

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the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.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 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 situ-

ated 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 Telleis 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 as the Chairman Emeritus on the Board and pursue his involvement in civic and community service at a national level. I know his valuable work will continue as he serves on the boards of the Independent Sector, the Council on Foundations, America's Promise, the Alliance for Youth, American College Testing, and the Corporation for National Service.

During his tenure as Chairman of the Board for the Ewing Marion Kauffman Foundation, Mr. Rogers was instrumental in the development of the strategic direction of both Foundation operating divisions: Youth Development and the Kauffman Center for Entrepreneurial Leadership. Under his guidance, these two divisions have effectively impacted youth development and entrepreneurial causes.

Before his career with Ewing Marion Kauffman, Mr. Rogers had a distinguished career in the private sector, working for Coopers and Lybrand, TWA, Waddell and Reed, and Gateway Sporting Goods. This experiences, as well as his personal life experiences have allowed him to shape and guide the Ewing Marion Kauffman Foundation to a position as an effective leader of youth development programming and entrepreneurship training into the new millennium.

Mr. Rogers is an inspiration to me—his dedication and commitment to public service serves as example to all of us who work to make our constituents lives better. Please join me in thanking him for his service to our community and the nation, Mr. Speaker.

A TRIBUTE TO THE MAXEY
FAMILY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to the Maxey Family in the 4th

District of Colorado. Started by Loren Maxey in 1969, Maxey Companies will celebrate their thirtieth anniversary this June.

When Maxey Companies was started thirty years ago it was comprised of one division. Today Carl Maxey, Loren's son, and his wife Marla have expanded the company to four divisions. This expansion took twelve years of labor which I believe mirrors the work ethic of Colorado's 4th District.

Today Maxey Companies' four divisions manufacture, equip, distribute and sell trailers, truck bodies, truck equipment and snow removal equipment. Mr. Speaker, on June 4th, 1999, Maxey Companies will officially open the doors to an expansion of Max-Air Trailer Sales, 9715 Brighton Road, Brighton, Colorado.

On a personal note Mr. Speaker, I have known the Maxey family for many years and am proud to count them among the best of my friends. The Maxeys are known widely as a family dedicated to their community.

The Maxeys are always there for their friends, neighbors and associates. I know of no family that outpaces the Maxeys when it comes to volunteerism and leadership. Loren, for example, has punctuated his community dedication by distinguished service on the Fort Collins City Council. Carl, has emerged as one of Fort Collins' most respected business leaders.

Kathy Maxey, and Marla Maxey have accumulated countless hours of volunteer time too, serving area youth and those suffering mental illness and developmental disabilities.

As a strong close-knit family, the Maxeys are the finest example of real America. The loving bond of the Maxey family is their trademark. A model for all, the Maxeys inspire those who know them through their honesty, hard work, generosity, kindness, and peity.

I hereby commend the example of the Maxeys to my colleagues in Congress and salute this brilliant Colorado Family upon their great success.

The entire Maxey family, their business, employees, and their collective good works are truly among Colorado's greatest assets.

IN RECOGNITION OF ELMER LEE
CHANEY ON THE OCCASION OF
HIS RETIREMENT FROM JACK-
SONVILLE STATE UNIVERSITY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RILEY. Mr. Speaker, I rise today to recognize Elmer Lee Chaney, Professor of Educational Psychology and Educational Resources at Jacksonville State University, Jacksonville, Alabama, on the occasion of his retirement from the university after 37 years.

Elmer Chaney came to Jacksonville State University from North Carolina where he attained his Bachelor of Arts degree from Elon College and his Masters of Education and Guidance degree from the University of North Carolina. He was also certified as a Licensed Guidance Counselor in North Carolina. He started his teaching career as a teacher of English and French at Bethany High School and Wadesboro High School in North Carolina and was honored as Teacher of the Year at Bethany High School in 1958.