

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I am sure under the magnificent leadership of the Senator from Florida, Senator MACK, we will have this done within 2 hours Monday night, and we will either pass it on a voice vote or vote at 10 o'clock on Tuesday. That is certainly my hope.

Reluctantly, Mr. President, I announce there will be no further recorded votes today or on Monday. The next votes will occur at 10 o'clock on Tuesday.

Mr. DOMENICI. For those who want to offer amendments on Monday, what time would you intend to convene?

Mr. LOTT. Mr. President, if I could respond to the chairman of the energy and water appropriations Subcommittee. We will come in, I believe, at 12 o'clock. We have some morning business that would take at least 2 hours. So we should be ready to go by 2 o'clock on the Energy and Water Appropriations bill.

Again, I urge Senators, if they want to offer their amendments—and I assume most of them don't—they will need to be here to offer amendments at 2 o'clock on Monday and today.

Mr. DOMENICI. I thank the majority leader.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed as in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE DEREGULATION IS NOT HELPING EVERYONE

Mr. DORGAN. Mr. President, about 2 years ago, Frontier Airlines began jet airplane service in North Dakota. It was actually a carrier that had previously quit service, and some years later a new group of people using the same name, Frontier, reorganized and started a new airline.

Two years ago, when Frontier started service to parts of North Dakota, we were fairly excited about that, because in a small, sparsely-populated State like North Dakota, we need more competition in airline services. North Dakota is served by one major carrier. The fact is that when you have one-carrier service—although I admire that carrier—you generally pay higher prices, and you have the kind of service they decide they want to give to you. So we were fairly excited that we would get that jet airline service to North Dakota.

This morning, Frontier Airlines announced that it will withdraw its service to North Dakota. I spoke with the president of the company this morning. I also spoke with the Secretary of Transportation this morning about this issue, and I want to comment for a moment about this matter because it deals with the larger issue of airline deregulation.

We have people in this Chamber, in the other Chamber, and out in the country who do handstands and all kinds of gymnastic feats when they describe the wonders of airline deregulation for America. They say the deregulation of the airlines has been remarkable. You get lower prices, and you get more service. Well, that certainly is true if you happen to live in Chicago, New York, Los Angeles, or perhaps a dozen other cities. If you are traveling from Chicago to Los Angeles, guess what? Look at an airline guide and you have all kinds of carriers to choose from, and they are vigorously competing with price and so on and so forth. Those are the benefits and virtues of airline deregulation. But the fact is, if you do not live in one of the large cities, airline deregulation has not been a success for you. It means less service and higher prices.

Now, what happened when we had airline deregulation was—and we have seen merger after merger in the combination of smaller airlines bought up or merged into the larger airlines and a subsequent concentration of economic power—the airlines sliced up parts of the country into hubs, and they control the hubs and decide how they want to serve the public with price and service. Then a new carrier starts up. How does a new carrier compete when you have an airline industry that is now highly concentrated with a few giant economic powers? The fact is, it does not compete, and it cannot compete very well.

Two years ago, when this airline started, I went to the Secretary of Transportation and had a meeting with him in his office. I said, the fact is, a new jet carrier cannot start up and be successful under the current circumstances unless the discriminatory practices that exist with the big carriers against these new carriers are ended. The Department of Transportation has a responsibility to end it. That was 2 years ago. Now, a jet carrier trying to serve a State like North Dakota and going into a hub like Denver, in order to be successful, is going to have the other major carriers provide code-sharing arrangements. But, guess what? A very large airline carrier, one of the largest in the country, would say to a carrier like this, I am sorry, we do not intend to cooperate with you under any circumstances—on ticketing, on baggage—and we use our own computer reservation system, and you will not even show up on the first couple of screens that travel agents pull up.

So what happens? The fact is that the new carriers that start up do not make it because there are fundamentally discriminatory practices, and we have a Department of Transportation that drags its feet and does nothing about it. In the last couple of months, the Department of Transportation has started to do some things, but not nearly enough. For 1½ years they did nothing. That result is evident not only in North Dakota, but also around the

country where we see regional startups trying to promote more competition in the airline industry. The regional startups are squashed like bugs by the big carriers because of what, I think, are fundamentally anticompetitive practices.

Now, you can make a case, I suppose, that a big carrier does not have to cooperate with anybody under any conditions. I think it is a silly case to make, but I know people will make that case. What that will lead to is the circumstance that now exists, only more concentrated, and with fewer carriers. We have only five or six major carriers in this country. They have gotten bigger, with more economic power. They have the capability of deciding anywhere, at any time, that a startup carrier is not going to make it because they are not going to allow it.

I have a fistful of information here from travel agents and others, who describe what they consider to be anticompetitive practices by other carriers against this startup carrier in North Dakota. I do not have stock in this company. I do not know much about this company. I do not care about one company versus another. All I care about is that we have a circumstance where we have competitive airline service and an opportunity to get more and better service in a State like North Dakota.

The current system, under deregulation, is an abysmal failure. Those who twirl around like cheerleaders, believing this represents something good for this country, ought to understand that it represents something good for only part of the country; for those people lucky enough to live in the major cities who are going to get more service at lower prices. For the people in the parts of the country where there is less opportunity and where we have a need for the startup of new regional jet carrier services, the cheerleaders for deregulation ought to understand that these startups are squashed like bugs by the major carriers of this country, and the major carriers do this under the watchful eye of the people who are supposed to be concerned about competition.

I hope the Secretary of Transportation and the Department of Transportation are able, at some point, to take the kind of action that we expect them to take to deal with these issues.

We have a DOT bill coming to the floor next week. I intend to be here, if necessary, with a whole range of amendments talking about the airline issues and what DOT has or has not been doing on these issues. I might not get more than one vote for them. It would not matter much to me.

I am not going to sit by and see this happen. This notice today of the withdrawal of service of another carrier in North Dakota means North Dakotans will have less service and pay higher prices once again. The fact is, this is not brain surgery, and this is not a problem for which we do not know a

cure or a solution. We understand the problem and we know the solution. The solution is not to preach about deregulation and then decide you could care less about whether there is anti-competitive behavior. If this Government, this Congress, this Department of Transportation, or this Secretary of Transportation, do not do something about the anticompetitive practices and anticompetitive behavior, we will never see this problem resolved.

If I sound a little upset this morning, I am. I hope that perhaps some discussions in the coming days might convince some of these carriers, that are out there trying to make it in an anti-competitive environment, that somebody is going to do something to make it competitive and fair once again.

Mr. President, as I said, from what I hear about the Senate schedule next week we will have the Department of Transportation appropriations bill on the floor. I intend to be over here actively and aggressively working on some of these issues then. It may be the only appropriate and opportunistic way for me to make the point that I think needs to be made.

So I appreciate the indulgence.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, I would like to speak on the bill, if I may, for 3 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to commend the managers of this bill and the staff for the energy and water development appropriations bill which I have in my hand which has a provision for the Mid-Dakota Rural Water System for \$7.5 million.

I hope in conference, or possibly in future developments, that the funding level for mid-Dakota can be raised to \$11.5 million, which is the House level. I was disappointed with the administration only recommended \$2.5 million. While we need to change that, we can actually save money on a contractual basis by accelerating this project and going to the \$11.5 million level.

Let me say a word or two about the mid-Dakota project. It will bring water into eastern South Dakota to 24 communities, and it will run from Pierre to Huron, SD, along Highway 14 and surrounding areas.

In the State of South Dakota in eastern South Dakota we have a problem with water. On my farm we have a rural water system hooked up where water is brought from a central source as opposed to farms in this area that depend on wells. In this case, it takes the mid-Dakota project. This project will bring water from the Missouri River eastward. We have the great resource of the Missouri River in our State. It is almost unused. But this is

using Missouri River water for our people.

I have had a number of meetings on this project over the past several years. I met with Kurt Pfeifle yesterday, the general manager of mid-Dakota project to discuss ways to get a higher funding level. I have met with him and other South Dakotans who traveled here to propose this important project for 30,000 people in eastern South Dakota—Tom Edgar from Orient, Susan Hargens from Miller, Johnny Gross from Onida, Eugene Warner from Blundt, Mory Simon from Gettysburg, to name a few.

So, Mr. President, let me say in conclusion that I thank the managers of the bill for the \$7.5 million that has been included for mid-Dakota. It is a very important water project in our State. I hope that the level can be increased to \$11.5 million.

I note that the administration included only \$2.5 million in their recommendations. So it has been a struggle. But it is very, very important to the people of South Dakota. To have clean drinking water for livestock and people is very, very important to the farmers and the people of eastern South Dakota.

Mr. President, I yield the floor.

AMENDMENT NO. 5093

Mr. DOMENICI. Mr. President, the pending business is the Gorton amendment.

The PRESIDING OFFICER (Mr. SHELBY). That is correct.

Mr. DOMENICI. We have no objection to the Gorton amendment, and the other side has no objection to the Gorton amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 5093) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 5094

(Purpose: To clarify that report language does not have the force of law)

Mr. MCCAIN. Mr. President, I have two amendments. The first one is at the desk. I ask for the immediate consideration of the first of the two amendments.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 5094. On page 36, line 1, strike all after the word "this" through line 3 and insert in lieu thereof the following: "Act."

Mr. MCCAIN. Mr. President, I and my staff spend some time perusing the appropriations bills as they come up. I

will have comments on some aspects of the bill before the bill is voted on.

But I was quite disturbed to see on page 36 of the bill beginning on page 35 where it says:

Notwithstanding the provisions of 31 U.S.C. funds made available by this act to the Department of Energy shall be available only for the purposes for which they have been made available by this act, and only in accordance with the recommendations contained in this report.

My understanding of that language in the bill is that it means that the report language has the force of law.

Mr. President, that is just not something that is correct. It is not appropriate. It is not in keeping with the proper procedures used by the Congress.

I hope that my colleague from New Mexico will accept the amendment to strike that language. If not, obviously, I would want to ask for the yeas and nays.

Mr. President, I have no more discussion of that amendment. I am ready to move on to the other amendment at the appropriate time.

Mr. DOMENICI. Mr. President, I am not prepared to accept the amendment at this time. My counterpart is not here at this time. Obviously, we both want to look at it in light of our reasons for putting it in. Our reasons for putting it in are different than the Senator's reasons for taking it out. We would like to discuss that. So we will debate that at another time.

If the Senator is agreeable to proceed to another amendment, if he would like, if he would set his aside, it will be properly sequenced.

Mr. MCCAIN. Mr. President, I would be glad to do that. Prior to doing so, I guess I would ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, again I would be more than happy to engage in a discussion with both distinguished managers on this amendment. I have only been here 10 years, but I have not seen such language in an appropriations bill. I would be very disturbed to see that became custom here in the Senate although, if the Senator from New Mexico States has other reasons for it being in there, I would be more than happy to discuss that. And perhaps we could change that language so that the effect of the language is not as I see it.

So, Mr. President, I ask unanimous consent that my amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5095

(Purpose: To prohibit the use of funds to carry out the advanced light water reactor program)

Mr. MCCAIN. Mr. President, I have another amendment which I send to the desk and ask for its immediate consideration.