

have shown that fares for hub airports are higher than fares in markets where there is more competition. The recent TRB study concluded that "the consistency with which hub markets appear among the highest-free markets is noteworthy and raises the possibility that the hub carriers are exploiting market powers in ways that would not be sustained if they were subject to more competition."

In an environment of less competition, the hub problem can be expected to grow worse. My bill addresses this problem in several ways. First, as I have previously discussed, the bill gives the Secretary authority to require that fares at hub airports be reduced if they are higher than fares elsewhere.

Secondly, the bill includes provisions to encourage more competition at hubs. The bill provides that, upon a finding that a dominant carrier is exploiting its position at a hub airport by offering unreasonably high fares in more than 20 percent of the hub's markets, the Secretary may require the dominant air carrier to make gates, slots, and other airport facilities reasonably available to other carriers. We have often heard of dominant air carriers that refuse to give to other carriers, especially new entrants, access to key airport facilities.

The ability to prevent other air carriers from competing effectively at hub airports will only be magnified if the industry is reduced to three major carriers.

My bill would also give the Secretary the authority to require that the air carrier exploiting a hub monopoly make adjustments in commissions paid to travel agents, in frequent flyer programs, and in corporate discount arrangements. Each of these marketing programs has served, in the past, to make it nearly impossible for new entrants to gain a foothold in a dominant hub market. The recent TRB report noted that use of these programs to drive out competition "merits further investigation by DOT."

#### UNREASONABLY HIGH FARES FOR BUSINESS PASSENGERS

A final problem the bill addresses is excessively high fares for business travelers and others who cannot meet the conditions on discount tickets. In the last several years, airlines have been charging increasingly higher airfares to business travelers who do not qualify for discount tickets. The TRB noted that the: "higher-fare travelers . . . are now paying 5 to 25 percent more. Also evident is that these travelers are paying fares much higher than the median, at least in comparison with earlier periods (1995 to 1992). For instance, travelers paying the highest fares in 1992 paid 2 to 2.1 times the median fare. In 1998, these travelers paid 2.7 to 2.9 times the median." If the aviation industry were to consolidate to just three globe-straddling mega-carriers, the business traveler is the one who would bear the brunt of the super-premium airfares that are sure to be charged in those monopoly power airport markets.

My bill would give the Secretary power to require reductions in fares that are unreasonably high, either in and of themselves, or by comparison to the lower fares offered other passengers.

Mr. Speaker, I believe that we are at a critical point for the future of a competitive airline industry. The inescapable lesson of 22 years

of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot stand idly by and allow the benefits of deregulation to be derailed by a wave of mergers. If these mergers are approved, we will need a new legislative framework to give the Secretary of Transportation appropriate authority to combat anti-competitive practices by the new line-up of powerhouse mega carriers, to preserve competition in the public interest, and ensure the widest range of travel options at the lowest possible prices for air travel.

If the mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government control in the public interest, for private monopoly control in the interests of the industry.

Mr. Speaker, I submit for the RECORD herewith a section-by-section summary of my legislation:

#### AIRLINE COMPETITION PRESERVATION ACT— SECTION-BY-SECTION SUMMARY SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the "Airline Competition Preservation Act of 2000."

#### SECTION 2—OVERSIGHT OF AIR CARRIER PRICING

Subsection (a)(1) provides that the Act takes effect immediately upon a determination by the Secretary of the Department of Transportation that, as a result of consolidation or mergers between two or more of the top 7 air carriers, three or fewer of those air carriers control more than 70 percent of scheduled revenue passenger miles in interstate air transportation.

Subsection (a)(2) states that the Secretary shall, in determining the number of scheduled revenue passenger miles under subsection (a)(1), use data from the latest year for which complete data is filed. In addition, subsection (a)(3) provides that the Secretary in making the concentration determination in (a)(1) should attribute to the remaining airline those routes acquired from the air carrier with which it has merged or consolidated.

Subsections (b)(1) and (b)(2) give the Secretary the authority to investigate whether an air carrier is charging a fare or an average fare on a route that is unreasonably high. The factors in making this determination include whether the fare or average fare in question: is higher than fares charged in similar markets; has been increased in excess of cost increases; and strikes a reasonable relationship between fares charged to passengers who are price sensitive and those charged to passengers who are time sensitive.

Under subsection (b)(3), if a fare is found to be unreasonably high, the Secretary may order, after providing the air carrier with an opportunity for a hearing, that it be reduced, that the reduced fare be offered for a specified number of seats and that rebates be offered.

Subsection (c) provides that if a dominant air carrier, on any route in interstate transportation to or from a hub airport, responds to low fare service by a new entrant by matching the low fare, and offering two or more times the low fare seats as the new entrant, the dominant carrier must continue to offer the low fare for two years, for at least 80 percent of the highest level of low fare seats it offered.

Subsection (d)(1) authorizes the Secretary to investigate whether a dominant carrier at

a hub airport is charging higher than average fares at that airport. Subsection (d)(2) provides that the Secretary may determine that higher than average fares are being charged where an air carrier is offering fares that are 5 percent or more above industry average fares, in more than 20 percent of its routes that begin or end in its hub market. If higher than average fares are being charged, the DOT may, after providing the air carrier with an opportunity for a hearing, take steps to facilitate added competition at the hub, including measures to relating to the dominant carrier's gate, slots, and other airport facilities, travel agent commissions, frequent flyer programs and corporate discount programs.

Subsection (e) defines the terms "dominant air carrier," "hub airport," "interstate air transportation," and "new entrant air carrier." "Dominant air carrier" is defined, with respect to a hub airport, as an air carrier that accounts for more than 50 percent of the total annual boardings at the airport in the preceding 2-year period or a shorter period as specified by the Secretary. A "hub airport" means an airport that each year has at least .25 percent of the total annual boardings in the United States. "Interstate air transportation" is defined as including intrastate air transportation. A "new entrant air carrier," with respect to a hub airport, is defined as an air carrier that accounts for less than 5 percent in the preceding 2-year period or a shorter period as specified by the Secretary.

#### SEND EDMOND POPE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart. On my left is a picture of Edmond and Cheri Pope, a lovely couple from State College, Pennsylvania. On March 14, Edmond left for Russia on a routine trip, a business trip. It would have been his 27th trip there. He was someone very involved in working with the Russians on business development, helping them market their declassified technology, someone who was very fond of the Russians and liked to help them economically in deals that were beneficial to both our countries.

For 115 days Edmond Pope, from April 3 on, has been in a Russian prison. For 115 days Mrs. Pope has not had a husband, except for 2 hours that she spent with him several weeks ago. His children have had no father for 115 days. His aging parents do not understand why for 115 days they have not been able to talk to their son.

My colleagues, Edmond Pope was placed in prison unfairly. He is not a spy. He was charged with espionage. That is not true. And what is disturbing is for the first 11 weeks his wife and family had no chance to communicate with him; did not receive one note from him, one phone call from him, or able to get a note or a phone call or letter to him. That is 77 days he was absolutely separated from his family. They had no idea of his health, no idea if he had a lawyer; a good lawyer.

On June 19, Mrs. Pope, Cheri, and two of my staff, were leaving for Russia to attempt to visit him. That afternoon Cheri's mother passed away unexpectedly in San Diego, California. Mrs. Pope had to make the decision whether she went to bury her mother or she went to Russia to encourage her husband. She made the decision to go to Russia, and so she went. And several days later she had the chance to spend a few moments with him.

On Tuesday, June 20, they met for the first time in 3 months, just a few feet from a watchful prosecutor in Lefortovo prison. Edmond and Cheri Pope hugged and belatedly wished each other a happy 30th anniversary. Then Cheri Pope said, "The first thing he said to me was, 'Cheri, I didn't do anything wrong. I didn't.' And I said to him, I never thought for a minute you did."

In an emotional interview on Tuesday after that reunion, Cheri Pope said her husband, whom the Russians had accused of spying, was strikingly thin. He had a rash; he had lost a lot of weight; he had a pallor about him and some skin problems. She said, "Even though he didn't look well, he still looked handsome to me."

While they were there, Cheri and my staff were able to obtain a good lawyer for him. He did not have a good lawyer, and they had no way of knowing that. And since that time we have been working hard to obtain his release.

On June 26, we wrote President Putin a letter, and I will share with my colleagues some of the things we shared with him. "Mr. Putin, if you value our friendship, send Edmond Pope home. President Putin, if you value the growing business relationships beneficial to both of our countries, send Edmond Pope home." It said, "President Putin, if you value the many ways we aid you financially, send Edmond Pope home."

"Edmond Pope is a man who was there on sound financial business reasons. He is not a spy. He needs to be home with his family and with his grieving wife. He needs to be home to visit his father, who is seriously ill. He needs to be home to have his own health monitored, and he needs to be home so that our relationship between the Russian Federation and America can grow and not be destroyed."

We have not heard from that letter, though we thought we would. Today, I wrote another letter to President Putin and it has been faxed to him. One hundred fifteen days have passed. This case has no merit. His new lawyer tells us he has shredded the evidence completely. On August 5, in just a few days, his son, Dusty Pope, plans to marry a young lady named Justin. It is only fitting that Edmond Pope be home to stand with his son and his future daughter-in-law and wish them into the world of matrimony.

I hope and believe that it is important that we get this issue resolved and

that we get him home, because it is vital that we build a relationship between these two countries. I have a resolution that urges the President, with 109 signatures, and I could get many more, to discontinue our assistance to the Russian Federation, to approve no more loans to the Russian Federation, or no more technical assistance. I do not want to do that. I believe the future of Russia depends much on a friendship with this country. But it is time to send Edmond Pope home so that our relationship can grow to the benefit of both our countries. I ask President Putin to help us accomplish this today.

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#### CALLING ON RUSSIAN GOVERNMENT AND PRESIDENT PUTIN TO FREE EDMOND POPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to reinforce the comments of my colleague, the distinguished gentleman from Pennsylvania (Mr. PETERSON), and to call on the Russian government and President Putin to free Mr. Ed Pope. We have heard he is an American businessman that they have held without trial for months, and I rise to assure Mr. And Mrs. Pope's family that the gentleman from Pennsylvania (Mr. PETERSON) and I are doing everything we can to secure his release.

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Mr. Speaker, the Russian government's continued incarceration of Mr. Pope, an American citizen, is nothing short of outrageous. Not only was his arrest and subsequent imprisonment contrary to international law, but the treatment he has received while in custody has been appalling.

Until recently, I am told, he has been denied communications with his wife. We heard they went for 70-plus days without being able to exchange letters or any communication. He has been denied access to sufficient food and medical treatment by American standards and certainly every other basic right we associate with justice systems of civilized nations.

Indeed, Mr. Speaker, Mr. Pope's imprisonment is reminiscent of those ugly dark days of the old Soviet regime when men and women were taken from their homes in the dark of night, interrogated, and sometimes never seen again. And that is wrong.

Mr. Speaker, as of yesterday, I was told that Mr. Pope still lacks such basics as a blanket, a blanket his wife has been trying to send to him, a blanket that has been described and detailed about what they have to do to get through the Russian bureaucracy and yet continued to be denied, a blanket.

A few weeks ago, I had the opportunity to meet with Mr. Pope's parents, Roy and Elizabeth Pope, who live in my district in Grant's Pass, Oregon. Mr. Speaker, both of them are elderly. Mr. Pope suffers from terminal cancer and dementia. They and I do not fully comprehend the diplomatic obstacles that keep their son away from his family.

Mr. Speaker, on May 9, I wrote to our own Secretary of State. On June 27, I wrote again. In neither case has this administration bothered to respond to the two letters of inquiry that I have sent directly to the Secretary of State.

Mr. Speaker, Ed's family knows that Ed is no criminal and that his imprisonment is unjust.

Mr. Speaker, we simply must do everything in our collective power to see to it that he is freed as soon as humanly possible.

Mr. Pope is no spy and he should be returned to his family. So I urge my colleagues on both sides of the aisle to join us in sending a strong message to President Putin and the Russian government that the American people are serious about this and will not forget their actions if Mr. Pope is not returned immediately.

In an era when the opportunity exists for better relations between our two nations, now is not the time to return to the mutual antagonism and suspicion that held the entire world hostage for a half a century of the Cold War.

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#### TRIBUTE TO HONORABLE JIMMY MORRISON

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. VITTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. VITTER. Mr. Speaker, tonight I rise to mourn the passing of a former Member of this body, the Honorable Jimmy Morrison of Louisiana.

Congressman Morrison was one of my constituents and represented much of the district I now represent. He served in this body from 1944 through 1966.

I was only 5 years old when he left this House, so my knowledge, obviously, of his tenure here is limited to conversations with those who were privileged to work with him and to the history books. I do know that he was a Member of whom we can all be proud.

In 1944, when he was first elected to office, his district was, like much of the country, a rural area still working to recover from the Great Depression.

Congressman Morrison earned a seat on the Committee on Agriculture and the Post Office and Civil Service committee, two assignments that allowed him to address the immediate needs of his constituents.

The esteem in which my older constituents hold him speaks volumes of