H.R. REP. 88-1053, H.R. Rep. No. 1053, 88TH Cong., 2ND Sess. 1964, 1964 U.S.C.C.A.N. 2250, 1963 WL 4734 (Leg.Hist.)

P.L. 88-316, SPORTING CONTESTS-- BRIBERY

Senate Report (Judiciary Committee) No. 88-593,

Oct. 29, 1963 (To accompany S. 741)

House Report (Judiciary Committee) No. 88-1053,

Dec. 17, 1963 (To accompany S. 741)

Cong. Record Vol. 109 (1963)

Cong. Record Vol. 110 (1964)

DATES OF CONSIDERATION and PASSAGE

House Jan. 22, 1964

Senate Oct. 30, 1963; May 26, 1964

The House Report is set out.

                                                                                 (CONSULT NOTE FOLLOWING TEXT FOR INFORMATION ABOUT OMITTED MATERIAL.  EACH     COMMITTEE REPORT IS A SEPARATE DOCUMENT ON WESTLAW.)

HOUSE REPORT NO. 88-1053

Dec. 17, 1963

**\*2250** THE Committee on the Judiciary, to whom was referred the bill (S. 741) to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery the outcome of sporting contests, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

EXPLANATION OF AMENDMENTS

Amendments 1 and 6 were adopted because the words, ‘of participants, ‘ appeared to limit the bill to the players. The committee wishes to assure that this legislation will apply not only to the players but to others who can influence a sporting contest; such as referees, umpires, and coaches.

Amendments 2 and 3 were also adopted to assure sufficient scope to the legislation. As passed by the Senate, the bill made it a crime to influence by bribery, ‘the outcome of‘ any sporting contest. It was feared that this might be interpreted to mean only win or lose and that other schemes designed to influence the score or conduct of the contest would go unpunished. **\*2251** Accordingly, amendments 2 and 3 would reword section 224(a) so that it reads:

Whoever carries into effect, attempts to carry into effect, or conspires with any other person to carry into effect any scheme in commerce to influence, in any way, by bribery any sporting contest, with knowledge that the purpose of such scheme is to influence by bribery that contest, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

Amendment 4 conforms the penalties under this bill to what is provided for a similar crime under title 18, United States Code, 1952.

Amendment 5 is to clarify the language.

Amendment 7 simply conforms the title of the bill to these changes.

PURPOSE

The purpose of this legislation is to make it a Federal criminal offense to influence a sporting contest by bribery. For such conduct to constitute a Federal offense it must be done through the facilities of interstate or foreign commerce. The punishment provided is a fine of not more than $10,000, or imprisonment for not more than 5 years, or both.

STATEMENT

During the past few years, we have witnessed a number of scandals in the sporting world in which attempts were made to influence sporting events by bribery. With the development of highly organized athletics, both professional and collegiate, gambling interests have become increasingly involved. Because of the heavy stakes, the temptation to fix games has become very great.

Efforts have been made by dedicated men in collegiate and professional sports to preserve athletics from the influence of the gamblers and the underworld. States have passed laws providing criminal penalties for offering or accepting bribes in sporting contests. State law enforcement agencies have done much to uncover and prosecute violators of these statutes. However, it is felt that more must be done. Bribery of players or officials to influence the results of sporting contests is a challenge to an important aspect of American life-- honestly competitive sports.

An examination of State statutes dealing with bribery in athletic contests shows that some 12 States have no statutes on this subject. For those States which do have sports bribery statutes, enforcement is becoming increasingly more difficult because of the interstate nature of many criminal activities. To deal with the problem which is thus presented, this bill would make it a Federal crime to influence, by bribery, any sporting contest through the use in interstate commerce of any facility for transportation or communication. The committee believes that this measure is necessary and desirable and accordingly commends it to the House for favorable consideration.

It should be noted that this bill is based on the employment of facilities in interstate commerce for effectuating a scheme to influence a sporting contest by bribery. It does not purport to deal with or affect the issue of whether sporting contests are to be considered in interstate commerce.

**\*2252** DEPARTMENTAL REPORTS

A report from the Department of Justice supporting this legislation follows:

U.S. DEPARTMENT OF JUSTICE,

Washington, D.C., December 9, 1963.

Hon. EMANUEL CELLER,

Chairman, Committee on the Judiciary,

House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning H.R. 3696, H.R. 4855, and S. 741, identical bills to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery the outcome of sporting contests, and for other purposes.

The bills would amend chapter 11, title 18, United States Code, to add a new section 224. Subsection (a) of the proposed section 224 would make it a felony, punishable by a fine of not more than $5,000 or imprisonment for not more than 10 years, or both, to carry into effect or attempt or conspire with any other person to carry into effect any scheme, through the use of interstate or foreign commerce facilities, to influence the outcome of any sporting contest. Subsection (b) would provide that this legislation shall not be construed as indicating congressional intent to preempt the field in which it operates. Subsection (c) defines various terms used in the section.

These measures are similar in purpose to S. 2182, introduced in the 1st session of the 87th Congress. In its report of March 23, 1962, to the Senate Judiciary Committee, the Department of Justice strongly endorsed enactment of S. 2182, but recommended several changes in the bill. The subject legislation reflects the changes which were suggested with respect to S. 2182. Accordingly, the Department similarly endorses the enactment of this legislation.

However, we would like to recommend an amendment to meet a situation in which bribery is used to influence the point spread between the teams involved in a sporting contest. In order to make this legislation applicable to such conduct, we suggest that the subject measures be made to prohibit bribery to influence the score of any sporting contest, as well as the outcome. This could be accomplished by amending the bills to add the words ‘or score‘ after the word ‘outcome‘ wherever it appears.

In addition, we note that the title of the proposed section 224 refers to bribery of ‘participants‘ in sporting contests, while subsection (a) would prohibit bribery to influence the outcome of any sporting contest without regard to whether the bribe involved a participant. Accordingly, we suggest that the title be amended to reflect the scope of subsection (a). Two suggested titles are: ‘Bribery with respect to sporting contests‘ and ‘Bribery to influence outcome or score of sporting contests.‘

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,

Deputy Attorney General.

                                                                                 (Note:  1.  PORTIONS OF THE SENATE, HOUSE AND CONFERENCE REPORTS, WHICH ARE     DUPLICATIVE OR ARE DEEMED TO BE UNNECESSARY TO THE INTERPRETATION OF THE LAWS, ARE OMITTED.  OMITTED MATERIAL IS INDICATED BY FIVE ASTERISKS:  \*\*\*\*\*.                  2.  TO RETRIEVE REPORTS ON A PUBLIC LAW, RUN A TOPIC FIELD SEARCH       USING THE PUBLIC LAW NUMBER, e.g., TO(99-495))

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