

Hampton University coach Patricia Bibbs, her husband, Ezell, 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 retention 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, would not comment.

The Bibbises 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," where a thief claims to have found a purse with cash in it and persuades the victim to put up money for a lawyer so they can both lay claim to the cash—and then disappears with the victim's money.

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

The Bibbises and Kelso had no comment on the suit Monday, said Victoria L. Jones, a spokeswoman for the university in south-eastern Virginia.

RACIAL PROFILING BILL HEADS TO HOUSE AGSTFPR

(By Adam Gorlick)

HARTFORD, CT (AP)—Two competing bills, both designed to prevent police from pulling over motorists based on their race, are making their way through the general assembly.

Sen. Alvin Penn's bill would require police officers to record their observations about the gender and race of every driver they pull over. That information would be gathered by the Chief State's Attorney's office and used to determine whether the problem, known as "racial profiling" exists.

Another bill passed to the House by the Judiciary Committee Monday does not have those requirements.

"It's an ill-fated bill," Penn, D-Bridgeport, said. "It's a compromise, and this is something you can't compromise on."

Rep. Michael Lawlor, co-chairman of the Judiciary Committee, said the bills are not at odds with each other. He said there are questions about how police officers could compile racially sensitive information about drivers without offending them or creating an avalanche of paperwork.

"By what system are you going to identify who's in what category?" he said. "We have to make it clear that its not OK to target people based on their race or ethnicity. If it is happening, lets figure out how to monitor it in a way that does not unnecessarily burden the jobs that the cops do."

Minority drivers have complained they are sometimes stopped and queried by police because of their race, especially when driving an expensive car or driving through affluent neighborhoods.

Penn, who says he was a target of profiling in Trumbull three years ago, also wants police departments to set up a system to deal with complaints about profiling. If they don't, he wants the towns to be fined.

Complaints that Trumbull police have illegally targeted black and Hispanic motorists have prompted an FBI probe.

The investigation follows complaints from minority drivers and a memo by police Chief Theodore Ambrosini suggesting officers watch for people who don't fit into the community.

MAYOR OPPOSES DESEGREGATION PROGRAM

MILWAUKEE (AP)—Racial guidelines in a court-approved desegregation plan for the Milwaukee School District ought to be abandoned, Mayor John O. Norquist said.

The Chapter 220 program was adopted in the 1970s by the district in response to a federal lawsuit to bus black children to suburban districts. Hundreds of Milwaukee white children are ineligible for the state-subsidized transportation.

The lack of opportunity for white children encourages their families to move to the suburbs, Norquist said Monday, recalling he opposed the Chapter 220 plan when the Legislature adopted it while he was a state senator.

"I don't think there should be any racial quotas," he said. Some members of the newly elected Milwaukee school board propose ending the racial guidelines. Gov. Tommy Thompson recommends the Legislature reduce the funding available to districts that participate in Chapter 220.

School administrators and the National Association for the Advancement of Colored People favor preserving the program.

More than 5,100 Milwaukee minority children attend suburban schools under the program this year while 540 suburban whites attend Milwaukee schools.

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 CAROLYN 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 not 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 cor-

rect 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 Klug, 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-Slamming bill. In October 1998, the House approved H.R. 3888, incorporating a further modified version of H.R. 2901, by voice vote on suspension (CONGRESSIONAL 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. The legislation would direct 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 purposes of the amended applications 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 Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(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 applicant receiving a license pursuant to a covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the 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 person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, *In re the Tellesis Partners* (7 FCC Rcd 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 for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is 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) of this Act, 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 1(a)(1)) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (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 310 of the Communications Act of 1934 (47 U.S.C. 310). 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" mean 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.

HONORING ROSE ANN VUICH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a brief biography on Senator Rose Ann Vuich, who, for her ethical leadership, has been honored with an award in her namesake. The Rose Ann Vuich Ethical Leadership Award is designed to increase ethical sensitivity, raise expectations for behavior and acknowledge personal integrity. The first recipient of the award was Fresno County Supervisor Sharon Levy. This year's recipient is Lindsay Mayor Valeriano Saucedo.

Rose Ann Vuich was the daughter of immigrant parents who grew up on a farm in rural Tulare County. She became a small-town accountant and went on to the California State Senate as the first woman ever to serve in that body. Although at first she was reluctant to run for the office, she eventually (in her own words) "tore into that campaign and campaigned from morning till night, in my own grass-roots, down-to-earth way * * *". Rose Ann won the primary by only 242 votes and faced an uphill battle in the run-off. Despite comments from political pros that said she didn't have a chance, she kept moving forward in a very simple and effective campaign and eventually won the election by more than 2,600 votes in 1976.

Rose Ann's first election was the last hard-fought election she would face. She so handily beat her challengers in 1980 and 1984 that nobody ran against her in 1988. Had she chosen to run in 1992, it's likely she would have run unopposed again.

The reason she became progressively more unbeatable came not only out of the deep roots and wide networks she had in her home district, but because she served in public office in exactly the way she promised she would.

In 1992, after a 16-year career as one of the most respected and esteemed legislators in California history, Senator Vuich retired from office and returned to her home, here in the Valley.

Rose Ann Vuich was more than honest. She was a person of extremely high integrity who

took her public responsibilities very seriously and believed in giving the voter, the constituent, what they deserve: fair, ethical consideration of issues and conscientious, cost-effective delivery of service.

In addendum to her biography, I would be remiss if I failed to recognize Rose Ann for the recent dedication to her of the Rose Ann Vuich Interchange. The Interchange, which links three major Fresno freeways, was named after the lawmaker who got it built. Vuich made the completion of Freeway 41 the centerpiece of her 1976 election campaign. Her vision has finally been realized.

Mr. Speaker, it is with great pleasure that I recognize Rose Ann Vuich, a woman of vision and integrity. I urge my colleagues to join me in wishing her a bright future, and many years of continued success.

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 policeman 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 lifelong 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