Hampton University coach Patricia Bibbes, her husband, Larry, and assistant coach Vanetta Kelso on Nov. 16.

All three, who are black, have said they believe race played a role in how they were treated when police detained them during an investigation of an alleged scam.

The suit also says police violated their constitutional rights of due process, equal protection and protection from unreasonable and illegal arrests, searches and seizures.

“The city of Lubbock and its police department have known and tolerated . . . the selection and targeting of police officers who have exhibited racist attitudes toward African-Americans and other minorities,” the lawsuit said.

Tony Privett, a spokesman for the city of Lubbock, said he would not comment.

The Bibbes and Kelso were detained outside a Lubbock Wal-Mart by officers responding to a customer’s complaint that someone tried to scam her. The three were handcuffed and held for several hours.

The three were suspected of trying a “pigeon drop” claim. Bibbes, who has a purse with cash in it and persuades the victim to put up money for a lawyer so they can buy lay claim to the cash—and then disappear with the victim’s money.

Police studied security tapes from the store, determined that the Bibbes and Kelso had no contact with the shopper and said no charges would be filed.

The Bibbes and Kelso had no comment on the suit Monday, said Victoria L. Jones, a spokeswoman for the university in southeastern Virginia.

Racial Profiling Bill Heads to House
AGSTFPR

(2) Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

H.R. 1817: RURAL CELLULAR LEGISLATION
HON. BENJAMIN A. GILMAN
OF NEW YORK

In the House of Representatives
Thursday, May 27, 1999
Mr. GILMAN. Mr. Speaker, today I’m introducing H.R. 1817, legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida.

Joining me as cosponsors are Representatives CARMALON MALONEY and ANNA ESHOO.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories.

Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area has only one cellular operator. The Minnesota rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service.

The reason for this lack of competition is that in 1992 the FCC disqualified three partnerships that had won the licenses, after finding that they had complied with its “letter-perfect” application rule under the foreign ownership restrictions of the Communications Act of 1934. Significantly, the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.

In the 105th Congress, former Representative Joe McDade, joined by Representative ANNA ESHOO and former Representative SCOTT KUGL, introduced H.R. 2901 to address this problem. In September 1998, the Telecommunications Subcommittee of the Commerce Committee held a hearing on FCC spectrum management that included testimony on and discussion of H.R. 2901. Later that month, the full Commerce Committee incorporated a modified version of H.R. 2901 into H.R. 3888, the Anti-Slamping bill. In October 1998, the House approved H.R. 3888, incorporating a further modified version of H.R. 2901, by voice vote on suspension (CONGRESIONAL RECORD, Oct. 12, 1998, H10606–H10615). Unfortunately, the bill died in the Senate in the last few days prior to adjournment for reasons unrelated to the rural cellular provision.

H.R. 1817 is based on the rural cellular provision contained in H.R. 3888, as approved by the House on September 2, 1998.

The legislation authorizes the FCC to allow the partnerships denied licenses to serve the Pennsylvania, Minnesota, and Florida rural service areas to resubmit their application consistent with FCC rules and procedures. The partnerships would pay fees to the FCC consistent with previous FCC auctions and settlements with other similarly situated licensees. To ensure speedy service to cellular customers, the FCC would have 90 days from date of enactment to award permanent licenses, and if any company failed to comply with FCC requirements the FCC would auction the license. The licenses would be subject to a 5-year transfer restriction, and the Minnesota and Florida licenses would be subject to accelerated build-out requirements.

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.
(a) In General.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (c), the Commission shall—
(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and
(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission’s final licensing action in the covered rural service area licensing proceeding.
(b) Exemption From Petitions To Deny.—For the purposes of the above provisions filed pursuant to subsection (a)(2), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.
(c) Proceeding.—The proceeding described in this subsection is the proceeding of the Commission in re applications of Cellular Partners, General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19. (1992).

SEC. 2. CONTINUATION OF LICENSE PROCEEDINGS.
(a) Award of Licenses.—The Commission shall award licenses under the covered rural
service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an application for a license pursuant to a covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with §§22.946 and 22.947 of the Commission’s rules, except that the time period applicable under section 22.947 of the Commission’s rules, if any successive applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(c) CALCULATION OF LICENSE FEE.—

(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per user per month in the Cordless Telephone Audience Spending in the Commission’s Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permitted to pursuant to the consent decree of the Commission.

In re the Telebase Partners (7 FCC Red 3168 (1992)), multiplying such payments by two.

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by section 1(a)(2), the Commission shall notify each applicant of the fee established and the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant has been granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 1(a)(2), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radio-telephone services for a rural service area or the applicant does not meet the requirements under subsection (b) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to section 309(j) by competitive bidding pursuant to section 309(j) of the Communications Act of 1993 (47 U.S.C. 309(j)).

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 316 of the Communications Act of 1934 (47 U.S.C. 316). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) APPLICANT.—The term “applicant” means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term “covered rural service area licensing proceeding” means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term “tentative selectee” means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission’s rules for grant of the license.

CONGRATULATING THE CITY OF HALEYVILLE, ALABAMA AS THE HOME OF 911

HON. ROBERT B. ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Mr. ADERHOLT. Mr. Speaker, I would like to pay tribute to the City of Haleyville, Alabama as it holds the annual 911/Heritage Festival in June of each year. On Friday February 16, 1968 the Speaker of the Alabama House, Rankin Fite dialed 911 in Haleyville Mayor James Whitt’s office and Congressman Tom Bevill picked up the receiver in the Haleyville Police Station resulting in America’s first emergency dial telephone service.

Since that first call in 1968, the overall plan to establish this service nationwide has been implemented and become second nature to the American people. Today anyone can dial 911 in any type of emergency, such as sickness, fire, police, or ambulance and a police officer on duty will immediately summon the help needed. Although there are no specific figures available, it is clear the 911 service has saved countless lives across the country. This impressive accomplishment all began in the city of Haleyville which is in the Fourth Congressional District of Alabama. As a life-long resident of the city of Haleyville, I am proud of this achievement and pay tribute to this accomplishment which is something we can all support.

HONORING ROBERT ROGERS’ UPON HIS RETIREMENT FROM THE EWING MARION KAUFFMAN FOUNDATION

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 27, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Robert “Bob” Rogers upon his retirement from the position of Chairman of the Board of the Ewing Marion Kauffman Foundation, which he has held since 1993. Fortunately, Mr. Rogers will continue to serve