

answer, combined with greater local autonomy over how those dollars can be spent, allows for targeted efforts on behalf of every school in my district. This could mean an increase in teacher salaries for the Lansing School District or extra computers for the Saline School District. Ensuring our school districts have the necessary resources to be successful is a positive step in the right direction.

I am voting yes on H.R. 1 because it provides school districts with greater flexibility, a strong focus on reading initiatives and increased funding for quality programs. After listening to the constituents of my district, I am confident that these are reforms that we can all support for the benefit of our children's future.

STAMP HONORING PAUL LEROY ROBESON

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 2001*

Mr. RUSH. Mr. Speaker, I rise today to introduce House Concurrent Resolution 143, expressing the sense of the Congress that the U.S. Postal Service issue a commemorative postage stamp honoring Paul Leroy Robeson. Sixty-six of my colleagues have joined me in support of this resolution.

Paul Robeson, a famous African-American athlete, singer, actor, and advocate for the civil rights of people around the world was born on April 9, 1898 in Princeton, New Jersey. After receiving his degree from Columbia Law School in 1923, Paul Robeson left the legal profession for a career in the arts. Paul Robeson is well known for his inspiring performances in musicals, such as *Show Boat*, and theatrical performances, such as Shakespeare's *Othello*. With his distinctive deep baritone voice, Paul Robeson left audiences around the world captivated.

Paul Robeson's brilliant on-stage performances were second only to his commitment to eradicating racial and social injustice in the United States and around the world. Paul Robeson used his oratory skills and knowledge of 25 languages to combat racial inequality in this country and around the world. Because of his stance, Paul Robeson was ostracized and disparaged by many.

Even at the risk to his own safety and professional stature, Mr. Robeson stood up against racial bigotry during a time when segregation was legal in America and lynching was common place.

Paul Robeson never took the easy road in life. Where he could have easily focused solely on his career, Paul Robeson chose to stand up in defiance of the unjust social practices of his time. Paul Robeson forced America to look into a mirror at itself and confront the racial injustice commonly accepted during his lifetime.

In honor of his undying efforts and enduring personal sacrifice, I have introduced this legislation and urge all of my colleagues to join me in this tribute to Paul Robeson.

PERSONAL EXPLANATION

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 2001*

Mr. BEREUTER. Mr. Speaker, on May 23, 2001, a visit to the Vice President's residence away from Capital Hill caused me to unavoidably miss rollcall vote no. 146 (motion to instruct conferees on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act). Had I been present I would have voted "no."

TRIBUTE TO CHARLES NEWTON COOK OF HOLLYWOOD, ALABAMA

**HON. ROBERT E. (BUD) CRAMER, JR.**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 2001*

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to pay tribute to the long and fruitful life of Mr. Charley Cook, of Hollywood, Alabama, an extraordinary man whose one hundred and five years have been marked by his love of country, family and God.

Mr. Cook was born in Hollywood, Alabama on May 28, 1896. When he was 21, he volunteered for the Navy and served in the Navy during World War I until 1919 making three trips to French waters. He is believed to be the last living WWI Veteran in Alabama. Mr. Cook also served on the Battleship *Utah*, which the Japanese sunk at Pearl Harbor.

Mr. Cook's life reads like a chronicle of this nation's history. He has witnessed Babe Ruth hit his legendary home runs from Yankee Stadium and been in the audience of a vaudeville show starring Eddie Cantor and George Burns. When he finished his service time, he returned to Hollywood, Alabama maintaining his garden until 1995. He voluntarily quit driving at age 99.

I would like to enclose words from his "Armed Guard Detail" certificate, "Members of the Armed Guards . . . may well be proud of this duty. The efficient and courageous performance of this duty, replete with successful encounters with hostile submarines, will insure its indelible inscription in the history of the United States Navy." We can never afford to forget the victories and sacrifices of Mr. Cook's generation lest we take for granted the precious freedoms we enjoy every minute of every day.

On behalf of the people of Alabama's Fifth Congressional District, I join them in celebrating the extraordinary life of this brave soldier. I send him and his family my best wishes on this special birthday reception this Sunday at the Veterans Hall in Scottsboro. I wish Mr. Cook a happy and healthy 105th year.

NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 23, 2001*

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind:

Mr. UNDERWOOD. Mr. Chairman, I rise today to express my concerns and to urge my colleagues to consider the children who will be left behind on H.R. 1. The President's Education Plan to "Leave No Child Behind" is woven into the language of H.R. 1, which is our blueprint for elementary and secondary education in this country. While I support many of the initiatives in this legislation, I must raise again the reality that the children living in U.S. insular areas like Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands will be left behind in this reauthorization bill.

While H.R. 1 addresses the needs of children living in rural areas, the needs of American Indian and Alaska Native children, the needs of children with Limited English Proficiency, the needs of children of military families, it fails to begin addressing the needs of children living in the insular areas. And, although the insular areas have a unique status under Federal law that requires special policies to serve the educational needs of children, there is no Federal education policy that focuses on the specific and unique needs of insular area school systems.

It is difficult for insular area educational systems to compete for Federal funding distributed by competitive grants because schools lack the personnel needed to prepare grant application and the resources to higher specialists in the writing of Federal grant proposals. They are also faced with unique challenges in hiring and retaining qualified administrators and certified school teachers. This is alarmingly the case in American Samoa where 77 percent of school teachers are uncertified.

Children living in insular areas rank among the lowest in the nation in educational achievement. In particular, the jurisdictions of Guam and the Virgin Islands rank among the lowest in the nation in NAEP scores. Consequently, the high school drop out rates of children living in the insular areas are among the highest in the Nation.

Insular area educational systems face other challenges such as geographical barriers, high unemployment rates, shrinking economies, aging buildings which are strained by the acceleration of weathering caused by tropical storms and typhoons, high costs of importing and providing equipment and supplies, and a host of other limited resources.

If the goal is indeed to leave no child behind in education, then Congress and the Federal Government must work to ensure that no child is left behind, whether they reside in the states or the territories. The current language of H.R. 1 neglects to take into account the special needs of children living in the territories and the special challenges insular area educational systems must undergo to provide quality education in the insular areas.

As the Delegate from Guam to the U.S. House of Representatives, and a life-long educator who taught and served in the administration of public high schools and later served as the Academic Vice President of the University of Guam, I have always advocated for improvements in the manner that federal policy is developed by the Federal Government in its treatment of the insular areas.

The insular areas are generally included in most national education programs, but mostly

as afterthoughts. As a result, educators in the insular areas must follow a patchwork system of funding arrangements, varying from state shares to special formulas for outlying areas, in order to obtain needed and fair funding of federal program resources.

I am pleased that we will be included in most of the increases, including the President's proposal to increase spending by \$5 billion on reading programs for Kindergarten to 3rd grade. And, I am particularly pleased that local school districts will be given greater flexibility to transfer up to 50 percent of the Federal education dollars they receive through ESEA programs. I am also pleased that the bill will help states and local schools with their development of annual reading and math assessments for students in 3rd through 8th grade and that there will not be a uniform ruler to measure all achievement because one size does not fit all. However, I remain concerned that the over-reliance on standardized testing as the only measure of educational success might only lead to failure. In a place like Guam, standardized testing as a single measure can be particularly misleading, therefore, additional measures should be employed.

I have long been an advocate for establishing a Federal educational policy for the insular areas that would help to bring consistency to their treatment throughout H.R. 1. In the absence of such policy, I have worked to develop language and legislation to extend the opportunities provided to all Americans to those living in the insular areas. Thus, I proposed an amendment to H.R. 1 which provides the framework for Federal education policy to the insular areas and calls for the reestablishment of the Territorial Assistance Program to provide teacher training to help students graduate from high schools in the insular areas. Unfortunately, this amendment was struck down along with more than a hundred other amendments proposed for this deliberation today.

I am here before you to urge your consideration of the special needs of children living in the insular areas. The Federal Government has recognized that special attention must be given to the challenging circumstances of insular area educational systems. It is my hope that Congress will work to resolving these longstanding issues which impede the delivery of education to children living in the insular areas. Why should our educators be left to searching for information in footnotes and obscure references to find the policies which apply to them?

We need to work in concert to level the playing field for all American children in the states and in the territories. I hope my colleagues will join in supporting my legislation to ensure that no American child is left behind in our national education programs no matter where they live, and urge support for the inclusion of this policy in any final agreement of H.R. 1.

forts of Professor Basilio Catania of Turin, Italy. Professor Catania is the retired director general of Italy's Central Telecommunications Laboratory, a distinguished scientist, holder of the European Union's first Telecommunications Prize, holder of Italy's internationally acclaimed Marconi Prize. Following years of meticulous research, Professor Catania is now trying to bring to light the merits of Mr. Antonio Meucci, who claimed that he and not Alexander Graham Bell invented the telephone. In October 2000, at New York University, Professor Catania presented "Antonio Meucci, Inventor of the Telephone: Unearthing the Legal and Scientific Proofs."

Had Mr. Meucci been able to afford the ten-dollar fee to extend his 1871 caveat from the United States Patent Office beyond 1874, the Bell patents could never have been issued and we would have a very different vocabulary today in discussing telecommunications issues.

The fight over who actually should hold the patent for the telephone and succeeding inventions dates back to the earliest days of the telecommunications industry. The federal government even played a direct roll. In 1885, the Meucci claim was presented before Secretary of Interior Lucius Lamar, who at the time had jurisdiction over the Patent Office. Fifty affidavits and the exhibition of two dozen of Meucci's telephone models were part of the presentation. One of the affidavits was the translation into English of Mr. Meucci's Memorandum Book, in which he kept the notes on his various experiments on the telephone as far back as 1862. A drawing in the Memorandum Book shows that Mr. Meucci had discovered the inductive loading of long distance telephone lines many years before the Bell Company. It was also found that Mr. Meucci should have been credited with other firsts, such as call signaling, the anti-side tone circuit, and the first measures to optimize the structure of telephone lines.

The outcome of the hearings led to a recommendation to proceed against the Bell Company. Unfortunately, little attention has been paid to this important trial brought by the Department of Justice in January 1887 *United States v. Bell Telephone Company and Alexander Graham Bell*. This lawsuit was instituted by the federal government against Bell to strip him of his patents for fraud and misrepresentation. Appealed on demurrer to the Supreme Court, it was determined by the High Court that a viable and meritorious contention against Bell had been raised, and the case was remanded for trial. The record of the trial proceeding was never printed and now resides in storage with the National Archives and Records Administration.

Interestingly, the hearings before the Interior Secretary coincided with a lawsuit brought by the Bell Company against Mr. Meucci for patent infringement. Sadly, none of proceedings at Interior were made available during the patent infringement trial.

by the IRS that has interfered with the ability of municipal gas systems to enter into long-term prepaid contracts to obtain natural gas for their citizens. I am joined today by 20 of my colleagues who share my great concern for this issue.

The approximately 1,000 publicly owned gas distribution systems in the United States comprise about 5 percent of the market. They are primarily located in small towns and rural communities. In the last 15 years there have been major changes in the natural gas industry that have increased their exposure to the great uncertainties of the natural gas market. In 1985 the Federal Energy Regulatory Commission "FERC" began deregulating the delivery of natural gas. In 1993 FERC began requiring that pipelines "unbundle" their services to customers. This meant that municipal gas systems could no longer purchase natural gas supplies on a reliable and regulated basis from interstate natural gas pipelines. This fundamental change in the marketplace meant that for the first time municipal gas systems had to acquire reliable gas supplies and transport on their own in a deregulated marketplace. In response, many formed joint action agencies, as contemplated in the FERC restructuring, to acquire and manage the delivery of gas.

In today's natural gas markets, long-term prepaid supply arrangements are the most reliable means for municipal gas systems to obtain an assured supply of natural gas. To fund prepaid supply contracts, the municipality or the joint action agency issues tax-exempt bonds. These contracts contain stiff penalties if the supplier fails to perform making this the most reliable gas supply that municipal gas agencies can purchase. Until August of 1999, joint action agencies entered into prepayment supply contracts with gas suppliers to obtain a long-term (e.g., 10-year) supply of gas.

In August 1999, the IRS published a request for comment that has effectively prevented municipal gas systems from using their tax-exempt borrowing authority to fund the purchase of long-term, prepaid supplies of natural gas for their citizens. The IRS questioned whether the purchase of a commodity, such as natural gas, under a prepaid contract financed by tax-exempt bonds has a principal purpose of earning an investment return, in which case the bonds would run afoul of the arbitrage rules of the Internal Revenue Code. The IRS has not issued any guidance following the August 1999 request for comment.

Under the Internal Revenue Code, tax-exempt bonds may not be used to raise proceeds that are then used to acquire "investment-type property" having a higher yield than the bonds. Governmental bonds that violate this arbitrage restriction do not qualify for tax-exempt status. Treasury regulations provide that investment-type property includes certain prepayments for property or services "if a principal purpose for prepaying is to receive an investment return." But, "a prepayment does not give rise to investment-type property if . . . the prepayment is made for a substantial business purpose other than investment return and the issuer has no

#### IN RECOGNITION OF ANTONIO MEUCCI

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 2001*

Mr. ENGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the ef-

#### MUNICIPAL GAS SUPPLY ACT OF 2001

**HON. MAC COLLINS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 24, 2001*

Mr. COLLINS. Mr. Speaker, I am introducing legislation today to correct a problem created