

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States

COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

November 7, 2017

To: Subcommittee on Digital Commerce and Consumer Protection Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “Perspectives on Mixed Martial Arts”

On Thursday, November 9, 2017, at 10:00 a.m. in room 2123 of the Rayburn House Office Building, the Subcommittee on Digital Commerce and Consumer Protection will hold a hearing titled “Perspectives on Mixed Martial Arts.” The hearing announcement also noted that H.R. 44, the Muhammad Ali Expansion Act will be considered.

I. BACKGROUND

Mixed martial arts (MMA) is a full-contact combat sport in which fighters use a variety of martial arts techniques, including striking, but do not use weapons or other objects.¹ Professional MMA matches consist of three to five rounds lasting up to five minutes each, with a one minute rest period between each round.²

The combat sports industry is not administered by a single league or entity.³ Instead, MMA matches are organized, advertised, and financed by various private promoters, which set fighter rankings and organize matches internally.⁴ Fighters for the Ultimate Fighting

¹ Ultimate Fighting Championship, Rules and Regulations (www.ufc.com/discover/sport/rules-and-regulations) (accessed Oct. 26, 2017).

² *Id.*

³ *The Battle to Protect Fighters in the Fastest-Growing, Least-Regulated Sport in America*, Washington Post (Apr. 22, 2016).

⁴ *See note 3; Ali Act Amendment Could Expand Federal Law's Coverage to MMA*, ESPN (May 19, 2016).

Championship (UFC), the dominant MMA promotions company in the United States, are paid a fixed sum for each match and an additional bonus if they win.⁵

Fighters typically work with a trainer and a business manager, who are paid a percentage of the fighter's income.⁶ Some MMA fighters have raised concerns about pay and other benefits.⁷ MMA promoters have been criticized for imposing restrictive contracts and for not allowing fighters the ability to negotiate the terms of those contracts.⁸

II. REGULATION OF COMBAT SPORTS

Professional MMA matches are legal in all fifty states.⁹ A majority of states have regulated MMA in some way, either by giving state commissions administrative, regulatory, and enforcement authority or by legislating and delegating enforcement to state agencies.¹⁰

MMA is currently unregulated at the federal level.¹¹ Rep. Mullin (R-OK) has introduced H.R. 44, the Muhammad Ali Expansion Act, which would expand an existing federal law governing boxing (commonly referred to as the "Ali Act") to include MMA and other professional combat sports.¹² By expanding the Ali Act to professional combat sports, state boxing and athletic commissions would be required to enforce minimum standards for safety and business practices in the industry, and to publish guidelines for objective fighter ratings.¹³ The UFC has opposed expanding the Ali Act to MMA and other combat sports.¹⁴

It has been suggested that boxers are more vulnerable to exploitation than other professional athletes because the industry lacks a central governing authority, a strong boxers'

⁵ *Fighting a Cage Match to Turn UFC into a National Phenomenon*, New York Times (Mar. 27, 2016). Information on fighter pay for other promoters is not publicly available.

⁶ Brendan Maher, *Understanding and Regulating the Sport of Mixed Martial Arts*, Hastings Communications and Entertainment Law Journal (2009-2010).

⁷ *Ali Act Amendment Could Expand Federal Law's Coverage to MMA*, ESPN (May 19, 2016).

⁸ See note 3.

⁹ New York, which was the last state to legalize MMA, repealed its ban on the sport in 2016. *Ultimate Fighting Championship Ends a Long Odyssey to Legalization*, New York Times (Jul. 16, 2016).

¹⁰ Jordan T. Smith, *Fighting for Regulation: Mixed Martial Arts Legislation in the United States*, Drake Law Review (Mar. 25, 2010).

¹¹ See note 7.

¹² H.R. 44.

¹³ *Id.*

¹⁴ *Congressional Hearings Announced for Muhammad Ali Expansion Act*, Bloody Elbow (Nov. 2, 2017).

union, and uniform business practices.¹⁵ Despite extending some added protections to boxers, the Ali Act has been criticized as insufficient to fully protect the safety and welfare of boxers.¹⁶

The Federal Trade Commission (FTC) is responsible for making disclosures required of boxing sanctioning organizations publicly available if those organizations do not post the information online.¹⁷ FTC also has broad authority under Section 5 of the FTC Act to challenge unfair or deceptive business practices, and has twice investigated UFC's parent company for possible violations.¹⁸

III. CONCERNS REGARDING BRAIN INJURIES

In recent years, researchers and regulators have begun to focus on risks of brain injuries in MMA fighters.¹⁹ Research shows that repetitive hits to the head have cumulative, long-term effects on brain function and physiology, and may increase the risk of chronic traumatic encephalopathy (CTE), a neurodegenerative disease.²⁰ In October 2016, a 25-year-old who died earlier in the year was the first MMA fighter to be publicly diagnosed with CTE.²¹ Researchers have found elevated amounts of brain injury markers in combat sports athletes' blood, and one study suggests that MMA may lead to a higher incidence of brain trauma than other combat sports.²²

IV. WITNESSES

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¹⁵ Scott Baglio, *The Muhammad Ali Boxing Reform Act: The First Jab at Establishing Credibility in Professional Boxing*, Fordham Law Review (2000).

¹⁶ Government Accountability Office, *Issues Related to the Protection of Boxers' Health, Safety, and Economic Interests* (Jul. 2003) (GAO-03-699).

¹⁷ 15 U.S.C. § 6307c.

¹⁸ *Federal Trade Commission Closes Inquiry into UFC Business Practices*, Las Vegas Review-Journal (Nov. 24, 2015).

¹⁹ *Cleveland Clinic Recommends Changes in Light of Brain Injuries*, ESPN (Nov. 25, 2015).

²⁰ *111 N.F.L. Brains. All But One Had C.T.E.*, New York Times (Jul. 25, 2017).

²¹ *First Case of CTE Diagnosed in MMA Fighter*, Boston Globe (Oct. 21, 2016).

²² *Study of Boxers and MMA Fighters Finds Biological Markers of Brain Injury in the Blood*, Consumer Affairs (Jul. 17, 2017); *Study: MMA Brain Injury Risk Higher*, ESPN (Mar. 29, 2014).

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