

and the relationships between promoters, owners, and operators of facilities, performers, and sellers and resellers of entertainment and sporting event tickets, along with recommendations to achieve better ticket disclosure, information, access, and value for consumers.

The number of entertainment and sporting event tickets sold in the past few years has escalated rapidly. Based on testimony our committee received last year, the number of such tickets sold annually easily exceed 2 billion. As ticket sales have increased, so too have the methods used to sell and market such tickets. Indeed, with the advent of the communications superhighway, sellers of entertainment tickets likely will create additional avenues for selling tickets that are not feasible today.

This legislation does not inhibit these new and innovative approaches nor does it inhibit the growth of the entertainment and sporting industries or of the marketing and ticketing service industries that support them. This legislation creates no new regulations nor does it impose unreasonable burdens on business. Rather, this simple legislation merely seeks to inform the ordinary consumer who contemplates purchasing these tickets of any additional fees or charges that are added on to ticket prices.

This legislation makes it unlawful for persons who sell or resell entertainment or sporting event tickets: First, to fail to disclose to the purchaser—prior to the purchase of any such ticket—any fee, charge, or other assessment to be imposed in excess of the face amount of the ticket, and second, to fail to have the amount of any such fee, charge, or assessment printed on the ticket or on a receipt evidencing any such ticket sale.

Under the bill, this requirement will be enforced by the Federal Trade Commission, an independent agency that has authority over unfair and deceptive commercial practices under the Federal Trade Commission Act (15 U.S.C. 45, et seq.). As well, State attorneys general are empowered under the bill to enforce the requirement on behalf of affected residents in their States. In this regard, the bill parallels other commercial practices legislation developed by the Committee on Energy and Commerce during the past few years, including the Telephone Disclosure and Dispute Resolution Act, enacted in 1992, and the Telemarketing and Consumer Fraud and Abuse Prevention Act, enacted last year. Under the Federal Trade Commission Act, the FTC is authorized to issue cease and desist orders in appropriate cases and to impose civil penalties for each violation of the law.

I also have modified last year's bill by adding an important provision that directs the Federal Trade Commission to conduct a study of ticketing practices, including an examination of relationships between and practices of various persons involved in entertainment and sporting events. I believe an in-depth examination of ticketing practices by the FTC is clearly warranted, based on testimony and evidence presented to the Subcommittee on Transportation and Hazardous Materials at its September 29, 1994, hearing on this subject. For example, I have real concerns about the impact on ticket consumers of exclusive contracts between building owners and others that limit options of potential competing services. As well, I have many questions about the manner in which

tickets are held back by many participants in the ticket food chain, so that consumers are denied any opportunity to purchase many tickets through conventional means—that is, the box office or through authorized ticket sellers—or are forced to pay exorbitant prices from ticket brokers or scalpers who mysteriously acquire the best seats in the house. If tickets are made available to the public, why are so many tickets simply unavailable to the normal consumer who cannot afford scalper's fees? This long-overdue report from the Commission should inform the Congress whether further action is necessary to provide consumers of entertainment tickets with better disclosure, information, access, and value.

At the subcommittee's hearing last fall, representatives of consumer interests and of ticket sellers indicated their support for the disclosure provisions in the bill. Unfortunately, because of the press of other business, no further action was taken with respect to the legislation. I look forward to prompt consideration and enactment of this modest legislation so that American consumers will be better informed about add-on charges they pay for entertainment and sporting event tickets and so all of us will be informed about how to achieve better disclosure, information, access, and value for ordinary consumers who seek to purchase such tickets.

TRIBUTE TO MAYOR JIM SCRIVNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. SKELTON. Mr. Speaker, it has come to my attention the Versailles, MO, Chamber of Commerce will soon bestow the honor of citizen of the year on former Mayor Jim Scrivner.

I want to use this opportunity to call the attention to my fellow Members of Congress to the outstanding record of public service demonstrated in the life of this citizen of Missouri.

Jim Scrivner would have been considered successful if viewed only from the perspective of his business and lifelong career as an undertaker with three funeral homes in rural Missouri. He provided a home for his wife, Honey, and their daughters, and is respected in his community.

Through the years he added an ambulance service to the business. It was not financially successful, but he subsidized the service to his neighbors and the surrounding area. The nearest hospital was 40 miles from his hometown and ambulance service was a necessity.

In 1973, Jim Scrivner was elected mayor of Versailles. His term of office was marked by a series of progressive ventures. A new sewage plant, replacement of failed sewerlines in a large section of the town, new housing for low-income and elderly residents and development of a successful industrial park all were accomplished in his tenure as mayor. The people trusted his leadership to the extent that a 1-percent sales tax was passed to provide for funding for future city development.

It is fitting and proper that the people of Versailles recognize Jim Scrivner and his years of service. In doing so they focus a spotlight on the life and career of an outstanding individual. He has been successful as a family man, a businessman, and as an elected official.

I am proud to call him my friend and to take this opportunity to enter into the CONGRESSIONAL RECORD my agreement with and support for the decision to honor him. His record is one we should all note and seek to emulate.

PERSONAL EXPLANATION

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. WARD. Mr. Speaker, due to unavoidable circumstances, I missed rollcall vote No. 99 during consideration of H.R. 666, Exclusionary Rule Reform Act on February 7, 1995. Had I been present, I would have voted "aye."

TIME TO TAKE BACK OUR STREETS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. PACKARD. Mr. Speaker, the statistics paint a grim picture. In the past 30 years violent crime increased threefold. The American people are afraid to go out at night. Our children are afraid to go to school. It is time to take back our streets.

On November 8, Americans made it clear they did not think much of last year's liberal, hugs for thugs crime bill. They endorsed the Republican get tough approach to crime fighting. Our crime package strikes at the heart of our violent crime problem by deterring criminals from committing crimes in the first place.

No more hugs for thugs; no more phony prevention programs; and no more endless appeals or technical loopholes. Our Republican crime bill holds criminals accountable for their actions, not hold their hand. We need a criminal justice system that protects the victim, not the criminal.

Republicans are working hard to fight crime by giving police the tools to catch, convict, and confine criminals. The streets across America belong to the people, not to the thugs. Mr. Speaker, I urge my colleagues to join me in the fight to take back our streets.

BIRDS OF A FEATHER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. MANTON. Mr. Speaker, I rise to bring to the attention of my colleagues a tragic story of loss that struck New York and, indeed, the Nation during this past weekend's snowstorm. On Saturday, February 4, 1995, the outdoor aviary at the Bronx Zoo collapsed under the weight of a foot of snow allowing dozens of exotic birds to escape. The Harry de Jur Aviary was built in 1899 and was one of the first animal shelters built at the Bronx Zoo.

Saturday's snowstorm was wet and heavy and the foot of snow on the aviary's arch

probably weighed several tons. A strong gust of wind caught the structure like a sail which caused the collapse. Although many of the birds were caught under the wire mesh, at least 33 rare birds were carried away on high winds. The zoo has asked local birders to be on the lookout for these rare arian species.

The aviary was the home to the largest breeding colony in North America of the inca terns, a South American sea bird. Also lost were grey gulls, andean gulls, and a bandtail gull. These birds have a slim chance of survival in the urban wild due to their sheltered upbringing. Zookeepers hope that some of these birds will return to the familiar site of the aviary due to their hunger, but fear that the winds may have carried them too far away.

Mr. Speaker, the Bronx Zoo aviary was an historic landmark which generations of New Yorkers and visitors enjoyed. I commend to my colleagues' attention the New York Times article of this tragedy. The zoo will celebrate its centennial next year and zoo officials hope to rebuild the aviary, despite the cost of such a project at a time of tight budgets.

[From the New York Times, Feb. 6, 1995]

BIRDS FLEE WRECKAGE OF BRONX ZOO AVIARY
(By Robert D. McFadden)

The gracefully arched, 19th-century aviary at the Bronx Zoo—home to a colony of 100 South American sea birds and a landmark to generations of New Yorkers and visitors—collapsed in a gust of wind under the weight of a foot of snow during Saturday's storm, and dozens of rare, exotic gulls and terns flew away, zoo officials said yesterday.

No people were in the aviary at the north end of the zoo near Fordham Road when the huge cage of torn, twisted wire mesh crashed down on a coastal habitat of rock outcroppings, murky pools, pebble beaches and island nesting nooks at 10:45 A.M. No birds were killed and only one was known to have been injured.

And many birds were trapped under the tangle of wire and saved, officials said. Ten flightless Magellanic penguins waddled into their rookeries, guanay cormorants and other survivors, including an oystercatcher, took cover in nesting cavities. Zoo keepers quickly rushed in with nets, trying to minimize the loss.

But at least 33 birds—8 Grey gulls, 12 Andean gulls, one Band-Tail gull and 12 Inca terns—escaped and were carried away on high winds from the small artificial realm where they had been hatched, fed and protected into a harsh world where they may have to compete with city sea gulls, crows and other toughs of the air.

"It's a very sad day," Dr. Donald Bruning, the zoo's curator of birds, said in an interview yesterday. "The aviary was beautiful and has been around for almost a century. And the birds would be very difficult to replace. The Inca terns were by far the largest breeding colony in North America, and we've lost almost half of them."

Zoo officials asked bird-watchers and the public to be on the lookout for the escaped birds, whose native habitats are the coasts of Peru and Chile, and issued descriptions and other advice about how to spot, capture and report them. To avoid being swamped by calls from everyone who sees a nonexotic gull or a tern, the zoo issued a list of "bird rehabilitators," licensed experts in aiding wildlife, to serve as intermediaries.

But Dr. Bruning said the chances of recovering the birds seemed slim. He noted that high winds, which gusted up to 50 miles an hour, could have carried them by late yesterday across most of the New York metropolitan area and New Jersey, and that the likeli-

hood of finding and recapturing them appeared to be as dubious as their chances of survival in the urban wild.

"Most of them were hatched and raised in the aviary and have no experience outside," he said. "The cold will not bother them, but it will not be easy for them to find food. They will have to compete with local gulls and other birds, and this is not the best time of the year for trying to find food."

Since the flyaways were accustomed to shelter and regular feedings of fish, Dr. Bruning said the best hope for their recovery was that some had resisted the high winds and taken shelter nearby and would return to the aviary ruins in search of a meal.

"They know food is available and would come back to that," Dr. Bruning said. "We're hoping that when they get hungry and can't find a supply of fish, they may start looking to come back to the cage—that is, if the wind hasn't blown them too far away. If they find themselves in a completely strange area, they won't know how to find their way back."

Pans of smeltlike capelin and other small fish were put out at the aviary wreckage yesterday to lure any nearby fugitives back, but the only taker seen at dusk was a strutting crow.

The structure that collapsed, known as the Harry du Jur Aviary, was built in 1899, three years after the founding of the New York Zoological Society. It was one of the first animal shelters built at the Bronx Zoo, then still in the midst of farms and now a 265-acre tract of hilly parkland bounded by Fordham Road, Southern Boulevard, East 180th Street and the Bronx River Parkway.

The aviary was unique at the time—a huge cage topped with an arch of wire mesh 80 feet high, 150 feet long and 90 feet wide—where birds could live and fly about in a habitat that simulated nature's, and where the people could enter through double wire doors and walk unobtrusively among them.

In the early 1980's, Dr. Bruning said, the aviary was remodeled and a new wire mesh arch was installed, along with a redesigned interior habitat. But the pipelike supports for the arch were not replaced, and after the collapse many of these pipes—96 years old—were found to be rusted where they joined the wire mesh of the arch, about 15 feet above the foundation, Dr. Bruning said.

"You could see the rust once it broke off," he said. "All of the pipes broke at the same joint all the way around the cage."

Saturday's snow was wet and heavy, Dr. Bruning noted, and when it ended at mid-morning the foot of snow that spread over the arch must have weighed many tons. It became even heavier as sleet and rain began falling and were absorbed into the snow. But it was not mere weight that brought the aviary down, he said.

"Apparently there was a strong gust of wind that caught the whole structure like a sail," he said. "The entire cage collapsed on the interior. All the arch members broke apart and separated. There were cables that went across for support and they came down too. It was a mass of twisted and torn mesh, and there were gaps in it—very large holes where some of the birds escaped."

The only immediate casualty of the collapse was a cormorant that sustained a slight cut. Many of the birds were trapped under the mesh. Some took refuge in their nesting areas, others were saved by keepers, who were next door in the Aquatic Bird House and rushed out with nets after hearing the roar. Survivors were taken to other bird shelters at the zoo.

Zoo officials asked bird-watchers and the public for help in finding the escapees, and they provided brief descriptions:

Inca tern adult has a dark blue-gray body, white mustache, red bill and feet and is 14 to 17 inches long, while the juvenile has a black bill and feet and no mustache.

Andean gull has a white head with crescent black earmarks, light gray upper body with white underparts and a 22-inch length.

Grey gull is uniformly slate gray with black bill, faint eye rings and is 19 to 20 inches long.

Band-Tail gull is white with yellow bill and feet, a white body and black wings.

All but the Band-Tail and some of the Andean gulls have leg bands. Zoo officials asked anyone who spots one of these birds to contact the zoo or one of the bird rehabilitators whose names and numbers it made public. They noted that it was unlikely that anyone could catch one of the birds, but if a bird is caught, it should not be taken indoors, but kept in a well ventilated cardboard box. The birds are not dangerous, but can bite if grabbed.

Dr. Bruning said he hoped the aviary would be rebuilt, especially in time for the zoo's centennial next year. He noted that it might cost several hundred thousand dollars and that there was little money for such a project at a time of tight budgets. But he called it an important facet of the zoo.

"It is tragic to lose this beautiful landmark aviary," the curator said.

THE NORTH KOREAN NUCLEAR ACCORD—DOES IT MATTER?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. HAMILTON. Mr. Speaker, I would like my colleagues to turn their attention today to the nuclear accord signed last October with North Korea.

As Members know, this is a complex agreement that will be implemented in stages over a 10-year period. At its simplest, this agreement constitutes a trade. On one side, North Korea will halt and eventually dismantle its nuclear weapons program, accepting extensive international inspections to verify its compliance. In exchange, the international community has agreed to provide the North with alternative energy sources, initially in the form of heavy fuel oil, and later with proliferation-resistant light-water reactor technology.

The agreement also provides for movement toward the normalization of relations between the United States and North Korea, and for resuming a dialog between the two Koreas.

In evaluating this accord, it is instructive to compare what we get from this agreement with what we have agreed to give North Korea. On the positive side of the ledger, the benefits to us and our friends, including South Korea and Japan, are substantial. The agreement calls for:

An immediate freeze on the North Korean nuclear weapons program—a step the North has already taken.

Immediate international and United States inspections of the North's principal nuclear facilities—which are now being carried out on a continuing basis.

The promise of the eventual elimination of the entire North Korean nuclear weapons program.

A commitment by North Korea not only to live up to its obligations under the Nuclear