumatic brain injury or TBI. TBI is defined as a traumatically induced physiological disruption of brain function that results in a period of unconsciousness or any alteration in mental state or neurological status.

Not all traumatic brain injuries involve a loss of consciousness, and not all TBIs result from a direct blow to the head. A mild TBI is frequently referred to as a concussion. Most of my research pertains to individuals who have sustained a TBI that involves a loss of consciousness and requires hospital care. TBI affects more than 2.7 million people each year and causes more than 150 deaths each day in the United States.

TBI is one of the strongest environmental risk factors for dementia. The potential consequences of TBI are not limited to dementia. Among people who receive in-patient rehabilitation for traumatic brain injury, about half within 5 years of injury have died or declined from a previous level of functioning. People who have sustained a TBI tend to have more medical comorbidities and a shortened lifespan of up to 9 years.

These findings have led to the realization that TBI may be more appropriately conceptualized as a disease process as opposed to an isolated event. Milder TBI or concussion can cause symptoms like headaches, dizziness, cognitive or emotional changes, but these usually resolve within weeks.

Some people who sustain a concussion experience persistent symptoms, especially those who sustain multiple concussions. Repeated exposure to sub-concussive head trauma, even in the absence of a clinical concussion, may be associated with long-term consequences. Chronic traumatic encephalopathy, or CTE, is thought to be triggered by repeated exposure to sub-concussive head trauma and is diagnosed post-mortem as an abnormal accumulation of a protein called tau in the brain.

Most of the recent research on CTE has been conducted in football players. Most of the research on sports-related TBI in general has been conducted on football players, male football players in particular. So it is not well-known how or whether these findings generalize to other contact sports, such as MMA, or to women.

An important thing that distinguishes MMA from football is that many football players never sustain a true concussion whereas inflicting a TBI with loss of consciousness is essentially the goal of MMA. MMA also involves repeated exposure to sub-concussive head trauma throughout practice and competition, which essentially means that MMA fighters are at risk for both the long-term sequelae associated with traumatic brain injuries and also the

long-term risks associated with sub-concussive head trauma exposure.

It is no longer defensible to claim that traumatic brain injury is not associated with long-term health consequences. We know that earlier life exposure and greater cumulative exposure to head trauma is associated with worse outcomes. There is no amount of exposure to traumatic brain injury that can be considered safe, and there is no age at which a traumatic brain injury is considered safe.

There is no biological marker to definitively determine when it is safe to return to sport after a traumatic brain injury. So the most conservative approach might be to ban participation in contact sports all together, but we know that there are tremendous benefits to kids and young adults who participate in sports, especially in this digital age. It is concerning to hear that sports participation among kids is declining. The benefits of sports participation cannot be replicated by technology.

But this truth has to be considered alongside the knowledge that many traumatic brain injuries sustained in sport are preventable. So the most prudent way forward might be to make every effort to make contact sport participation safer. In MMA in particular exposure to head trauma can be substantially reduced by delaying the age of exposure to high-contact fights, limiting exposure to head contact, reducing the duration or number of competitions an athlete can participate in, or even penalizing athletes who deliberately inflict a blow to the head to an opponent.

Our understanding of the long-term effects of TBI has advanced rapidly in recent years, and I really think that we owe it to the people and their families who are living with the sequelae of brain injury to only accelerate that pace of research.

In science, we are interested in understanding the factors that may mitigate negative outcomes after a brain injury, and we hope that one day that science would allow us to predict individual level risk, but we are not there yet. As that knowledge accumulates, the short-term responsibility really lies in policy, the goal being to improve and enforce regulations that make sports safer for all athletes.

These regulations must protect both the athletes that go on to experience these devastating outcomes as well as those who are lucky and don't have these outcomes because, right now, we have no way of determining who those lucky ones will be. When sports participation involves exposure to traumatic brain injury——

Mr. LATTA. Pardon me, Doctor. If you can just wrap up. Thank you. You are over. Thank you.

Ms. DAMS-O'CONNOR [continuing]. Every effort must be made to reduce the risk.

[The prepared statement of Ms. Dams-O'Connor follows:]

Kristen Dams-O'Connor, PhD

Associate Professor of Rehabilitation Medicine and Neurology

Director, Brain Injury Research Center of Mount Sinai

Project Director, New York Traumatic Brain Injury Model System of Care

Icahn School of Medicine at Mount Sinai

Subcommittee on Digital Commerce and Consumer Protection

Thursday November 9, 2017

"Perspectives on Mixed Martial Arts"

Thank you for the invitation to testify at today's hearing on Perspectives on Mixed Martial Arts. My name is Dr. Kristen Dams-O'Connor. I am an Associate Professor of Rehabilitation Medicine and Neurology at the Icahn School of Medicine at Mount Sinai. I am a Clinical Neuropsychologist, and I am the Director of the Brain Injury Research Center of Mount Sinai. The testimony I will give today reflects my own professional opinion and I am not speaking on behalf of the Icahn School of Medicine at Mount Sinai.

As a Clinical Neuropsychologist, I see patients who require comprehensive evaluations; these evaluations employ a variety of tests and behavioral assessments to quantify an individual's cognitive performance, functional abilities, and to inform diagnosis and treatment planning. Most of the patients I see in my practice have sustained one or more Traumatic Brain Injury (TBI).

My research focuses on understanding and improving long-term outcomes experienced by individuals who have sustained a TBI. The Brain Injury Research Center at Mount Sinai has made substantial contributions to the development of methods to measure lifetime exposure to TBI, and to the refinement and validation of neurobehavioral interventions to improve functional independence and life quality after TBI. In the past decade, a large proportion of our work has been dedicated to characterizing the late effects of TBI.

The American Congress of Rehabilitation Medicine defines a TBI as a "traumatically induced physiological disruption of brain function" that results in a period of unconsciousness, any loss of memory for events before or after the injury, any alteration in mental state, or focal neurological deficits that may be transient or longstanding.[1] At least one of these manifestations

must be present to meet criteria for a TBI, and only one is sufficient: not all TBIs involve a loss of consciousness. A TBI may result from the head being struck, the head striking another object, or from a rapid acceleration and deceleration movement such as whiplash that does not involve a direct blow to the head. A mild TBI is frequently referred to as a concussion.

Most of my research pertains to individuals who have sustained a TBI that involves a loss of consciousness and requires hospital care. TBI is a major public health concern: more than 2.7 million people sustain a TBI each year in the United States, and TBI results in more than 150 deaths every day in our country.[2] TBI has long been recognized as one of the strongest environmental risk factors for the development of dementia later in life. In recent years we have come to better understand the multitude of factors that impact the association between TBI and dementia, and we have begun to identify similarities and differences between post-TBI neurodegeneration and other neurodegenerative conditions such as Alzheimer's disease or Parkinson's disease.[3]

The potential long-term consequences of TBI are not limited to dementia. Data from the TBI Model Systems (funded by the National Institute on Disability, Independent Living and Rehabilitation Research) suggests that among individuals who receive inpatient rehabilitation after TBI, within 5 years of injury 50% of people will have either died or declined from a previously achieved level of functioning.[4] Research using this nation-wide database has found that individuals who sustain a TBI experience a shortened lifespan of up to 9 years, and compared to the general population of similar age, gender, and race they more commonly die from causes that implicate multiple body systems such as respiratory conditions, sepsis, and digestive conditions.[5] Individuals who survive a TBI tend to have more medical comorbidities

and earlier onset of certain chronic health problems; together this research has led to the realization that TBI is more appropriately conceptualized as a chronic disease process, rather than an isolated injury event.[6]

Milder TBI (or concussion) can result in symptoms such as headaches, dizziness, imbalance, and changes in mood or cognition, but unlike more severe TBI, concussion symptoms usually disappear completely in a matter of weeks or months. Still, a minority of individuals experience persistent post-concussion symptoms. Most of what we know about concussion comes from studies involving contact sport athletes; from this work we have learned that individuals who sustain multiple concussions may experience slowed recovery and more severe post-concussive symptoms.

A growing body of research has indicated that repeated exposure to sub-concussive head trauma, even in the absence of head trauma that would meet clinical criteria for concussion, may be associated with serious long-term consequences. Chronic traumatic encephalopathy (CTE) is a disease that is thought to be triggered by repeated exposure to sub-concussive head trauma, and is diagnosed postmortem by abnormal accumulation of a protein called tau in the brain. Our team participated in the expert panel convened by the National Institute of Neurological Disorders and Stroke which determined that CTE is a unique pathological disease that is distinguishable from other neurodegenerative conditions. CTE was first diagnosed in boxers and has since been found in many other contact sport athletes. The majority of research on CTE has been conducted in football players, and nearly 90% of former football players whose brains were donated to a CTE brain bank were diagnosed with CTE.[7] Although CTE cannot be yet diagnosed during life, many

individuals who have been diagnosed postmortem with CTE experienced symptoms such as mood changes, agitation and aggression, and cognitive impairment which worsened over time.

Because most of the research on long-term consequences of head trauma sustained during contact sport participation has been conducted in male football players, we don't know whether the findings from these studies generalize to other sports, or to women. Evidence suggests that there are important sex differences in concussion rates and recovery trajectories.

An important factor that distinguishes many forms of Mixed Martial Arts (MMA) from football is that many football players can avoid sustaining a concussion during their athletic careers, whereas inflicting a TBI with loss of consciousness is essentially the goal of some MMA forms. Like football and other contact sports, MMA also involves repeated exposure to sub-concussive head trauma through the course of training and competition. This means that MMA athletes are at risk for the long-term consequences that have been well documented following clinically significant TBI, and are also at risk for the long-term outcomes associated with repetitive head trauma.

It is clear that more scientific research is needed to better understand the factors that impact the risk for neurodegeneration and other late life health and functional outcomes among individuals exposed to TBI. Nonetheless, it is no longer defensible to claim that there is no relationship between TBI and degenerative health consequences. Current scientific knowledge indicates that greater exposure to TBI and/or repetitive sub-concussive head trauma is associated with worse outcomes, and earlier exposure to head trauma may be associated with worse outcomes. It is not

clear to what extent sex or other biological or genetic factors influence individual-level risk. There is no amount of exposure to head trauma that can be considered safe. There is no age after which it is safe to sustain a TBI. There is no biological marker that definitively indicates when it is safe to resume sport after a TBI. Without this information, an individual athlete (or caregiver of a youth athlete) is unable to make informed decisions about risk tolerance.

In the absence of empirically-based information on safe levels of exposure to head trauma, coupled with growing evidence that TBI is associated with elevated risk for a variety of health consequences, the most conservative approach might be to ban participation in contact sports altogether. However, sports participation offers tremendous benefits to children and young adults, and MMA in particular is an art form that honors tradition, respect, and self-discipline in addition to sportsmanship and athleticism. This truth must be balanced alongside the knowledge that many TBIs are preventable. Accordingly, every effort should be made to make sports safer. MMA can be made safer by reducing exposure to preventable TBI. Exposure to head trauma in MMA can be substantially reduced by delaying the age of exposure to high-contact MMA forms, limiting head trauma exposure during training and sparring, reducing the number of competitive matches an athlete can participate in, and possibly even penalizing athletes for deliberately inflicting blows to the head during competition.

Until scientific evidence allows clear delineation of individual-level risks associated with varying levels of head trauma exposure, it is impossible to weigh the benefits of sports participation against the potentially devastating effects of preventable TBI. More research is needed to inform these important decisions. Considerable resources are needed to fund

prospective longitudinal studies of unselected cohorts with autopsy endpoints. These particular methods are necessary to define the pathological substrate of TBI-associated neurodegeneration, identify clinical markers that allow diagnosis during life, and to develop targeted neurobehavioral and biological interventions that can meaningfully improve health and life quality for individuals experiencing functional problems or neurodegenerative decline after TBI.

Our understanding of the long-term effects of TBI and repeated sub-concussive head trauma has advanced rapidly in recent years, and we owe it to the individuals and families who are currently living with the effects of TBI to further accelerate the pace of this work. As we continue to pursue scientific answers, increased regulatory oversight is necessary to make sports safer for all athletes.

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Mr. LATTA. Thank you very much.

Mr. Couture, you are recognized for 5 minutes. Thank you very much.

STATEMENT OF RANDY COUTURE

Mr. COUTURE. Thank you, Chairman Latta and Ranking Member Schakowsky, thank you. I am very pleased to be back for the legislative hearing for the Ali Act to be expanded to mixed martial arts. I want to address some of the major issues in the sport of MMA that I have come to love so much and, unfortunately, some of the business behind the scenes that I have come to hate.

I know the majority of the memorandum has done a pretty good job of providing a cursory description of some of the history of modern MMA. However, there is just a bit I would like to add. It involves world-class athletes, Olympic athletes involved in disciplines of martial arts, including, wrestling, judo, jiu-jitsu, Muay Thai, karate, and boxing.

The UFC is the operating trade name of the Zuffa, LLC. Over 90 percent of the revenue generated in the sport of MMA is captured by Zuffa. Zuffa is still the only promoter in MMA that is regularly broadcasting on pay-per-view, where a substantial amount of the event's income is obtained. The UFC also promotes approximately 24 additional events through FOX family of networks on its own streaming service, the UFC FIGHT PASS. And the UFC has over 520 fighters on its roster right now under contract.

Once signed to a Zuffa promotional agreement, Zuffa retains sweeping ancillary rights to utilize the athlete's likeness in perpetuity for all commercial purposes. The roster churns. As fighters are released, injured, or retire, new fighters are signed worldwide. There are thousands of professional mixed martial artists.

Coercive contractual practices crippling the natural growth of MMA include but are not limited to: the use of exclusive nonpublic contracts; the assignment of ancillary rights from the athlete to the promoter far beyond the term of the promotional agreement; champions clauses that prevent champions from ever becoming freely marketable; secret discretionary payments that are utilized to keep athletes subservient and silent.

For 2015, Zuffa reported an annual revenue in excess of $600 million, with over 63 percent of that revenue from regulated events, pay-per-view, and gate. Zuffa has also entered into lucrative TV licensing deals, including a 7-year, $832 million with FOX Networks and a 5-year, $232 million deal for broadcast rights in Brazil. Zuffa also has ownership stakes in a variety of other business, including apparel, equipment, energy drinks and gyms, the UFC magazine, the UFC Fan Expo, UFC FIGHT PASS, which is the streaming service, and UFC.com, which is the website and online store.

Zuffa has a partnership and arrangements with numerous media companies. Zuffa controls the likeness rights of its athletes for merchandizing purposes and has the only MMA video game franchise in partnership with EA Sports. I know this because I was previously in EA's video game before it became a UFC property.

By now, as most will know, Zuffa sold last year to WME-IMG for a reported $4 billion in the single largest sports property in the his-

tory of sports. Although the purchase price is astounding, given the requisite percentage revenue share with the athletes, I can say, based upon my recent experience, that things seem to have gotten worse for fighters, not better, in fact, may have worsened. In particular, what I understand, the debt load associated with this purchase is probably three times the previous debt load. To that point, Goldman Sachs, the lead banker in the sale, has been twice warned by the Federal regulators that over-optimism in the projections of future income were far too speculative. Translation to fighters: None of that enormous purchase price will translate to your pocket, as the company now carries far more debt load and managers scramble to create new revenue.

Competitive architecture in the sport of MMA. In sport, competition is a result of competition and determines merit. Unlike boxing, however, there is no competitive architecture. For an MMA amateur, programs are largely nonexistent and unorganized.

MMA is also not an Olympic sport. Thus, athletes entering into MMA do not have the built-in pedigree that boxers typically enjoy due to longstanding amateur programs and Olympic competition which serves to filter test talent before they turn professional. In MMA, outside of the NCAA Division I wrestling and Olympic wrestlers, athletes turn professional in MMA and have not been systematically ranked at any level. In contrast, amateur boxers and wrestlers establish credentials and merit in athletics through competition, ascending rankings.

Merit is essential to all combative sports. Athletes, through competition, ascend rankings and establish notoriety with the viewing public. In combat sports, value to athletes competing is obtained by sending those rankings through competition and later winning titles. Once notoriety has been obtained, the professional boxer or kickboxer may then enter into the marketplace for competing promotions where they can bid for his services or the athlete may choose to promote himself and hire a third party on a contract basis. These athletes retain rank and title that they have already obtained, which are independent of the promotion.

In contrast, MMA athletes do not have an organized and respected amateur system to establish merit. Unlike boxing and kickboxing, MMA promoters do not have and have not been required by the athletic commissions to utilize independent or objective ranking.

Mr. LATTA. Pardon me, Mr. Couture, if you could wrap up your statement. Thank you.

Mr. COUTURE. Lots more to say. But I am here representing the MMA FA members of over 600 strong, so hardly an insignificant amount of fighters that want to see this changed.

[The prepared statement of Mr. Couture follows:]

US House of Representatives – Energy and Commerce

Subcommittee on Digital Commerce & Consumer Protection

Hearing entitled "Perspectives on Mixed Martial Arts"

Written Statement of Randy Couture

November 9, 2017

Chairman Latta, Ranking Member Schakowsky, and Members of this Subcommittee:

My name is Randy Couture. I am very pleased to be back and to participate in this 2nd informational hearing in connection with the proposed bill to expand the Muhammad Ali Act (***"Ali Act"***) - to apply to mixed martial arts (***"MMA"***) as well as to other combat sports. The views herein focus on addressing some current major issues in the sport of MMA, a sport that I have come to love so much and, unfortunately, certain parts of the business behind it, that I have come to hate just as much.

Although my Bio was previously submitted to this subcommittee, a couple of specific references - I have over 25 years of training in freestyle and Greco-Roman wrestling. I was a 6-time World Champion and Hall of Famer in the sport of MMA and in the Ultimate Fighting Championship (***"UFC"***). I served 6 years in the U.S. Army (1982-1988) attaining the rank of Sergeant in the 101st Airborne (air assault qualified). I graduated from Oklahoma State University in 1992 with a BA in foreign language and literature. I became a three-time Olympic team alternate (1988, 1992 and 1996), a semifinalist at the 2000 Olympic Trials, a three-time NCAA Division I All-American and a two-time NCAA Division I runner-up (1991 and 1992) at Oklahoma State University.

The following is a brief summary of some of the major issues that I currently see in MMA:

I. Mixed Martial Arts-Industry Overview.

I believe that the Majority's Memorandum has done a pretty good job of providing a cursory description of some of the history of modern MMA. However, to add just a bit, it is a sport that involves world-class and Olympic athletes involved in all disciplines of martial arts, including wrestling, judo, jiu-jitsu, muay-thai, karate and boxing. The UFC is the operating trade name of Zuffa, LLC, a Nevada limited liability company (***"Zuffa"***).[1] Over 90% of all revenue generated in MMA is captured by Zuffa. Zuffa is the only promoter in MMA that is broadcast on pay-per-view, where a substantial amount of event income is obtained. The UFC broadcasts approximately in excess of 13-16 PPV events per year, and, in most years, consistently has 10 or more of the top 15 PPV events per year. The UFC also promotes approximately 24 additional events which are broadcast on the FOX family of networks and on its own streaming service, UFC Fightpass, which is a monthly subscriber based service.

The UFC has over 520 fighters under contract at any given time. Once signed to a UFC promotional agreement, the UFC retains sweeping ancillary rights to utilize the athlete's likeness in perpetuity for nearly all commercial purposes. The roster churns as fighters are released, injured or retire, and new

[1] Although this particular structure has now changed given the $4.2B sale in July of 2016 to WME/IMG (WME-IMG now named "Endeavor")).

fighters are signed.[2] Worldwide, there are thousands of professional mixed martial artists. Coercive contractual practices crippling the natural growth of MMA include, but are not limited to: (i) the use of exclusive and non-public contracts; (ii) the assignment of ancillary rights from the athlete to the promoter far beyond the term of the promotional agreement; (iii) champions clauses that prevent champions from ever becoming freely marketable; and (iv) secret discretionary payments that are utilized to keep the athletes subservient and silent.

For 2015, Zuffa reported annual revenue in excess of $600 million, with over 63% of revenue event related (gate/PPV sales). Zuffa has also entered into lucrative TV licensing deals including a 7 year, $832 million deal with Fox Networks, and a 5-year, $232 million deal for broadcast rights in Brazil. Zuffa also has ownership stakes in a variety of other businesses including apparel, equipment, energy drinks and gyms, the UFC magazine, the UFC Fan Expo, UFC Fightpass (the company's streaming service) and the UFC.com website and online store. Zuffa also has "partnership" arrangements with numerous "media" companies. Zuffa controls the likeness rights of its athletes for merchandizing purposes, and has the only MMA video game franchise in a partnership with EA Sports.

Recently, Zuffa sold to a group controlled by WME-IMG for a reported purchase price of in excess of $4Billion. It is the single largest sports property transaction in the history of American sports. Although the purchase price is astounding, given the ongoing requisite low percentage share of revenue with the athletes, I can say based upon recent experience that things have not improved from this sale. In fact, things may have worsened for the athlete. In particular, the debt load associated with this purchase is probably three (3) times the previous debt load – and to that end, Goldman Sachs (the lead banker in the sale) has twice been warned by federal regulators that the over-optimism in the projections of future income was far too speculative. Indeed, in the most recent debt/equity transaction, a non-institutional entity did the offering, likely to avoid additional regulatory scrutiny. *Translation for the fighters*, none of that enormous purchase price will trickle down to your pocket as the company now carries a far greater debt load.

II. Competitive Architecture in Sport of MMA.

In sport, competition and result in competition determines merit – not how loud you complain, how much you insult or how many people you offend (those are entertainment concepts). Unlike boxing, however, there is no real competitive architecture for MMA. Amateur programs are largely nonexistent and somewhat unorganized. MMA is also not an Olympic sport. Thus, athletes entering into MMA do not have the same "built-in" pedigree that boxers typically enjoy due to long-standing amateur programs as well as Olympic competition which serves to filter and test talent prior to turning professional. In MMA, outside of NCAA Division I and Olympic wrestlers, athletes turning professional have not been systematically ranked at any level.[3] In contrast, amateur boxing and wrestling establishes credentials and merit in athletes who through competition, ascend rankings.

Merit is essential to all combat sports athletes who through competition in sport, ascend rankings and establish notoriety with the viewing public. In combat sports, value to athletes competing is obtained by ascending in the rankings through competition and later, winning titles. Once notoriety has been

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[2] Although retirement typically "freezes" the contract.

[3] Division I and Olympic wrestling is extremely useful, but does not directly translate to success in MMA. It frequently takes years for these wrestlers to obtain other skills necessary for success in MMA.

obtained, the professional boxer or kick-boxer may then enter into the market of competing promotions that may bid for his or her services, or the athlete may choose to promote themselves and hire third parties on a contract basis. These athletes retain the rank and title they have already obtained, which are independent of promotion. In contrast, MMA athletes do not have an organized and respected amateur system to establish merit. Unlike in boxing and kick-boxing, MMA promoters do not, and have not been required by the athletic commissions to utilize independent or objective rankings.[4] In addition to the lack of independent rankings, MMA promoters also issue their own championship titles – and in fact, can take them away just as quickly as they award them.

Further, to even be considered to compete for these promotional titles, athletes are required to sign exclusive, long-term contracts removing these athletes (and would be competitors) from the competitive marketplace.

III. MMA Utilizes No Independent or Objective Rankings Methodology to Determine Merit.

Zuffa operates without any objective rankings system to determine who is in line for a title shot, and even internally, Zuffa does not announce any rankings of fighters. Previously, according to Dana White, "It's a total conflict of interest, and in my opinion, it's pretty easy to figure out who's next in line for title shots and things like that. . . But we don't make our own rankings. It wouldn't be right." Yet, the UFC awards titles and regularly states that in order to be considered the best, you must be in the UFC. However, after finalizing its television deal with Fox Sports, the UFC has recognized "rankings by FightMetric" who "will poll opinions" from 90 members of the media. Only fighters "currently active in the UFC" are included in the UFC rankings, the UFC is not obligated to follow the rankings in any manner, and the UFC alone selects who is included on the panel. Further, the rankings do not, at any time, dictate title bouts. The rankings, however, were apparently required by Fox Sports as they are important to "sell" MMA to the general public.

Fighters are hamstrung in their ability to negotiate fight purses as promotions, unlike in boxing, are not required to disclose to fighters the revenues earned from such bouts. Fairly recently boxer Chris Algieri invoked the Ali Act to obtain financial disclosures from his promoter to assist him in negotiating his purse. For no seemingly logical reason or good reason, fighters in other combat sports are not provided the same disclosures.

IV. Due to Lack of Independent and Objective Rankings Methodology, Title Shots are Not Dictated by Merit.

In MMA, no merit based system dictates when elite athletes obtain title bouts, if at all. Vitor Belfort, a veteran star of the UFC, stated the following in regards to what qualifies a fighter for a title match: "There's not much I can say about what qualifies you for a shot at the title in the UFC. It hasn't been happening much by merit, but by politics." Similarly, after being passed over for a title match by Chael Sonnen, a fighter who had never competed as a light heavyweight, former champion and star Dan Henderson tweeted to Dana White: "I guess I should just quit training to win fights and to be exciting for the fans and just go to sh_t talking school." Henderson continued by stating that giving Sonnen the title match "degrades the sport of MMA." Ironically, Chael Sonnen himself recognizes that MMA as currently

[4] Virtually all if not all individual sports, including golf, tennis, and NASCAR, recognize rankings methodologies that are independent of a particular event, promotion or venue.

operated is not a legitimate sport. According to Sonnen, you can be the best fighter in the UFC, and never obtain a title match. Finally, Sonnen stated that in MMA, there is "no competitive architecture" to determine who is best. Perennial contender Jon Fitch echoed these sentiments, stating:

> "It's impossible to tell. There's no system for picking number one contenders. There's no order, there's no lineup, there's no point system. It's just whoever they feel they're going to make the most money off of. That's who gets the title shot. It kind of sucks, because in other sports there's kind of a clear path; you do this, this and this, and you get this."

V. Titles are Ceremonial and Require Strict Exclusivity.

Zuffa, by contract, deems its titles as "ceremonial" only. Thus, fighters have no property or "contractual" right to enforce their status as champions and may be stripped at any time. In fact, Dana White warns athletes frequently, "Remember, I cut a champion." Likewise, worthy challengers have no means to obtain title bouts that they may have earned on merit. In order to compete for the UFC title, athletes must also be under exclusive contract to the UFC, and agree to the insertion of the "champion's clause" which automatically extends the term of the promotional agreement for as long as a fighter holds the UFC title (which apparently is ceremonial and can be taken away at any time). Further, a fighter cannot retire or voluntarily sit out the remaining term of the promotional agreement as the UFC simply "tolls" the promotional agreement for the entire period of the "retirement" or refusal to compete. Zuffa champions (and all other athletes) will never compete in co-promoted events or in high profile matches promoted by a competing promoter.[5] Zuffa systematically and intentionally operates a "closed" system by expressly prohibiting its champions (and virtually all other fighters) from competing for any other promotion. The Ali Act requires rankings to be based on merit, not contractual subservience. Standardized, objective rankings serve to increase public confidence in the sport, and means "new opportunities for honest boxers who are trying to fight their way up the rankings." Additionally, the sport achieves "more integrity and respect" since boxing fans "will know that championship matches are being fought by true champions." Indeed, the public would be outraged if Rob Manfred, the commissioner of baseball, simply replaced the Kansas City Royals in the World Series, or worse, kept them out of the playoffs because the New York Yankees bring higher ratings or more favorable contractual terms. A promoter's ability to write fighters in and out of rankings arbitrarily serves to drastically reduce a fighter's marketability and leverage. This practice is rampant in MMA, impugns the integrity of the sport, and serves to strip fighters of virtually all negotiating leverage at the time their marketability should be at its peak. As one observer testified before the United States Senate in connection with the earlier regulation of boxing:

> "This is akin to forcing a professional tennis player or golfer to sign an exclusive, long term contract with the promoter of whatever event they were seeking to win. The athlete would then only be able to compete when the promoter approved, against only those opponents who also were forced to agree to terms with that promoter. In well organized major sports such as tennis and golf such a business practice would be strongly challenged and criticized as an unreasonable restraint of trade."[6]

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[5] Other than the recent Mayweather-McGregor fight – which was, of course, in boxing.

[6] In Tennis, if Wimbledon demanded exclusive contracts from all top tier tennis players early in the sport's history, all other tournaments would be driven out of business or forced to accept minor league status. That is exactly what has happened in MMA, with the tacit approval of the athletic commissions. As a promoter, Zuffa by law should be

The effect of these contractual restraints is that champions are never free agents or open for bid while holding a title, and cannot voluntarily resign or relinquish the title. Athletes who do not agree to the UFC's terms are simply not signed, and then denigrated as inferior. Top-tier fighters who do not agree to Zuffa's contract terms are simply not provided title fights—regardless of merit. This model is intentionally utilized by the UFC for precisely this reason—it allows the UFC to solely determine merit which enables Zuffa to dictate terms and obtain contractual subservience. The UFC has used this structure to coerce, bully, and ensure that its brand remains paramount. In fact, the "promotional agreement" requires the athlete to provide promotional services to Zuffa, with no corresponding obligation of Zuffa to actually promote the athlete. Former UFC champion and prominent broadcaster Pat Miletich described these practices by stating:

> "Coercive practices crippling the natural growth of mixed martial arts include, but are not limited to, (i) the use of exclusive and non-public contracts, (ii) the assignment of ancillary rights from the athlete to the promoter far beyond the term of the promotional agreement, (iii) champions clauses that prevent champions from ever becoming freely marketable, and (iv) overt threats and secret discretionary payments that are utilized to keep the athletes subservient and silent. Removal of these artificial and anti-competitive restraints will dramatically reshape the mixed martial arts industry. With the removal of these artificial restraints, substantial new investments from deep-pocketed investors will be made in this sport. These investors, currently sitting on the sidelines unable to effectively compete in a free-market system, will provide not only more opportunities and earnings power to the athletes, but also additional tax revenues and jobs to the citizens of the State of California. Such organic growth will benefit all stakeholders in the sport of mixed martial arts by increasing revenues in all industry segments."

VI. The MMA Market Given This Structure.

Given this marketplace, athletes entering into MMA typically compete first in small, somewhat unorganized local promotions and are paid small sums of cash or paid by being given tickets to sell and splitting proceeds with the promoter. Next, athletes compete in regional promotions which may or may not have a television deal. These athletes, at the high end, earn $6,000, and as low as $500 on the end of the pay scale. After 10 to 15 fights, successful athletes seek to be signed by the UFC. The first deal an athlete signs with the UFC is typically a four (4) fight deal, with a two (2) year term. Compensation for the vast majority of these athletes first entering the UFC is $8,000 to "show," and $8,000 to win. To "show" means the athlete makes weight and competes. If the athlete wins the first 2 or 3 bouts on their UFC contract, the UFC will typically offer the second promotional deal (often right before a scheduled bout to maximize leverage) which will in essence extend the promotional deal to cover six (6) fights (2-3 years), and increase purse levels to $16,000-$24,000 to show/win. If an athlete is highly successful and marketable over this time period, the UFC may offer a third promotional agreement which will include the "champion's clause," an increase in show/win pay, and maybe a negotiated PPV split for title or main event matches broadcast on PPV. Failure to agree to this clause ensures that the athlete will not compete against current contenders or obtain a title match. UFC promotional contracts are essentially non-

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prohibited from issuing titles and requiring exclusivity. The same enabling statutes that govern boxing prohibit promoters from issuing titles. It should be noted, that just prior to purchasing the UFC, Lorenzo Fertitta was a commissioner of the Nevada State Athletic Commission, which also regulates boxing. Marc Ratner was previously the executive director of the Nevada State Athletic Commission.

negotiable, and exclusivity is strictly mandated. The UFC publicly announces they simply will not sign or allow you to compete against UFC athletes if you refuse exclusivity.

VII. Conclusions.

The Ali Act curbs exploitive business practices and protects honest competition and the integrity of sport. As stated in the legislative history of the Ali Act, an industry free of restraint and exploitive and unethical business practices will lead to increased competition, "and fair, open competition is key to any sport's success." It is time that all combat sports participants are treated fairly and consistently and granted the protections already afforded professional boxers.

Mr. LATTA. Well, thank you very much for your statements. And at this time, we will move to the question and answers from our members.

And I will begin by recognizing myself for 5 minutes.

And, Mr. Sirb, if I could start with you. As an official of the Pennsylvania state Athletic Commission, can you explain the authority the Commonwealth of Pennsylvania has to implement rules like those for contractual provisions in H.R. 44?

Mr. SIRB. Currently in Pennsylvania——

Mr. LATTA. Is your mike on?

Mr. SIRB. Currently, in Pennsylvania, we treat the boxer exactly the same as the MMA fighter. Every aspect of the Ali Act is implemented for the MMA fighter. We oversee the contract. It must be on our form. It can't exceed 3 years. And any situations that come up, they come to the commission first by state law for an arbitration process. If they don't like what we arbitrated, then it goes to Commonwealth court.

Mr. LATTA. Thank you very much.

Mr. Ratner, you have had a great deal of experience with both boxing and the MMA, what are the differences in those sports and how they are regulated, and why do those differences exist?

Mr. RATNER. From the commission side, as Mr. Sirb just said, it is handled exactly the same way. I can speak for the State of Nevada completely. Boxers and MMA fighters are treated exactly the same. Surprisingly, the only thing that is different is the rules of the sports. But everything is the same. Whether contracts, they can be arbitrated by the commission.

But I do want to say about the Ali Act—and I was there in 1996 with Mr. Sirb before Senator McCain and Senator Richard Bryan, and to the best of my knowledge, and maybe I am wrong, but there has not been one case that has gone to the United States Attorney General in any state with the Ali Act. For some reason, it has never been there. And I don't think it works in boxing, and it certainly will not work in the sport of MMA.

Mr. LATTA. Thank you very much.

Mr. Couture, you have been a passionate advocate for changes and how the MMA is regulated. If these changes would have been in effect when you were fighting, how do you think it would have impacted your successful career?

Mr. COUTURE. I think, with the transparency that the Ali Act provides boxers, I would have known what my fair market value was in the sport, and I would have been free to go and pursue—for me, a perfect example was the Fedor Emelianenko fight in 2006: Fedor was fighting for a different organization under a contract with them; I was under contract with the UFC. I wasn't allowed to go and pursue that fight. Most people thought he was the best fighter in the world and I was number two. The only way to really settle that, and that is in the cage. And I was not allowed to do that because of my exclusive contract with the UFC. I couldn't pursue that outside of them, and they couldn't make a deal with Fedor and do a copromotion with his organization.

So I think this is one of the things that the act clears up, allows for free market, and allows me to know my fair value in the marketplace.

Mr. LATTA. Thank you very much.

Mr. Sirb, do you believe that the way the MMA fights are regulated in the U.S. creates as safe an environment as possible for the competitors, understanding the sport of course is very much a contact sport?

Mr. SIRB. I do. Again, we are only talking about the professional fighters. The MMA, unlike boxing, has a whole slew of amateur MMA fighters, 14, 13, 12 years old, 14, teenagers. That is very unregulated in some states. That is a big issue.

This Ali Act only covers, though, the pro fighters. But for the pro MMA fighters for health and safety, yes, they are protected fairly well under current regulations.

Mr. LATTA. Thank you very much. Just to let you know, with our lights up there and the bells, they just called votes, and we have about 13 minutes left. Would the gentlelady like to go ahead and ask her questions, and we will take a brief recess and come right back.

Ms. SCHAKOWSKY. Actually, because I can come back, I am going to yield to Ben Ray Luján to ask questions.

Mr. LATTA. The gentleman is recognized.

Mr. LUJÁN. Thank you, Mr. Chairman.

Thank you, Ms. Schakowsky.

Mr. Couture, first off, I want to thank Mr. Markwayne Mullin for leading this effort, and Mr. Kennedy as well. This is important. As we are having a conversation about folks that want to put themselves through the training and through the rigors of being in that ring, that ultimately led to a $4 billion industry; that is the premise of I think why we are here. And what can be done in a way to make sure that we can understand how to put what those fighters are going through every day and front and center, if you will, in the middle of what is happening across the country.

So, looking at this, as we talk about economic independence, does the Ali Act make it harder for the same person or organization to serve both as a boxer's manager and their promoter, and why do MMA fighters need the same protections?

Mr. COUTURE. I believe that MMA fighters need the same protection. I think the biggest issue is that combative sport should be based on merit. And to have a promoter also create his own title and his own rankings and then hold the athlete's feet to the fire and force him to sign a contract if he wants to be ranked and he wants to fight for those titles and gain that notoriety, it is too much power. It needs to be separated.

Somebody else independent of wanting to promote and make money off that fighter should be setting those rankings and creating those titles. That is my opinion.

Health and well-being of the fighters, I am perfectly comfortable with how the athletic commissions and ABC regulate us. The CT scans, the blood work, all the other things that I do to make sure—I know the risks; I still love the sport.

The real issue is on the business side of things. I am not told or allowed to know what I am worth. And I get to negotiate for my fair share of any event that I compete in. A recent example, Conor McGregor gets a boxing license, and he goes out and makes $80 million or $90 million. That is ten times he has ever made in a

mixed martial arts fight—ten times what he ever made in a mixed martial arts fight. And he is one of the highest mixed martial arts fighters, what he is paid. And it goes down drastically from there.

The mid-tier and lower tier fighters are struggling; they can't fight enough times in a year to make a decent living. Now, they are forced to fight four or five or six times in a year. It takes 10 weeks to train for one fight. That is 40 weeks that he is in hardcore training, putting his body at risk, in order to continue to make a living in the sport that he loves.

Mr. LUJÁN. I appreciate that. I have seen some of those boxers train at Jackson's Gym in Albuquerque, New Mexico, I certainly appreciate the work that goes into that. I sweat just watching them, sir, so there is nothing that I could do to ever be prepared fully, but I appreciate that.

So my question, Mr. Ratner, goes I guess to this point. Is disclosure and voluntary guidelines enough to protect fighters' interest, or do fighters need a fully independent sanctioning authority that has the ability to enforce rules as we look at these rankings?

Mr. RATNER. First of all, in your first statement, I want everybody to know that we are not a manager; we are a promoter. When a fighter comes to fight for us, they bring attorneys, they bring managers, they bring agencies.

Mr. LUJÁN. Mr. Ratner, if I may, because my time is going to run out here, specifically to disclosure and voluntary guidelines, is that enough to protect the fighters' interests, or do fighters need a fully independent sanctioning authority that has the ability to enforce the rules as we talk about the importance of the ranking and things of that nature?

Mr. RATNER. When they fight for us, the gate is public knowledge; they know exactly how much was paid by the people who watched the fights. The ones who fight on pay-per-view are really their partners. They have the right to audit the pay-per-view numbers. So they are really part of our whole business. No fighter fights for us for less than $10,000 for them to show up. If they win, they get another $10,000.

Mr. Couture brought up the Mayweather fight with Conor McGregor. On that fight card, there were five boxers who were paid under $7,500. So that is a boxing—whether it is right or wrong. I am saying that nobody gets paid less than $10,000, and we do the right thing by the fighters.

Mr. LUJÁN. Thank you.

Mr. Chairman, as my time expires, again, just—it just sold for $4 billion. We talk about the earnings of these fighters and even the autonomy for them to go and find independent sponsors as well when they are tied to contracts. It just doesn't allow them to maximize their earnings. And I think, as you look at what they are required to fight for all year long versus the few fights then that ultimately have that payday, that there should be some flexibility there, and I am hoping that I can better understand this as well so we can maximize those earnings for these folks that do incredible work. Thank you very much, sir.

Mr. LATTA. The gentleman's time has expired.

And at this time, we will take a brief 15-minute recess, and we will go vote and come right back. So we appreciate your testimony so far, and like I said, we will be back in 15 minutes.

[Recess.]

Mr. LATTA. I call the subcommittee to order from our brief recess, and at this time, I will recognize the gentleman from Oklahoma for 5 minutes.

Mr. MULLIN. Thank you, Mr. Chairman, and thank you to the witnesses for being here.

Mr. Ratner, you made a statement that you said boxers and MMA fighters are treated the same.

Mr. RATNER. By commissions, yes.

Mr. MULLIN. So is the ranking system the same?

Mr. RATNER. First of all, I am a regulator.

Mr. MULLIN. I know, but if you are saying they are treated the same, that is an awful broad statement. Is the ranking system the same?

Mr. RATNER. Well, I am saying from a regulatory point of view, from a commission point of view——

Mr. MULLIN. Well, you are talking about the safety of the fighter. We are talking about the ranking, and the Ali Act doesn't deal with the safety of it. It deals with the financial disclosures of it.

So, when you make that broad statement, let's be narrow, because this is a hearing on the legislation, on H.R. 44. That is what this is about. We are not talking about the safety, which is important, we are talking about what the Ali Act does and doesn't.

So, when you say that a boxer and an MMA fighter is treated the same, is the ranking system the same? Yes or no.

Mr. RATNER. The ranking systems in boxing are completely different.

Mr. MULLIN. So what criteria does the MMA use for the ranking system? The UFC specifically.

Mr. RATNER. The UFC, there is a group of sports writers, I am not sure how many, and they are the ones.

Mr. MULLIN. Do they serve at the will of the UFC?

Mr. RATNER. No, they are independent.

Mr. MULLIN. They serve at will. The UFC reserves the right to remove anybody off that commission that they choose.

Mr. RATNER. I cannot answer that.

Mr. MULLIN. It is true. The answer to that is true.

Mr. RATNER. I do not know that, but there is a group of them, it is 18 or 20, something like that, and they rank the fighters——

Mr. MULLIN. What criteria do they use to rank the fighters?

Mr. RATNER. As I said, I am in the regulatory part of it. I am not in that part of it, and I cannot answer that.

Mr. MULLIN. But you did refer to it, in your opening statement referred to the ranking system. So, if you referred to it in your opening statement, then let's be clear on a couple things.

How do they choose who is going to fight for a title?

Mr. RATNER. How does the UFC?

Mr. MULLIN. Yes.

Mr. RATNER. On a competitive basis. We make the fight that fans want to see.

Mr. MULLIN. I have no objections to that. I want that, but when you are talking about a world title, as a professional fighter, I want to know that I am the best, if I am fighting, and that is the whole point. As Randy said, he wants to fight the best.

So how do you know you get to fight the best? It has nothing to do with matchmaking. The Mayweather/McGregor fight was not for a title. The fans wanted to see it, Correct?

Mr. RATNER. Correct.

Mr. MULLIN. But when you have a title out there that the UFC shows as a world title, do you consider that the world title?

Mr. RATNER. Last Saturday night, we had three world titles.

Mr. MULLIN. World titles. So, when Lawrence Epstein came and talked to be me and he said that they don't look at the title as being a title but as an award bestowed upon the best fighter that night, would you agree with that statement?

Mr. RATNER. I do. Just going back to Saturday night——

Mr. MULLIN. So then it is not really a world title.

Mr. RATNER. It is a world title as far as we are concerned.

Mr. MULLIN. Not if you are considering it an award bestowed upon the best fighter. It can't be. When you have the last three fights, the 185 pound, as I said in my opening statement, when Luke fought Bisping, Bisping was ranked number four. Did number three, number two, and the number one contender, did they refuse the fight like in the boxing world they do?

Mr. RATNER. Well, in the boxing world, what you have there is step-aside, and there are all kinds of games played.

Mr. MULLIN. OK. But did they? Did the number three, two, and the number one contender have an opportunity to fight, or did they go straight to Bisping?

Mr. RATNER. I am going to make it clear again: I am not involved in that part of it.

Mr. MULLIN. But you said in the opening statement that the fighters in the MMA and boxers are treated the same.

Mr. RATNER. Absolutely.

Mr. MULLIN. They are not when you are talking about the ranking system.

Mr. RATNER. I am talking about state commissions.

Mr. MULLIN. State commissions when you are talking about the safety and regulating the safety but not the true ranking system.

If the UFC is considered a professional sport, then it should be on a merit-based ranking system, when the fans know that the number one contender actually has a shot at the title, because we haven't seen that at 185. How did Dan Henderson—which I like Dan; this is no knocking him. But he wasn't even in the top 10, and when was the last time he was in the top 10? He got to fight Bisping for the title shot. Did nine, eight, seven, six, five, four, three, two, and one all refuse?

Mr. RATNER. When Dan Henderson fought Michael Bisping, it was a natural rematch from a fight maybe four or——

Mr. MULLIN. But then it wasn't a title shot, but yet it was for a title shot. Then that means the world championship belt that the UFC has isn't really a world championship belt. It is really what Lawrence Epstein personally told me. It is simply an award that

they bestow on the best fighter that night. That is insulting to every professional athlete.

How did GSP get a fight for the title when he hasn't had a fight in 4 years, much less at 185 pounds? He never fought for the belt.

Mr. RATNER. St-Pierre hadn't fought in 4 years; you are absolutely correct.

Mr. MULLIN. So how did he get a title shot?

Mr. RATNER. He was a former champion, former pound-for-pound the best fighter in the world, according to our——

Mr. MULLIN. So he still didn't fight for a title. He fought for an award bestowed upon the best fighter that night.

When you go back and you say—and I am wrapping up, Chairman—when you go back and you say that boxers are treated like MMA fighters, clarify that statement that you are talking about the health of the fighter but not the professional ranking system and not about the financial disclosures, because there are distinct differences. The Ali Act is the backstop to boxers. There is no backstop for MMA fighters. It is take it or leave it, and that is what I say the UFC has become the Don King of MMA.

I yield back.

Mr. LATTA. The gentleman's time has expired.

And the chair now recognizes the gentlelady from Illinois, the ranking member of the subcommittee.

Ms. SCHAKOWSKY. I am going to yield to Congressman Kennedy, a cosponsor of this bill.

Mr. KENNEDY. Thank you. I appreciate that, ranking member.

I appreciate that, Mr. Chairman. Thank you for calling this hearing.

The witnesses, thank you for being here.

Mr. Mullin, if you wanted to finish that round of questioning off, I am happen to yield to you a minute, as long as, Jan, you are OK with that.

Ms. SCHAKOWSKY. I am fine.

Mr. MULLIN. Go ahead, Joe, and I will jump in when you are done.

Mr. KENNEDY. I appreciate the witnesses here today, as I said.

A number of topics that I think have come to light over the course of this hearing, which I think we do need to dive it down a bit more.

Obviously, I share some of the concerns that you heard from Ms. Schakowsky around safety and security of our fighters. I understand, Mr. Couture, your perspective that there is an assumption of risk here, that you have an idea of what you are getting into, and I appreciate that.

That being said, I think, Doctor, some of the research that you were able to articulate, this is an issue we are seeing across multiple professional sports at this point where there are long-term safety effects that we also want to make sure that people are going in with eyes wide hope. I appreciate that as well.

I also wanted to call attention to an op-ed I believe in today's Washington Examiner by an additional fighter, Mr. Fitch, who echoed some of the points made by Mr. Couture and by Mr. Mullin. He states in part over his career that, at one point, following a defeat to Mr. St-Pierre, that he was presented with a merchandising

agreement, quoting from a letter that is now in the record: "So I was presented with a merchandizing agreement by the promotion which required me to grant them in perpetuity and for no compensation the right to my image for use in a video game."

He cites later that he was requested at one point to sign over all rights, including after death.

Mr. Couture, is Mr. Fitch's experience with that similar to circumstances that you have been going through, and is that emblematic of some of the interactions with other fighters as well?

Mr. COUTURE. Yes, sir. It is. I have fought with the organization from the day they bought the company. When Zuffa bought the UFC from SEG, the old company that owned the property, I was the heavyweight champion at the time. I was due to sign a new contract, and my management basically fought for those ancillary rights, and it is because of that fight over those ancillary rights, my name and likeness and all these other categories that have nothing to do with the actual fight, I am persona non grata with the company to this day.

Mr. KENNEDY. Mr. Mullin.

Mr. MULLIN. Thank you, Joe.

Mr. Ratner, a followup question: Did the UFC strip Conor McGregor of his featherweight title and drop him from the rankings, despite he had never lost the title in competition?

Mr. RATNER. He wasn't active in I believe the 145. He went up to 155, and, yes, they took the title away.

Mr. MULLIN. And they stripped him out of the rankings of the top 10, despite he had never lost at 145?

Mr. RATNER. I believe so.

Mr. MULLIN. Would that happen in boxing?

Mr. RATNER. I think it has happened in boxing.

Mr. MULLIN. When they are inactive for how long?

Mr. RATNER. That I cannot say, but I know——

Mr. MULLIN. Isn't it based on them passing fights, refusing to fight for the title, and isn't it based on criteria before they can just simply drop the title?

Mr. RATNER. In boxing, there must be maybe 10 to 12 world sanctioning bodies, and they all have their own criteria, they all have different rankings.

Mr. MULLIN. But I am talking underneath the Ali Act, because you were a proponent for the Ali Act when it was coming out in boxing, you were a strong proponent for it because you saw the need for the boxers, for the fighters, and a lot of it was the manipulation that was going on in boxing. Is that correct?

Mr. RATNER. Yes, 20 years ago, I——

Mr. MULLIN. And you don't see any similarities right now on the manipulation the way they do it?

Mr. RATNER. No. I don't.

Mr. MULLIN. What about Nate Diaz who was dropped from the UFC because he was involved in contract negotiations and he was trying to negotiate with the UFC and they dropped him? Is that not true?

Mr. RATNER. I don't pay attention to the rankings, but——

Mr. MULLIN. Sir, you are involved in it all the time. Was he not dropped from the UFC?

Mr. RATNER. He is still under contract to us and——

Mr. MULLIN. I am talking about at the time.

Mr. RATNER. I am sure you will see him fight again.

Mr. MULLIN. I know that, but the answer to that is yes, and we go back to the same thing. When you were saying that boxers are treated the same way, or MMA fighters are treated the same way as boxers, what I am trying to draw here is they are not even close. You make a broad statement like that; you are misleading Congress.

Mr. RATNER. Not at all.

Mr. MULLIN. And you are misleading the American people. When you make those statements, clarify specifically on what it is you are talking about because, once again, you are talking about the health of the fighter. The Ali Act deals with the financial compensation of the fighter. It also deals with the merit-based ranking system.

I yield back.

Mr. LATTA. Thank you very much.

The gentleman from Massachusetts' time has expired.

And the chair now recognizes the gentleman from Indiana for 5 minutes.

Mr. BUCSHON. Thank you, Mr. Chairman.

I was a surgeon before I came to Congress, so actually this situation really does interest me quite a bit because of the medical aspects of what we are talking about here today. And I think, as you mentioned, adults understand what the risks are, and they participate based on the known risk.

It seems to me, though, one of the things when you are balancing risk/benefits, is you have to also be able to assess what your financial goals might be. Would you agree with that? If you are going to fight and assess the risk as a professional fighter, one of the considerations is on how many times you fight and for how long you fight is what your financial future might hold for you. Would you agree or disagree with that?

Mr. COUTURE. I would absolutely agree with that. Mr. Sirb mentioned if I know how big the pie is for a specific event that I am training for and going to compete in, then I have a fair opportunity, if I am unrestricted, to negotiate for my fair share of that pie, and that is less pies down the road that I have to get involved in which put my health and well-being at the——

Mr. BUCSHON. Right. If you are essentially, as you mentioned, you have to fight six times a year to meet some financial goals, and you may or may not meet those——

Mr. COUTURE. To use Mr. Ratner's——

Mr. BUCSHON. It is more exposure potentially to the health risk.

Mr. COUTURE. To use Mr. Ratner's assumption that at least every fighter minimally gets $10,000 to show up and $10,000 if he wins, even at that rate, that is $20,000, take out my training expenses and all the other expenses I have as an athlete, I am going to at least have to fight four, five, six times a year to make a reasonable living by today's standards.

Mr. BUCSHON. Do you get charged for the other expenses? For example, an entertainer that goes on tour, right, their contracts usually have whatever it takes to set up the stage and to take down

the stage and have the people run the lights and all that. I am just curious, are fighters—is there a fee——

Mr. COUTURE. Fighters' expenses are dealing with his preparation, his trainers, his gym, food, supplementation, insurance of any kind.

Mr. BUCSHON. Travel to and from the fight?

Mr. COUTURE. Travel is usually taken care of.

Mr. BUCSHON. That is usually covered. OK. I am just trying to clarify the financial structure here.

Mr. COUTURE. As far as venues and setup and promotions for displaying the actual competition, that is up to the promoter.

Mr. BUCSHON. Is there a way a fighter can understand what the financial results are of an event? Is there transparency there for a fighter?

Mr. COUTURE. There is no transparency in place now in mixed martial arts. They don't have to disclose any of that information, and you can find it on public record if you have the wherewithal to go look it up.

Mr. BUCSHON. OK.

Mr. Ratner, how do you determine how much to pay fighters?

Mr. RATNER. As I stated, they have to sign a contract to fight for us. Most of those contracts are 2 to 3 years. So when they come in——

Mr. BUCSHON. In the contract, does it talk about financial compensation or just——

Mr. RATNER. Yes. So, for a brand new fighter, maybe the first three fights of his career, they are paid $10,000. You win those three fights; then they are paid another amount. It goes in steps.

Mr. BUCSHON. At any point in those contracts, is there revenue sharing at all, or is it just a flat fee?

Mr. RATNER. For a beginning fighter, no. They are signing——

Mr. BUCSHON. Which is consistent with maybe the entertainment industry and other things. I totally understand that. Right.

Mr. RATNER. You asked about some of the other costs. The UFC picks up all those costs. When we have a fight, we bring them in on Tuesday, not on Friday or Saturday. We weigh them to start with.

And I just want to say again that I am for the fighters. I am for the health and safety part. That is my most important part.

Mr. BUCSHON. I think when you assess risk/benefit of participating in a sport, the financial aspects of it are an important part that you have to assess, right? And professional athletes will tell you that, and they know the risks, but if you are going to make $10 million for a fight, well——

Mr. RATNER. But nobody forces——

Mr. BUCSHON. Mr. Sirb, I have got a few minutes here. You mentioned in your written testimony, there had been no legal cases brought to trial under the original Ali Act. Why is that?

Mr. SIRB. Correct. The Ali Act has been very hard to enforce. We at the national association have written to numerous state attorneys general who have the authority to enforce the act. We have never got any cooperation from any of them.

Mr. BUCSHON. OK. Thank you. My time has expired.

Mr. LATTA. The gentleman's time has expired.

The chair again recognizes the gentlelady from Illinois, the ranking member of the subcommittee.

Ms. SCHAKOWSKY. I am going to yield my time to Mr. Pallone.

Mr. LATTA. The gentleman is recognized.

Mr. PALLONE. Thank you, Mr. Chairman.

I wanted to ask Mr. Ratner some questions about sports betting and as it relates to MMA, to some extent, in Nevada.

Legal sports betting is supported by a majority of Americans, but outdated Federal law still prevents states that want to legalize it from doing so.

My bill, which I mentioned, the GAME Act, would modernize Federal law and allow states to legalize sports betting as long as strong safeguards that protect consumers and the integrity of the game are in place.

UFC is headquartered in Las Vegas, the center of legalized sports betting in the U.S. So I just wanted to ask you a couple questions, Mr. Ratner.

UFC operates all over the world. Is betting on UFC fights legal in other countries, to your knowledge?

Mr. RATNER. I know offshore there is betting everywhere. In Nevada, all our fights are put on what they call the board. You can bet on from the first fight through the last.

And I just want to say, personally, not for the UFC, but I am in favor of sports betting around the world, around the country especially.

Mr. PALLONE. Thank you.

What does UFC do to ensure integrity and transparency in MMA matches?

Mr. RATNER. They make the bets competitive, is really what the words we use. Very seldom do you see a fight that odds-wise is 10 to 1, or 15 to 1, or 20 to 1. They are all pretty close.

And, yes, there is betting, and we don't encourage fighters to go in there to the sports book. We certainly don't want them betting against themselves. That would be certainly illegal. But, yes, I see nothing wrong with it. I saw Evander Holyfield fight Mike Tyson, and his whole camp bet on him, and they got big odds, and they walked away happen.

Mr. PALLONE. In your experience, has the availability of sports betting affected fans' interest and engagement in UFC fights?

Mr. RATNER. Absolutely, it really is meaningful and you see in all our broadcasts that fighter A is a 2-to-1 favorite over fighter B, and people bet.

Mr. PALLONE. Now, you were previously the executive director of the Nevada state Athletic Commission, and since you have joined UFC, you have helped UFC get licensed to operate in Nevada and other states.

Is UFC subject to any state regulation in the U.S. that helps ensure integrity and transparency when it comes to sports betting?

Mr. RATNER. Well, the only state that has sports betting is Nevada right now, I think that if your legislation goes through. But I work strictly with the athletic commissions, and whatever rules they have—each state is a little bit different—we adhere to. We run to regulation. It is very important to us, but when it comes to sports betting outside the state of Nevada, I cannot answer that.

Mr. PALLONE. Now, what would happen if there was an allegation of unfair play or match fixing? Does the UFC have a process in place to respond to those allegations if there were such an allegation of unfair play or match fixing?

Mr. RATNER. Well, we have a whole legal team. There has never been a case of match fixing in the UFC, but we would address it, absolutely.

Mr. PALLONE. OK. And even in states that haven't legalized sports betting, people are still wagering illegally on UFC fights and other sporting events, correct?

Mr. RATNER. Well, I know there is offshore betting. I do know that. I don't know if it is illegal to go on the internet and bet on it. I cannot answer that directly, but we are certainly aware of it.

Mr. PALLONE. All right. Now sports betting in Nevada has been legal for decades, and the state has comprehensive regulations in place to govern and tax sports betting. So, Mr. Ratner, does legalizing sports betting and bringing it into the sunshine you think help sports leagues that are trying to protect the integrity of their games?

Mr. RATNER. Yes. I think that it is very, very important. In the state of Nevada, the sports books uncovered a basketball point shaving, just because, all of a sudden, all the money went on a different team, and they knew something was wrong. So I think it is very important for the integrity of all sports.

Mr. PALLONE. How would legalizing sports betting in states other than Nevada affect UFC's efforts to ensure integrity in MMA fights, do you think?

Mr. RATNER. I think it would be the same as Nevada. Wherever they would want to have it, we welcome it, and I think it would be a boon to the different states.

Mr. PALLONE. All right. My last question is does the UFC support the expansion of legalized sports betting to other states in the U.S. as long as strong safeguards to protect consumers and ensure the integrity of the sport were in place?

I guess you gave me your opinion, but does that reflect the UFC, or just your own personal——

Mr. RATNER. That is my opinion. We have new owners, and I don't want to say something that may be misinterpreted. But as far as I am concerned, I am completely for it nationwide.

Mr. PALLONE. All right. Thank you so much.

Thank you, Mr. Chairman.

Mr. LATTA. Thank you very much.

And the chair recognizes the gentlelady from Illinois, the ranking member of the subcommittee for 5 minutes.

Ms. SCHAKOWSKY. Thank you. At our 2016 hearing on mixed martial arts, we heard from the Association of Boxing Commissions and Combat Sports, the National Organization of State Regulators, that the association has generally, "taken a position against youth participation." But youth interest in MMA is growing, and the UFC offers MMA classifies and boot camps for children as young as 6 years old.

Dr. Dams-O'Connor, kids' and teens' brains are still developing. Can concussions and other forms of traumatic brain jury cause more damage and last longer in kids and teens than adults?

Ms. DAMS-O'CONNOR. So this is definitely an evolving area of research. A recent study actually found that exposure to head trauma through contact sports incurred greater risks for people who were exposed before the age of 12, a somewhat arbitrary cut point. But in general, the probably conventional logic amongst researchers is that earlier exposure is associated with worse outcomes.

Ms. SCHAKOWSKY. Does suffering a traumatic brain injury when you are young make you more vulnerable, is there research on this, to additional brain injuries in the future?

Ms. DAMS-O'CONNOR. Yes. So one of the greatest population level risk factors for sustaining a subsequent traumatic brain injury is having sustained a previous traumatic brain injury. So yes.

Ms. SCHAKOWSKY. Are you concerned that 6-year-olds are participating in MMA?

Ms. DAMS-O'CONNOR. It depends on the extent to which proactive measures are being taken to ensure the safety of those kids, to the extent that kids are being taught to fall safely, to limit or prevent head trauma exposure.

Again, I think that the benefits of sports participation need to be weighed against those risks, but it is a pretty young age, and it certainly raises some increased concerns.

Ms. SCHAKOWSKY. So are there any precautions that could ease your concerns if they were put into place?

Ms. DAMS-O'CONNOR. I think that, at that age, the most prudent approach would be extreme caution in terms of actually limiting and penalizing any head trauma exposure in the youngest athletes.

Ms. SCHAKOWSKY. Isn't that what is kind of central to the sport?

Ms. DAMS-O'CONNOR. Essentially, but I think that there is a lot about martial arts, including MMA, that has to do with athletic development, with physical development, with life lessons. So a lot of that would ideally be preserved. In the youngest athletes, however—again, there is no safe age at which sustaining a TBI—it is not safe at any age. In the youngest athletes, it is particularly unsafe. I think long ago, it was thought that, because of neuroplasticity, younger people recovered better after a brain injury, but we now know that that is not the case. In fact, the developing brain is most vulnerable to long-term effects of brain injury.

Ms. SCHAKOWSKY. In a 2016 study, researchers found that a third of MMA fights end in a knockout. I want to talk a bit about knockouts or a technical knockout. In fact, UFC fighters can earn bonuses of $25,000 to $50,000 if they win a fight with a knockout or technical knockout.

A technical knockout occurs when the referee decides a fighter cannot safely continue, while a knockout is the loss of consciousness.

So we have heard from experts that the greatest risk factor for TBI is a previous TBI. I just wanted to get to the issue of knockouts.

In your view, are fighters who have previously been knocked out more susceptible to being knocked out again in subsequent fights?

Ms. DAMS-O'CONNOR. I think the reach would support that notion that someone who has previously sustained a knockout is not just at risk for subsequently sustaining another traumatic brain in-

jury but also for slower recovery after each subsequent brain injury.

Ms. SCHAKOWSKY. So, if that is the goal of the sport—that is, you make more money if you knock someone out—and there is general agreement that that is dangerous, translating that to youth sports, isn't that a problem? The kids like this because probably they are watching adults in the MMA sports.

Ms. DAMS-O'CONNOR. It is an enormous problem. Any sport that has as a goal traumatic brain injury with loss of consciousness is tremendously concerning. Over the years, the regulations that have been applied to MMA and to boxing have changed. They differ across state lines, and the sport has changed in response. It is not unprecedented that changes in regulation have actually changed the sport.

In MMA, there is a lot of competition that involves technique and skill that has nothing to do with incurring head trauma. A lot of the sport would be preserved even if knockouts became no longer an acceptable component of the sport.

Ms. SCHAKOWSKY. Thank you.

I yield back.

Mr. LATTA. Thank you very much.

The gentlewoman yields back.

And the chair now recognizes the gentleman from Texas for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

I want to thank the chair and the ranking member for having the hearing today.

As several of our witnesses pointed out, the popularity of mixed martial arts has grown significantly in recent years. This hearing is a good opportunity to look at the increasing important industry of the MMA and try to see where Federal law can both support its success and help make sure the fighters are protected.

Mr. Couture, can you tell us about the current ranking system of MMA impact fighters?

Mr. COUTURE. The current ranking system in mixed martial arts is set up and is established by the promoter himself. So Bellator has their own rankings. UFC has their own rankings. Professional Fight League has their own rankings. They establish those rankings based on the fighters that are under contract with that promotion. They create their own titles and have those fighters that are under contract with them fight for those rankings and those titles.

There is no independent organization established that crosses and covers the entire sport for rankings and/or titles at this time.

Mr. GREEN. How much does a fighter's athletic ability contribute to their rank, since there are no standards?

Mr. COUTURE. Well, as I stated in my comment, there is no real regulated amateur sport at this time, and I think that that is something that our sport needs to address. We need a sanctioning body or an amateur sports organization that covers mixed martial arts nationwide, like USA Wrestling or USA Boxing or USA Taekwondo or USA Judo, that would regulate the amateur sport, and then you would see young athletes that compete in a watered-down version of MMA.

To assume that we are having 6-year-olds beating the hell out of each other, frankly, like a professional mixed martial artist, I don't think that is what we are seeing. I don't think that is what happens.

Are they training in mixed martial arts? Absolutely. Learning submission skills and the general body movements and they are training on striking and all those things, but they are not competing and trying to knock each other out. Contact is part of every sport. My sister was subjected to concussions in soccer from heading a soccer ball. It is there. We all know the inherent risk in the sports we partake in. But I think you are right: mitigating that risk is important.

But rankings would come through that amateur system. As I came out of wrestling, there was no professional outlet for me as an amateur wrestler, as an Olympic caliber wrestler. I forayed into mixed martial arts because I could use all those skills in mixed martial arts. I had to learn a lot of other skills as well, the striking and the other things that weren't encompassed in wrestling, but I had a certain level of expectation placed upon me, but there was no official ranking because of my wrestling background. It doesn't really exist in mixed martial arts right now.

Mr. GREEN. So you think an independent ranking system would change the MMA industry?

Mr. COUTURE. I think an independent ranking system—we were just talking about a world championship. Well, there was no other athlete from any of these other promotions that was included in that ranking or able to even compete for that world championship. So how is that a true world championship? It is basically ceremony for that particular promotion to say that is the world championship.

If we had an independent ranking system that included all the promotions that have fighters signed to their promotion and rank them with some criteria that is officially recognized by the athletic commissions, then we could have promoters compete to make those best fights happen, and those fighters could then be remunerated for the possibility to fight for that real world championship.

Mr. GREEN. Since we are looking at this legislation on the Muhammad Ali Act, do you have any recommendations on ways that MMA fighters and promotion companies might be able to reduce the risk of head injury?

Mr. COUTURE. I think right now with current medical requirements by most all the state and Tribal athletic commissions, CT scans, regular physicals and checkups, suspension processes that are put into place by athletes that are TKO'd or KO'd for at least a minimum of 90 days after a fight, a lot of the regulations that are in place now from the athletic commissions are working. Is it inherent risk in training? Absolutely. But we as fighters, the last thing I want to do is sustain a concussion or get knocked on my butt while I am in that 10-week training camp going into a fight. So I train with very specific guys that I know, that I trust. I wear head gear a lot of times. I use bigger, more padded gloves than I will on the night of the fight when it is on the line to mitigate that possibility that I sustain a cut or that I get a concussion going into

that fight. We are smart. We are not out there just trying to beat the hell out of each other.

Mr. GREEN. I have one more question, Mr. Chairman. I know I am out of time, but you told us that the MMA fighters would have more economic independence to ensure they can operate as independent contractors. Can you tell how that would work and how—an example of you give fighters more control over who they fight or how many times a year they fight?

Mr. COUTURE. We are independent contractors now. I was an independent contractor when I was under contract with the UFC. That is how our sport is set up. So it is up to me what I get paid for the times I fight, to regulate my taxes and all those other things as an independent contractor. I am not an employee of that promoter. I am signed on an independent contract with him as an independent contractor.

If I was allowed to cross promotion lines, my example was the Fedor Emelianenko fight. He was signed with Pride; I was signed with the UFC. Those are promotions. They promote fights. But there was no crossover. It wasn't allowed. There was no way for me to go fight what most people in the media felt was the number one fighter in the world, Fedor Emelianenko, because I was signed to an exclusive contract with the UFC.

This is that coercive—if I want to be ranked and fight for that promotion, I have to sign that exclusive contract, sign away all my ancillary rights in perpetuity in a whole bunch of categories that are worth a lot of money. And I am not allowed to go and fight that guy that I want to fight that would have been a Super Bowl of mixed martial arts at that time.

Mr. GREEN. Mr. Chairman, I know I was way over time. I thank you.

Mr. LATTA. The gentleman's times has expired.

And seeing no other members here to ask questions, again, I want to thank our witnesses for testifying before the subcommittee today.

And I would like to include the following documents be submitted for the record by unanimous consent: the statement of Ms. Tracey Lesetar-Smith at Bellator MMA; a letter from Mr. Jon Fitch, professional MMA fighter; on behalf of the UFC, a letter to the Committee on Energy and Commerce and the Committee on Education and Workforce; a New York Times Magazine article; two National Review articles; a Washington Examiner article; and a Daily Caller article.

[The information appears at the conclusion of the hearing.]

Mr. LATTA. Pursuant to committee rules, I remind members that they have 10 business days to submit additional questions for the record, and I ask that the witnesses submit their response within 10 business days upon receipt of those questions.

And, without objection, the subcommittee stands adjourned.

[Whereupon, at 11:49 a.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

PREPARED STATEMENT OF HON. GREG WALDEN

Good Morning, and thank you to all of our witnesses for appearing before this Committee today. Thank you especially to Mr. Couture-although I understand you

were born in Washington State, you have spent enough time in Oregon that for purposes of this hearing we will consider you an honorary Oregonian. [1]

This hearing will also examine H.R. 44, the Muhammad Ali Expansion Act, sponsored by our colleague Congressman Markwayne Mullin of Oklahoma. I look forward to a thoughtful discussion.

Mixed martial arts have enjoyed tremendous popularity since UFC 1 was held almost exactly 24 years ago in Denver, Colorado, on November 12, 1993. Since that event the sport has grown to be an international sensation, viewed in 1.1 billion homes in 156 countries around the globe. And it is an economic powerhouse: last year the UFC sold for $4 billion, and both UFC and Bellator compete for contracts with the most well-known and accomplished fighters that battle at widely-attended events.

In the U.S., mixed martial arts bouts are subject to regulation in all 50 states. These regulations are primarily concerned with protecting the integrity of the sport and the safety of the fighters.

In many ways MMA's regulation is similar to that of boxing, but the two sports have differences beyond merely the tactics employed by the fighters. Unlike in boxing, MMA has no centralized ranking system, and title bouts are largely determined by the promoters of the sport. Fighters are treated as independent contractors, and enter into agreements with the promoters of a particular MMA organization, which may contain exclusivity clauses barring the fighter from engaging in unapproved fights.

The growth of MMA in the United States has been a tremendous success story. At today's hearing we look forward to hearing the witnesses describe their experiences as regulators, competitors and promoters, and to learn about any ideas or recommendations that can help MMA continue to thrive. This Committee is committed to ensuring the safety and well-being of the athletes, healthy competition among promoters, and support for our state regulators.

Thank you and I yield back the balance of my time.

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[1] For reference only: Mr. Couture lived in Corvallis, where he served as a wrestling and strength coach for OSU, and he started "Team Quest," a training camp for MMA fighters, out of Gresham. For a time he was listed as "fighting out of Roseburg, OR" on his MMA profile.

November 9, 2017
US House of Representatives – Energy and Commerce
Subcommittee on Commerce, Manufacturing & Trade
Hearing: "Perspectives on Mixed Martial Arts"
Statement of Tracey Lesetar-Smith, Esq. on behalf of Bellator MMA

My name is Tracey Lesetar-Smith and I am Vice President of Business and Legal Affairs at Viacom Media Networks. On behalf of Bellator MMA and Viacom, we thank the Committee for holding this hearing and continuing its efforts to educate, inform, and progress regulation of Mixed Martial Arts in the United States.

Bellator supports and commends Congressman Mullin's efforts to continue the legacy of prioritizing fighter health and safety as well as fairness, transparency, and fighter livelihood. We additionally commend the many athletes that have come out in support of his efforts – a courageous and important movement to bring awareness of MMA as a sport, the unique issues surrounding MMA, and the many reasons people in The United States have become progressively more devoted students and fans of martial arts.

By way of background, I have been the head of business and legal affairs for Bellator since I began with the company in 2011 as Bellator's first General Counsel, shortly after Viacom acquired a controlling stake in Bellator. Prior to Bellator, I was a labor and employment litigator with a global law firm and was at the outset of my professional career honored to serve on staff for a Member in the House of Representatives. I have also been an avid martial arts practitioner for 15 years, particularly in the disciplines of Brazilian Jiu-Jitsu, Tae-Kwon Do, Kickboxing, Boxing, and Muay Thai.

Bellator MMA was founded as an MMA league in 2008. In 2011, media giant Viacom Media Networks acquired a controlling stake in the Company and brought its programming to MTV2 and subsequently, Spike TV. Bellator MMA is considered the primary competitor to the UFC. Bellator customarily holds 22 to 26 MMA and Kickboxing events per year throughout the world, and is broadcast in over 150 countries globally. In the past 2 years, Bellator has been expanding internationally, conducting events beyond North America, including in the United Kingdom, the Republic of Ireland, Italy, Hungary, and Israel.

At present, Bellator is the primary driver of the current free agency market for athletes in MMA. For many years after Zuffa's acquisition of renowned MMA promotion Strikeforce, brands other than the UFC had difficulty in attracting and retaining top-level MMA athletes. Indeed, it was conventional wisdom at the time that the preponderance of talented and well-known MMA athletes was under contract to the UFC without plans to depart. Under the leadership of Bellator President Scott Coker, Bellator has begun to shift this paradigm, making what can only be called seismic acquisitions of top-level free agents and fan favorites from the UFC and elsewhere. This has not transpired overnight. The MMA market has been slow to shift. But Bellator's ascendance in the market over the past 3 years has been profound and steady. Bellator's ratings have grown significantly following Scott Coker's arrival and have remained strong and competitive since then. Additionally, Bellator has seen promising growth in live event attendance and gate revenue during that same time period. From a media perspective, the Bellator name is recognized and resonates at both the local and national levels more than ever. Bellator and Bellator athletes are now covered by media more consistently and on a greater scale, resulting in increased exposure for the brand and fighters.

Boxing and MMA

At the time of enactment, the Muhammad Ali Act was built upon an existing ecosystem of fighters, managers, promoters, sanctioning bodies, and regulators. In that pre-existing ecosystem, the established sanctioning bodies determined rankings, mandatory matchups, and titles. The Muhammad Ali Act did not create those sanctioning bodies, their rankings, or the ecosystem itself; rather, the Act endeavored to ensure that the

existing system was functioning in a way that prioritized fairness, transparency, and was built upon the existing Professional Boxing Health and Safety Act's basic safeguards to fighter safety and livelihood.

Although there are some commonalties between boxing and MMA, MMA does not have the pre-existing, sanctioning-body based architecture of boxing. It instead organically developed under a fundamentally different business model – a "league" system. Under the MMA league system, each league contracts with and promotes its own athletes, with titles being held and ultimately passed along within the league. Each league also has its own events, media distribution deals, partnerships, and sponsors. Rarely, if ever, do the major MMA leagues share these relationships with other competitor leagues, resulting in each league independently operating in its own "silo," so to speak. That said, Bellator frequently co-promotes events with smaller domestic local promoters and international fight promoters to enhance our events and allow them opportunities to showcase their league talent.

It is important for the Committee to understand that boxing and MMA both utilize multi-year, multi-fight, exclusive promotional contracts. As many in the boxing industry can attest, the original Muhammad Ali Act does not outlaw all long-term, exclusive promotional contracts. Rather, in practice, it limits contracts that condition a specific fight with a particular opponent upon the fighter's granting long-term, exclusive promotional rights to the promoter. The Act also prohibits such contracts where the specific bout is the consequence of a mandatory match imposed by a sanctioning organization. Some may view long-term, exclusive contracts as an impediment to competition, both to athletes and competing promoters, given that one promoter may exclusively retain its athletes for a period of 1 to 4 years, for example, effectively preventing the athlete from fighting elsewhere and restricting other promoters from contracting with the athlete for their own shows. Regardless of whether these contracts actually impede competition, they are a bedrock of the league system. Bellator invests a great deal of time, resources, and capital into promoting and marketing each long-term athlete and therefore the exclusivity and duration of each contract reflects a desire to seek a return on investment. For example, once an athlete is signed with Bellator, the announcement of the signing often requires media interviews, appearances, taking new photographs of the fighter, participation in press conferences, and media shoots – all of which require both fighter travel as well as staff travel and pay. Further, the promotion of each bout requires Bellator to outlay a great deal of money and resources in advertising, marketing, partnerships, venue acquisition, regulatory fees, staging, labor, and television production costs. This is especially true with young developmental talent that Bellator identifies early in their career, and in which we will ultimately invest resources over time in the hopes that the athlete will become – on our watch – a star.

As many longtime professionals in the boxing industry will tell you, the process of convening the relevant parties in the boxing ecosystem on an *ad hoc* basis to "make fights" that are mandatory matchups under any given sanctioning body can be a long, arduous task, perhaps years in the making in some cases. In contrast, MMA's league system and roster of athletes under multi-bout contracts have advantages, including allowing Bellator to plan and budget for 6 to 10 events in advance with possible dates, potential matchups for the cards, target geographic markets and venues, marketing plans, and ultimately, the potential narratives and stories to be told over the course of the subsequent 3-6 months. Were an MMA promoter such as Bellator compelled in each instance to bring multiple parties to the table for new negotiations, we would have difficulty giving fans regularly-programmed events and the continuous narrative they have come to expect in the sport of MMA.

The Competitive Landscape

Bellator and the UFC currently compete for athletes. As the primary executive overseeing fighter contracts, I can represent that in most cases, when athletes contemplate signing with Bellator, they base it on several factors, including: (1) receipt of the most attractive compensation package they feel best reflects their market value, including purses and bonuses; (2) the ability of fighters to procure robust income from sponsors, as

Bellator lays very few restrictions on athletes' ability to display their own chosen sponsors throughout the year and during their fights; (3) the caliber of other athletes they will likely face in their weight division and the compelling potential matchups in Bellator; and (4) where they feel they will be treated with respect, are the most comfortable with the organizational leadership, will be marketed in accordance with their expectations, and where they feel their story will be told in a meaningful way.

Bellator is still a young brand in the grand timeline of the sport, but it is a formidable and determined competitor, made more so with the support of Viacom. UFC was the first major MMA brand in America and therefore one of its chief advantages is the passage of time. Furthermore, for many years, the UFC utilized tactics that made competition in the MMA industry very challenging. The advantages they have retained in the wake of those years has indeed set the bar for competition very high at times. But as more time elapses and with the emergence of relatively powerful, savvy competitors like Bellator, the industry will continue to see increased competition.

There are those that believe there is a silver bullet that will rupture the UFC's heavy market share. As its foremost competitor, we can dispel that notion: There is not. However, the continued unimpaired movement of skilled athletes to organizations like Bellator and Bellator's continued ability to foster, build, and develop remarkable talent will be critical in our continuing ability to reshape the landscape of MMA as we know it. Moreover, the continued, increased attention and interest of media, both endemic to MMA and mainstream media will prove essential to this endeavor.

Regulation: Improvements to be Made

Bellator relies upon State and Tribal Athletic Commissions to regulate our events. We believe these agencies are best positioned to objectively ensure competitive fairness to the athletes, such as testing for Performance Enhancing Drugs (PEDs), and to enforce critical safeguards of each and every fighter's health and safety. Commissions can play truly critical roles in testing for and the prevention of both Traumatic Brain Injury (TBI) and extreme weight cutting – both pressing concerns that the MMA industry is facing.

The efforts of most Commissions are, however, crippled by underfunding, lack of staff, and few resources. It is Bellator's position that the federal government should do whatever it can to advocate for and support the crucial work of these Commissions.

Given the many dangers of TBI and Chronic Traumatic Encephalopathy (CTE) to combat sports athletes, and especially to boxers, uncovered in the years since the initial enactment of the Muhammad Ali Act, it is Bellator's position that if Congress is serious about protecting fighter health and safety, it must utilize the opportunity granted by Congressman Mullin's legislation to raise the threshold requirements for medical testing to explicitly include tests to detect TBI. It should not merely be "advisable," as it is in the current incarnation of the Act, that these athletes undergo regular testing for such issues.

It is axiomatic that Fighters are the lifeblood of combat sports. If we do not push the community to regulate with an eye toward their lives after they have hung up their gloves, we have done their futures, their families, and combat sports a great disservice. Increased support for regulators on the ground and promulgating laws that promote consistent regulation are therefore imperative.

In closing, Bellator supports the intent of H.R. 44 and its goals of transparency, fairness, health, safety, and improving the livelihood of MMA athletes. We look forward to working with the Committee to strengthen the language of the bill in order to allow Bellator to continue growing more competitive in this industry.

November 9, 2017

Muhammad Ali Expansion Act Desperately Needed and Long Overdue

Chairman Latta and Ranking Member Schakowsky:

My name is Jon Fitch, and I would like to submit this letter to express my unwavering support for passage of H.R. 44, the Muhammad Ali Expansion Act.

At Purdue University, I lettered in wrestling four years in a row and was team captain during my senior year. After graduating with degrees in Physical Education and History in 2002, I started my fighting career with a record of 2 wins and 2 losses, and quickly realized the level of commitment and specialized training needed to compete in professional MMA was far beyond the training I had been receiving. Subsequently, I moved to San Jose, California to train with many elite, world-class martial artists engaged in multiple martial arts including wrestling, boxing, jiu-jitsu and Muay Thai.

I won my next sixteen professional bouts, compiling a professional record of 18-2-1. This culminated in a championship bout against Georges St. Pierre, widely considered to be one of the greatest mixed martial artists of all time. While I came up short in that title fight against St. Pierre, losing a 5-round decision, I expected this to be the first of my opportunities to compete against the best in the world. My hopes and dreams were not actualized, despite my success in the cage.

Following my defeat to St. Pierre, I compiled a record of 5-0-1 against world-class level competition and was widely considered to be the number 1 contender in the welterweight division (170 pounds) for over 5 years. Despite my success in the cage, I was never given another title shot and was often criticized by the promotion for employing a tactical style to maximize my grappling skills while minimizing damage and obtaining victories. I soon learned that consistently winning was not enough, becoming the number 1 contender in my division was not enough, and that my promoter could simply refuse to provide me with title shots for not fighting in a more dangerous, "exciting" fashion.

Following my defeat to St. Pierre, I was presented with a merchandising agreement by the promotion, which required me to grant them, **in perpetuity and for no compensation**, the rights to my image for use in a video game. When I asked to have this agreement reviewed by my counsel, I was told that I needed to do this for the promotion. When I attempted to negotiate a limit on the term of this agreement which lasts forever—even after death—I was released from the promotion despite being amongst the best welterweights in the world. Not content, the threats of being released were extended by the promotion to my entire team in San Jose and to my management.

From my success in the ring at the pinnacle of the sport, I expected to earn enough during my career to fund a comfortable retirement, enabling me to transition into a second career. Despite competing against world-class competition at the top of my division for nearly 15 years, this will not be the case. I, like most professional MMA athletes, will soon retire with little to nothing to show for my career and many lifetimes of accumulated damage incurred on my body.

The same has not been true for the sport's dominant promotion, the UFC, which sold a majority stake in 2016 for an amount reported to be in excess of $4 billion dollars. Reportedly, the UFC sold the remaining equity in 2017, putting the final valuation at approximately $5 billion dollars. If these reports are true, the

three principal owners of the UFC would have earned many multiples of all UFC fighters combined, throughout Zuffa LLC's ownership of the UFC.

As a result of my experiences and being deprived of my opportunity to compete in a legitimate sport, I have educated myself. No other sport allows the owner of an event or promotion to act as its own sanctioning body determining rank and championship status, while requiring the athlete to compete exclusively for that owner. If title shots and rankings are not earned by athletes through competition, what is being conducted is not a sport at all but the equivalent of a reality show premised around athletic endeavors.

If the Dallas Cowboys were not only a team, but also issued their own title, and owner Jerry Jones was the Commissioner, the absurdity of this arrangement and the ripe conflicts of interest and control that Mr. Jones could exert over his players would be clearly apparent to and condemned by all. Unfortunately, this is the world in which all professional combat sports athletes live in--with the exception of boxers.

The abuses and coercive practices under which I compete are not limited to a single promotion and have in fact diseased the entire sport of MMA. MMA was built upon a structurally flawed model inconsistent with sport and designed to achieve a monopoly over an entire sport. Recently, I won a championship match in another promotion and defended this title in a match on New Year's Eve at Madison Square Garden in New York City. Despite my success in competition, the promotion subsequently obtained new investors and I was arbitrarily stripped of my title without having lost. This manipulation by promotions is inconsistent with sport and serves to deprive me of the merits of my career which I have earned through competition.

This amendment to the Ali Act is desperately needed by all combat sports athletes. Coercive contractual practices that plague mixed martial arts not only deprive each athlete of rights already offered to boxers, but also prevents investment in the sport. As a result, the sport's natural growth is stunted.

Fighters are hamstrung in their ability to negotiate fight purses because promotions are not required to disclose to fighters the revenues earned from such bouts. Boxers, on the other hand, have the ability to negotiate their purse. Just recently, boxer Chris Algieri invoked the Ali Act to obtain financial disclosures from his promoter to assist him in negotiating his purse. For no seemingly logical reason, fighters in other combat sports are not provided the same opportunities or disclosures.

Coercive contractual practices crippling the natural growth of MMA include, but are not limited to: (i) the use of exclusive and non-public contracts; (ii) the assignment of ancillary rights from the athlete to the promoter far beyond the term of the promotional agreement; (iii) champion clauses that prevent champions from ever becoming freely marketable; and (iv) secret discretionary payments that are used to keep the athletes subservient and silent.

Athletes in MMA and other combat sports compete without benefit of independent, objective ranking criteria. Indeed, no credible or objective ranking criteria has been adopted by any promotion in MMA. The sponsor of the Muhammad Ali Boxing Reform Act, Representative Michael Oxley (OH-4), explained on the House floor how the Ali Act seeks to prohibit promoters from being "able to rig the sport by placing favored boxers who have signed away promotional rights in the top rankings," and for those boxers who refuse to cooperate from being "arbitrarily dropped from the ranking or prevented from moving up." In fact, promoters in MMA have stripped fighters of their championship status altogether, or worse, refused to allow them to compete against their champions at all.

The Ali Act requires rankings to be based on merit, not contractual subservience. Standardized, objective rankings serve to increase public confidence in the sport, and as Representative Oxley continued, means "new opportunities for honest boxers who are trying to fight their way up the rankings." Additionally, the sport achieves "more integrity and respect" since boxing fans "will know that championship matches are being fought by true champions." Indeed, the public would be outraged if Rob Manfred, the commissioner

of Major League Baseball, simply replaced the Kansas City Royals in the World Series, or worse, kept them out of the playoffs because the New York Yankees bring higher ratings or more favorable contractual terms. A promoter's ability to write fighters in and out of rankings arbitrarily serves to drastically reduce a fighter's marketability and leverage. This practice is rampant in MMA, impugns the integrity of the sport, and serves to strip fighters of virtually all negotiating leverage at the time their marketability should be at its peak.

The Ali Act addresses these exploitive business practices by requiring objective and consistent rankings criteria. This provision was inserted into the Ali Act to prevent promoters from abusing boxers and monopolizing the sport **by requiring boxers to sign away all their rights in order to obtain an important fight or maintain their current status** in the rankings. In short, the Ali Act attempts to prevent promoters from forcing boxers into coercive contracts as a condition of participating in a given match.

The Congressional findings taken directly from the original Ali Act apply with equal validity to MMA and other combat sports. Like boxing before the Ali Act, "rankings" and "contender" status in MMA and other combat sports are largely pure manipulations by the promoter, and often not the result of merit. To obtain title status, a promoter requires fighters to sign coercive, long term contracts with extension options and sweeping assignments of ancillary rights that go far beyond rights necessary to promote bouts. Fighters who refuse to sign these contracts are simply not provided "championship" status by promotions. Worse, promotions have simply stripped fighters who have already obtained championship status.

Despite the fact that the athletes have earned the right through their performance to fight the best in their respective weight classes, major promoters in MMA almost uniformly require exclusive, long-term promotional agreements from any fighter before they are permitted to fight for a title. As one witness testified before the Senate, "this is akin to forcing a professional tennis player or golfer to sign an exclusive, long term contract with the promoter of whatever event they were seeking to win. The athlete would then only be able to compete when the promoter approved, against only those opponents who also were forced to agree to terms with that promoter." Such a model places all negotiating power and leverage in the hands of the promoter.

The Ali Act curbs exploitive business practices and protects honest competition for the integrity of the sport. As stated in the legislative history of the original Ali Act, an industry free of restraint and exploitive and unethical business practices will lead to increased competition. A free market with unbiased competitions is a crucial aspect to the success of any sport attempting to grow.

Removal of these artificial and anti-competitive restraints will dramatically reshape the MMA industry. With the removal of these artificial restraints, substantial new investments from deep-pocketed investors will be made in MMA. These investors, currently sitting on the sidelines unable to effectively compete in a free-market system, will provide not only more opportunities and earnings power to the athletes, but also additional tax revenues and jobs throughout the nation. **Such organic growth will benefit all stakeholders in the sport of mixed martial arts by increasing revenues in all industry segments**.

I strongly support H.R. 44, the Muhammad Ali Expansion Act sponsored by Representatives Markwayne Mullin and Joseph Kennedy III, and urge its passage at the earliest opportunity. The Muhammad Ali Expansion Act is desperately needed not only for the protection of the athletes, but also to enable these sports to reach their natural, unfettered potential.

/s/ Jon Fitch

MMAFA

June 15, 2016

The Honorable John Kline
Committee on Education and the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Fred Upton
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Re: Oppose H.R. 5365, the "Muhammad Ali Expansion Act"

Dear Chairmen Kline and Upton:

We write in strong opposition to H.R.5365, the "Muhammad Ali Expansion Act," legislation introduced by Rep. Markwayne Mullin to regulate mixed martial arts (MMA), which is one of the most popular sports in the U.S. and fastest growing throughout the world. This misguided legislation is yet another unfortunate and unneeded regulatory power grab that will stifle the dynamic innovation and success of MMA.

This legislation, among its many faults, tramples the traditional prerogatives of the states to regulate contracts and sporting events and is of dubious constitutionality. And, what can only be viewed as bizarre, the bill would enlist government bureaucrats to rank fighters and conduct matchmaking which is currently done exceptionally well by the private sector.

The nation faces many daunting challenges including a national debt that is approaching $20 trillion, a stagnating economy and wages, skyrocketing Obamacare costs, and terrorist enemies who seek to end our very existence. Federally regulating the MMA market, which is not broken and represents a true American success story, should not be given any serious attention by lawmakers.

MMA was not an overnight success. The American entrepreneurial spirit overcame numerous challenges to position it as a thriving well-regarded international sport. Because of its success, there are numerous fighters who have made millions in a sport that barely existed 15 years ago, thousands of jobs have been created and supported, and states and municipalities have enjoyed the benefits of increased economic activity and tax revenue. Regulators throughout the U.S. and the world have adopted unified rules of MMA which ensures fair fights as well as predictable, transparent, and fair regulatory treatment. Because of the growing popularity of the sport, there are several MMA promoters who compete vigorously for talent and fans. This thriving free market should not be impeded by regulatory tinkerers on Capitol Hill.

One of the most troubling aspects of the Mullin bill is that it removes from the promoter the decision how fighters are ranked and when and against whom fighters are matched. From all accounts, the free market is not disappointing MMA fans. Promoters have every incentive, economic and reputational, to arrange the bouts that fans want to watch; and those same fans, reporters, and athletes will hold promoters accountable if they fail to appropriately match fighters. Why Rep. Mullin believes government matchmaking would be superior to the current free market system is unclear. What is clear is that the system is not broken, and H.R. 5365 is a solution in search of a problem.

This legislation also tramples the principles embodied in Article 1 and the 10th Amendment of the Constitution. Congress can't delegate its legislative authority to a private entity to write rules intended to be adopted by agencies of state governments. Incredibly, H.R. 5365 does just that. It directs a private entity (the Association of Boxing Commissions) to write regulations to be adopted by state boxing commissions. We have long been concerned about Congress' bad habit of delegating broad unaccountable authority to federal regulatory agencies. Rep. Mullin's idea takes this bad idea several steps further. He would delegate broad unaccountable authority to a private entity and have state agencies adopt those regulations. This is an affront to our constitutional order.

Finally, we are deeply concerned about the growing federal regulatory leviathan. It regulates our lives in countless intrusive and burdensome ways. According to the Mercatus Center, economic growth in the U.S. has been slowed by 0.8 percent per year since 1980 which means, had regulation held constant from 1980 through 2012, the U.S. economy would be 25 percent larger – a delta of $4 trillion – which amounts to a benefit of $13,000 per person in the United States. More importantly, a $4 trillion increase in GDP would create, literally, millions of jobs—potentially wiping out unemployment for those both in and out of the workforce!

The American people are tired of business as usual in Washington and are not clamoring for more regulation on the private economy, including MMA. Instead, Congress should reject H.R. 5365 and focus on constitutional policies that reduce regulations, establish favorable economic conditions, balance the budget, and keep the American people safe.

Sincerely,

George Landrith, President and CEO
Frontiers of Freedom

Andrew Langer, President
Institute for Liberty

Morton Blackwell, Chairman
The Weyrich Lunch

James L. Martin, Chairman
60 Plus Association

Matt Schlapp, Chairman
American Conservative Union

Phil Kerpen, President
American Commitment

David Williams, President
Taxpayers Protection Alliance

Seton Motley, President
Less Government

Melissa Ortiz, President
Able Americans

Carrie Lukas, Managing Director
Independent Women's Voice

Heather R. Higgins, President and CEO
Independent Women's Voice

Andrew F. Quinlan, President
Center for Freedom and Prosperity

David Ridenour, President
National Center for Public Policy Research

Alex St. James, National Executive Director
One Day in America

Daniel Schneider, Executive Director
American Conservative Union

Larry Cirignano, DC Representative
Children First Foundation

Rusty Weiss, Founder
Mental Recession

Cameron Gray, Author
Richochet.com

Norm Singleton, Senior Vice President
Campaign for Liberty

Matthew Nye, Chairman,
Republican Liberty Caucus

The New York Times Magazine https://nyti.ms/2bhnxKn

Magazine ESSAY

Women Have Been Boxing in the Shadows for Too Long

By JAIME LOWE AUG. 15, 2016

There's a scene in "T-Rex" — a documentary that follows the middleweight phenom Claressa Shields from her hometown of Flint, Mich., to the 2012 Olympic Games in London and back again — that perfectly illustrates the biggest problem faced by women's boxing. Shields is sitting with two Team U.S.A. representatives and her coach, Jason Crutchfield, in a nondescript lobby after glory and fanfare have receded into a post-Olympic haze. She has returned home after four decisive victories, having won the first American gold medal in women's boxing. She's 17. The reps from Team U.S.A. are discussing her sponsorship opportunities. Names like Ryan Lochte and Gabby Douglas are tossed out as the sort of Olympians to whom sponsors flock. Team U.S.A.'s public-relations consultant, a woman named Julie Goldsticker, goes into an incomprehensible description of why sponsors are attracted to certain people. Then she looks at Shields and says: "I would love for you to stop saying that you like beating people up and making them cry."

Shields's brow creases. She looks completely befuddled. "I box," she says.

The paradox is clear: Shields cannot visibly enjoy fighting to succeed financially as a boxer. It's a violent sport. If she were a man, that bloodlust, that taste for combat, would be courted. It would be used as a selling point to hype fights, as it always has. But for a woman to admit that she likes aggression, relishes controlled rage, thrives on ferocity and enjoys the feeling of gut-punches, well, that is unfathomable, or it seemed so to the Team U.S.A. reps. They had no idea how to sell her, even after she was featured in a multimedia photo essay in The New York Times,

profiled by The New Yorker, heard on NPR or highlighted in any number of other media appearances. They could not figure out how to sell her in spite of her ready-made biopic childhood — a narrative riddled with disadvantage, abuse and sexual violence that ends in winning Olympic gold. Just before Shields left for Rio, where she will compete again as a middleweight boxer, she told me: "People say the way I talk about boxing is too mean and too tough, but I do enjoy hitting people, or I wouldn't be a boxer. I'm not gonna pretend that isn't part of it or part of me."

Shields went on to talk about something a lot of professional female boxers have mentioned before: that there isn't support for women's boxing on a professional level. Boxing's biggest broadcasters — HBO and Showtime — have been reluctant to feature women's fight cards. Showtime hasn't had a women's boxing match since 2001; HBO and P.B.C. have never shown a women's bout. "It feels like they're being sexist in the professional game," Shields says. It *is* sexism. And it goes all the way through women's boxing, at every level. In 2010, the International Boxing Association introduced skirts — yes, skirts — to help "distinguish" the female fighters from the men, as if the audience couldn't tell the difference otherwise. The Polish national boxing coach went so far as to tell BBC Sport that he'd made the skirts mandatory, saying: "By wearing skirts, in my opinion, it gives a good impression, a womanly impression. Wearing shorts is not a good way for women boxers to dress." In 2012, at the London Games (where skirts were optional), all the women's bouts, including the gold-medal finals, were fought in the afternoon while men fought in prime time; the women fought on consecutive days with only one rest day, while the men fought every other day to include rest.

Women's boxing has never been an easy sell. The first female boxer dates back to 1722, when Elizabeth Wilkinson challenged Hannah Hyfield to a bout through an ad she placed in the London Journal: "I, Elizabeth Wilkinson, of Clerkenwell, having had some words with Hannah Hyfield, and requiring Satisfaction, do invite her to meet me on the Stage and Box me." It was around the same time that men's boxing was being promoted as a barroom spectacle. For six years, Hyfield fought both men and women professionally, wearing "close jackets, short petticoats, coming just below the knee, Holland drawers, white stockings and pumps," according to the same newspaper advertisements. In the late 1800s, Nell Saunders and Rose Harland fought the first women's boxing match in the United States; the prize was a silver

butter dish. Twenty-five years later, in 1904, boxing made its debut as an Olympic sport in St. Louis — men's boxing was admitted as a competitive sport, but women's boxing was limited to exhibition bouts. By the late 1970s and into the early '80s, women's boxing was resurrected. Some of the first women to be licensed for boxing in the United States were Marian Trimiar, known as Lady Tyger, and Jackie Tonawanda; Cathy Davis, known as Cat, appeared as the first female boxer on the cover of The Ring magazine in 1978. Their efforts were overshadowed by rumors of match-fixing that pretty much shut down any serious competition. Davis once told me in an interview that the bouts may have been fixed, but it didn't mean they weren't working hard athletically or even real boxers. But their reputations as athletes were tarnished in the public eye. It took a few more decades for another push into women's professional boxing: In the early aughts, Christy Martin, Laila Ali and Ann Wolfe briefly captured mainstream attention. That petered out in 2001 after the first pay-per-view fight with female headliners — it seemed like the whole enterprise rested on famous last names.

Boxing, if it was smart and forward-thinking, would recognize that it needs women (especially the Claressa Shieldses of the world) in order to compete with other combat sports that are dominating the market. It may be no accident that after a 1-minute-and-41-second technical knockout at the Barclays Center last month, the main line of questioning for the victor, the featherweight Amanda Serrano, was: "Are you training in M.M.A.?" There is money to be made for female fighters in M.M.A., in part because the U.F.C.'s president, Dana White, decided to reverse a 2011 decision barring women. "This whole women's-power movement that's going on right now is crazy," he said during a 2015 news conference. "Ronda [Rousey] has been the whole thing. Ronda is the one that launched this whole thing. I wouldn't have done it if it wasn't for Ronda. She's the one that convinced me to do it." When Ronda Rousey fought Holly Holms (previously a professional boxer), U.F.C. made more than $50 million in pay-per-view buys. White now calls the decision to open up a women's division one of the smartest and most bankable decisions he's ever made; earlier this year, his company sold for $4 billion.

So why has M.M.A. succeeded where women's boxing has historically failed? One answer is organization — U.F.C. has one governing body, and women's boxing has four. That means a proliferation of belts, and a lack of central authority to ensure

that fights are well-matched, timely and fair. Women's boxing also suffers from a lack of exposure: Fights need to be televised in order to gauge audience enthusiasm and to build audience in the first place. "Women's boxing just isn't televised," the promoter Lou DiBella told me. "Boxing for generations and centuries has been a man's sport, and when women popped up, it was treated as a novelty." One way to fix it, he suggested, was to advocate for equality: National figures like Ellen DeGeneres and Oprah Winfrey need to champion fighters and to provide a platform for them. The professional featherweight Heather Hardy thinks male fighters should insist on televised female undercards as part of their contracts. "Sneak us on to a broadcast and let the audience decide. But don't put together some all-women's card on Showtime Extreme at 2 a.m. That's a sideshow." Hardy, a single mother with a 12-year-old daughter, works full-time as a personal trainer in addition to training and fighting professionally; she also sells blocks of tickets to finance her fights. "Someone needs to be held accountable, because it's not fair," she says. "After one fight, I walked away with $30,000 in ticket sales and a $10,000 purse, and the next guy, also on the undercard and not televised, made $150,000 for his purse. And I bet he didn't sell any of his own tickets."

Women's boxing also needs a champion like Dana White to push for capitalization on market potential so that this generation of Olympic boxers, like Claressa Shields, has somewhere to go professionally. That person may be Stephen Espinoza, the general manager of Showtime sports, who recently told The Wall Street Journal that he could see showing a professional women's bout on a live broadcast within the next six months. Even more promising, P.B.C. will air its first-ever female undercard, between Heather Hardy and Shelly Vincent on Aug. 21 in Coney Island, on NBC Sports — a fight promoted by DiBella.

To publicize the fight between Hardy and Vincent, the fighters and promoters accentuated the very thing Team U.S.A. was trying to suppress. The fighters stood toe-to-toe at a news conference: Vincent sporting aviators, neck tattoos, a tricolor mohawk and a jean vest; Hardy stone-faced, wearing a strapless green dress. Each said she wanted very badly to punch the other fighter in the face. Vincent assured me there was passion behind this, that the women always steal the show with more action, more punching, more to prove. Breaking glass ceilings — or in this case, fists and faces — seems especially significant in a year when Hillary Clinton is poised to

be the next president and when our current president has written a feminist essay for Glamour that includes the sentiment that "this is an extraordinary time to be a woman." He mentions female athletes in particular and that a lot of work is left to be done; he calls on us to "keep changing the attitude that raises our girls to be demure." Or as Claressa Shields puts it: "Everybody talks about equal rights, but no one is doing anything about it. Put women on cards. Pay them what you pay the men."

Jaime Lowe is a freelance writer living in Brooklyn. She last wrote for the magazine about Olympic athletes and their heroes.

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NATIONAL REVIEW

The Feds Want to Go into the Matchmaking Business

Forty Million MMA Fans May See Mixed Marital Arts Federalized

By John Fund — December 7, 2016

Mixed martial arts (MMA) is a great American success story. Almost unknown 15 years ago, it is now the fastest growing sport in America. Fans love seeing a full-contact combat sport in which fighters use martial arts techniques, but no weapons. MMA has grown to nearly rival tennis or golf in the value of its sponsorships and now has an audience of some 40 million people, mostly on pay-per-view.

But like all successful startups it has now attracted the unwanted attention of Washington D.C., where some in Congress would like to regulate the sport and impose federal control over it. A hearing on the subject will be held on the issue tomorrow morning in the House Energy and Commerce Committee.

Markwayne Mullin, who was once a part-time MMA fighter, is now a Republican member of the House from Oklahoma. He has taken upon himself to sponsor legislation he says will combat widespread abuse of MMA fighters, some of whom he says are victims of exploitation and matches that have rigged outcomes.

But his cure is likely to be worse than the ills he purports to fight. The bill would enlist government bureaucrats to rank fighters and conduct the matchmaking that is now done by the private sector.

Lawrence Epstein is the Chief Operating Officer of the Ultimate Fighting Championship, the promoting organization that now dominates MMA. He says "we don't oppose thoughtful federal regulation if it's going to improve the health and safety of MMA athletes and strengthen the sport. The Mullin bill does neither." Right now UFC dominates the field with 523 fighters under its umbrella along with Viacom-owned Bellator, which has about 120 fighters. Both companies point out they are currently regulated by state boxing commissions on health and safety issues.

Most of Rep. Mullin's conservative colleagues in Congress and outside conservative groups believe he is seeking a federal solution for what should remain a state and industry concern.

"Regulators throughout the U.S. have adopted unified rues of MMA which ensures fair fights, as well as predictable, transparent and fair regulatory treatment," reads a letter sent to members of Congress earlier this year by the heads of 20 major conservative groups, including Morton Blackwell of the Leadership Institute and Matt Schlapp of the American Conservative Union.

Tomorrow's hearing is largely a vanity project for its legislative promoters because the legislation has no chance of being adopted by Congress before it closes its business later this month. As for the next Congress, the odds of its becoming law look bleak. Dana White, the president of the Ultimate Fighting Championship, is an avid supporter of Donald Trump and was even invited to speak by The Donald to the Republican convention in Cleveland this year.

Given Donald Trump's vow to kill or scale back burdensome regulations it would be passing strange for him to sign a bill making the federal government a partner in deciding how MMA matches are organized. This is one set of fights the federal government should stay out of. The Mullin bill looks like it's headed for a smackdown.

NATIONAL REVIEW

Don't Let Congress Put a Choke Hold on Mixed Martial Arts

Trial lawyers and unions back federal regulation of America's fastest-growing sport, which is already regulated by the states.

By John Fund — November 5, 2017

Congress is right in the middle of debating tax reform. Obamacare desperately needs legislative action. U.S. interests are threatened in unprecedented ways by weapons programs in Iran and North Korea. And this coming week, the U.S. House will hold its second hearing in less than a year on a bill to put mixed martial arts under federal supervision and control. What is wrong with this picture?

Mixed martial arts (MMA) is a great American success story. Almost unknown 15 years ago, it is now the fastest-growing sport in America. Fans love seeing a full-contact combat sport in which fighters use martial-arts techniques but no weapons. MMA has grown to nearly rival tennis or golf in the value of its sponsorships and now has an audience of over 40 million people, mostly on pay-per-view.

But with success comes the potential for resentment and federal meddling in a sport that seems to be doing fine under state regulation. Add to this the fact that a former MMA fighter now sitting in Congress is using his friendships with other members to help push his regulatory scheme. Representative Markwayne Mullin (R., Okla.), who was briefly a part-time MMA fighter a decade ago, thinks that fighters in his former profession are underpaid, should form a union, and should have federal bureaucrats decide which fighters will fight which matches — something the private sector is currently excelling in doing.

The model here is boxing. In 2000, Congress passed the Muhammad Ali Boxing Reform Act ostensibly to protect the health and safety of boxers and also to regulate the sport. Boxers are now barred from entering into certain contracts, and promoters are barred from having a "direct or indirect financial interest" in the management of fighters. Federal bureaucrats often dictate which fighters fight whom and where.

But boxing had a long history of both injury to fighters and a sketchy ethical record that included rigged bouts. There's no evidence of significant corruption in MMA matches, and its fighters are regulated by state boxing commissions that enforce health and safety issues for both boxing and MMA. The Ultimate Fighting Championship (UFC), the promoting organization that dominates MMA, has worked closely with states to improve the regulation of health and safety issues.

So if it's not broken, why bring the feds into "fixing" MMA all the way down to the level of matchmaking? One possible answer is that a powerful group of trial lawyers has often clashed with UFC's vision of the sport and has even launched an antitrust suit against it. Rob Maysey is one of the leading attorneys in the lawsuit and at the same time is also a leader of the Mixed Martial Arts Fighting Association (MMAFA), the union that wants to hobble MMA and increase its power over their fighters. Other unions, such as Teamsters Local 986, are big backers of the antitrust lawsuit. Are the five law firms pushing the antitrust lawsuit against UFC the real "payers behind the throne" of the MMAFA?

I contacted Representative Mullin's office about all this, but his press secretary, Amy Lawrence, never got back to me. Mullen himself seems to have made his MMA bill the centerpiece of his congressional efforts, a curious choice given his economically challenged home district in rural Oklahoma.

I also sought comment from the House Energy and Commerce subcommittee, which is holding an unusual second hearing on Mullin's bill this coming Thursday. No one responded. It's almost as if no one is interested in having anyone probe into the details of the bill or the motivations behind it.

One reason is that several of Mullin's Republican co-sponsors on the bill might start having second thoughts once they learn of the trial-lawyer and union support behind it. One co-sponsor I did talk with privately told me he had originally backed the bill "only as a favor to a colleague who had been in the sport." He admitted he hadn't read more than a summary of the bill and told me he has since been chagrined to learn that the justification for federal regulation of MMA is so flimsy.

Republicans control both house of Congress. President Trump wears his anti-regulatory passion on his sleeve and has promised to repeal two regulations for every new one that is imposed. So why are Republican-led congressional subcommittees taking valuable time promoting what amounts to a partial federal takeover of a thriving industry?

It's doubtful that the full Mullin bill regulating MMA will ever reach President Trump's desk for signature. But portions of it could be slipped into other legislation and make its way into a "must-sign" bill.

If Republican members of Congress want to be taken seriously as either the party of small government or a party that tackles serious rather than trivial issues, they should call time-out on Mullin's grudge match against the promoters of his old sport — they should bench his bill.

READ MORE:

Why Does Meryl Streep Hate Mixed Martial Arts?

How Sports is Ruined by Politics

The Problem With Federal Overreach

— *John Fund is* NRO*'s national-affairs correspondent.*

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When did micromanaging mixed martial arts become Congress' job?

By CHARLES SAUER, CONTRIBUTOR • 12/7/16 11:38 AM

While many on the Left (and the Right) have not yet embraced President-elect Trump (/section/donald-trump) as the next commander in chief, he's been busy filling his Cabinet with people who will correct some bad public policy, and doing so in record time. On Capitol Hill, however, it's like President Camacho from "Idiocracy" is running the place (https://www.youtube.com/watch?v=sGUNPMPrxvA), or at least the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade.

Reality is so close to "Idiocracy" that the subcommittee is holding a hearing Thursday to discuss a bill that would help decide, among other things, who gets ranked No. 1 in mixed martial arts.

You read that right: Congress wants to regulate mixed martial arts with the so-called Ali Expansion Act, named after Muhammad Ali. But it should really be called the "Camacho Bill."

The bill would add mixed martial artists to the list of athletes who fall under the authority of the 1996 Professional Boxing Safety Act — a 20-year-old law which itself proves Congress knows very little about micromanaging sports franchises. Under the terms of the bill, it would dictate how the market will work, how fighters should be ranked, and what kind of contracts they can sign.

If a fighter wanted to sign a contract longer than a year or prefer a different compensation agreement? They wouldn't have that choice. What about if a fighter wants to reward his promoter if he wins? That too wouldn't be allowed, unless the scheduled bout is for less than 11 minutes. In that case, the legislation wouldn't cover the fight at all.

The bill also explicitly makes it clear that the new powers of government won't expand to sports that use weapons. Apparently, even that is a step too far at this point. Maybe they're just waiting to expand that far next year. After all, they need something for the sequel: Idiocracy II.

Starting in January, it will fall to the House Energy and Commerce Committee to get the government out of healthcare and allow the private economy the space it needs to grow and thrive. Given this hearing in the Commerce, Manufacturing, and Trade Subcommittee, it sounds like they will be contemplating the expansion of government into mixed martial arts and who knows what else at the same time.

But it's hard to imagine a bill that would undermine the committee's argument about the failings of the Affordable Care Act more than a bill that regulates the contracts of grown men and women who have voluntarily entered into agreements.

The right role of government should be to enforce contracts, not to regulate their terms. Maybe a fighter who knows they're likely to be hurt will want to sign a contract for more than a year, if an injury prevents them from fighting. Maybe not. That's what the freedom of contracts is about.

When Congress steps in to decide what a contract should look like, citizens end up with a policy that forces people into contracts they don't want to be in, just like Obamacare has.

About 10 years ago, the National Tax Limitation Committee (http://limittaxes.org/) hosted an event on Capitol Hill called the "Right Size of Government." Attended by some of the biggest academic conservative names, the conference introduced provocative ideas like the way government funding of public transportation is probably more efficient than private funding.

That was a good day of debate, but if someone in the room asked if a right-sized government would include regulation of mixed martial arts, that person might have been laughed out of the room.

Government is critical for a few things: We don't need private-sector law enforcement, courts or competing highways. However, government can be very inefficient at a lot of things. In fact, when the government gets involved where it shouldn't, things usually go bad pretty quickly.

The private sector doesn't fund a bridge to nowhere. Government is good at enforcing contracts, but not writing them.

Once government solves healthcare, poverty, education and terrorism, maybe they can look at regulating the contracts of adults with their own three-point plan like President Camacho's.

Alternatively, if members of Congress really want the American people to get their money's worth, why don't they step into the ring with some mixed martial artists?

Charles Sauer is a contributer to the Washington Examiner's Beltway Confidential blog. He is president of the Market Institute and previously worked on Capitol Hill, for a governor and for an academic think tank. Thinking of submitting an op-ed to the Washington Examiner? Be sure to read our guidelines on submissions. (http://www.washingtonexaminer.com/editorial-guidelines)

The GOP Shouldn't Be Growing The Regulatory State

Posted By George Landrith On 3:30 PM 12/08/2016 In | No Comments

Ronald Reagan famously observed, "Government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it."

President-elect Donald Trump just trounced a tax and spend liberal, and ran against business-as-usual political elites in Washington, D.C. Taking a page out of Reagan's successful playbook, Trump has promised lower taxes and reduced regulation as a means to greater economic growth, and more and better paying jobs. The recent stock market rally since Trump's election is compelling evidence that the markets believe this will be a successful formula for getting the economy rolling again.

Nevertheless, even after voters resoundingly voted for change, some Republican elites have yet to get the message. On Thursday December 8, Congressman Michael Burgess (R-TX), the Chairman of the Subcommittee on Commerce, Manufacturing and Trade, held a hearing on Mixed Martial Arts. This was done at the request of fellow Congressman Markwayne Mullin (R-OK) who believes that Mixed Martial Arts (MMA) fighters are underpaid, should form a union, and should have government bureaucrats decide who fights whom and when.

Yes, you read that right — Rep. Mullin wants government to be a fight matchmaker and determine rankings and match-ups. The hearing is being billed as a routine session to examine the sport of Mixed Martial Arts, but the truth is that the ultimate goal is to build the case for government regulation of the wildly popular sport.

After eight years of economic stagnation and the unchecked growth of government — those two things are closely related — there are a lot of problems that Congress could be focusing on. However, Rep. Mullin wants Congress to take over MMA fights and begin regulating them.

Make no mistake. Now that the sport is successful, this hearing is more about political vendettas and settling old scores than anything else. Sadly, the chummy club on Capitol Hill appears to be happy to oblige. Rep. Mullin is a former MMA fighter who never made it big. He is now a Congressman using his power to obtain a grudge match.

MMA is a huge success because of good old-fashioned American ingenuity and entrepreneurship along with a healthy dose of hard work. MMA has succeeded in the marketplace where boxing has largely failed because the Ultimate Fighting Championship (UFC) — the most well-known organization that promotes and governs MMA fights — created unified rules recognized throughout the world, and has created a structure that ensures that fans are in the driver's seat, and see the match-ups they want most.

This success has created dozens of millionaires, created untold direct and indirect jobs, and is providing an outlet for men and women whose athletic careers may have otherwise been over after their college wresting or Olympic judo careers ended.

Rep. Mullin and his compatriots are doing the bidding of liberal trial lawyers who have sued the leading MMA promoter. These lawyers are not creating jobs and opportunity and are not fighting for the little guy. Instead, they want to enrich themselves and are happy to enlist the help of some hapless and disgruntled congressmen to do it.

The Subcommittee is the "Manufacturing and Trade" subcommittee. One would hope, particularly after this election, that they would be focused on reducing regulations and creating jobs. Instead, this hearing is about expanding the role of the federal government by regulating MMA. These members of Congress are wasting valuable time and taxpayer dollars targeting an American success story. If they were truly aware of the irony of their actions, they would be ashamed.

MMA is popular and successful which is why, as Reagan stated, government is inclined to regulate it. Big Government has already ruined too many industries. They should spare us from another "helpful" congressional big-government regulatory intervention. When President-elect Trump talks about draining the swamp in Washington, he might want to start by looking at a prominent source of some of the rankest regulatory stench that will soon be emanating from the House Manufacturing and Trade Subcommittee.

George Landrith is the President of Frontiers of Freedom as well as an MMA Fan.