

TRIBUTE TO THE LATE MR. JOHN  
JASON MARANO

**HON. JAMES H. MALONEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 25, 1998*

Mr. MALONEY of Connecticut. Mr. Speaker, it is with deep sadness that I bring to the attention of the House of Representatives the passing of a young man in my Connecticut congressional district, Mr. John Jason Marano, who was involved in a tragic automobile accident on Tuesday, June 9, 1998.

A life long resident of Waterbury, John had accomplished much in his all too brief twenty years of life. An outstanding student at Fairfield University, where he would have been a senior, John was a marketing major and had made the dean's list. He was also a very active member of the East Mountain Athletic Association where he was a softball coach, a baseball and softball umpire and where he also officiated at basketball games.

John was a parishioner of St. Francis Xavier Church in Waterbury and attended St. Francis Xavier Grammar School, graduating in 1991. He also attended Holy Cross High School, graduating in 1995. While attending Holy Cross, John excelled in track and field, earning All-City honors as a pole vaulter.

John Marano was a special young man who was admired and respected by all who knew him. Classmates, employers, neighbors, and others all respected him for his kindness, his giving nature and the joy he brought to so many people. During his short life, he touched many others and contributed to their well being.

Besides his parents, John and Denise (Grant) Marano, John leaves a brother, Kevin; a sister, Jill; a paternal grandfather, Albert Marano; and a maternal grandmother, Irene Grant, all of Waterbury.

Mr. Speaker, we grieve over the tragic loss of John Jason Marano; at the same time we celebrate the special grace his life brought to so many people, and we are thankful that we had, however briefly, an outstanding person like John Jason Marano in our lives.

I want to express my personal condolences to John's family and extend to them the condolences of the entire U.S. House of Representatives.

INTERNET TAX FREEDOM ACT

SPEECH OF

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 23, 1998*

Mr. PAUL. Mr. Speaker, I rise today to express skepticism regarding H.R. 4105, The Internet Tax Freedom Act. The stated goal of H.R. 4105 certainly is noble: "A bill to establish a national policy against State and local interference with interstate commerce on the Internet, to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, to establish a national policy against federal and state regulation of Internet access and online services, and for other pur-

poses." The bill's name, "Tax Freedom," also expresses a laudable notion. One must always be wary of misnomers in Washington—the Justice Department comes to mind as one quick example. The late economic historian, Murray N. Rothbard, Ph.D., so warned when he stated "when someone in government mentions the word 'fairness', grab your wallet and run for the hills."

I am, nevertheless, always suspicious when a recently-crafted bill comes to the House floor not only having bypassed the Committee process but without any advance warning. Such was the case with this bill. Moreover, this bill comes to the floor under suspension of the rules which does not allow for amendments and which limits the debate time to twenty minutes on each side. I, in fact, was denied an opportunity to speak by those managing the limited time allowable under this process.

However laudable the stated goal of tax freedom this bill still encroaches on state's right to raise revenue and reserves instead (establishes) an exclusive right for national and international governments to instead impose the "proper" form of taxation and distribute it to local governments as these larger governmental bodies ultimately see fit. At the same time, this particular bill rewards those states which were quick to tax their citizens by "grandfathering" their taxes while excluding other States' rights to do so certainly making this a bill that lacks uniformity.

If the intended purpose of the legislation was simply to keep the internet tax free, a three paragraph bill would have been adequate to accomplish this. Instead, H.R. 4105 is significantly more complex. It, in fact, creates a new 30-member federal commission tasked with, among other things:

Examining model State legislation relating to taxation of transactions using the Internet and Internet access, including uniform terminology, definitions of the transactions, services, and other activities that may be subject to State and local taxation, procedural structures and mechanisms applicable to such taxation, and a mechanism for the resolution of disputes between States regarding matters involving multiple taxation;

Examining a simplified system for administration and collection of sales and use tax for remote commerce, that incorporates all manner of making consumer payments, that would provide for a single statewide sales or use tax rate (which rate may be zero), and would establish a method of distributing to political subdivisions within each State their proportionate share of such taxes, including an examination of collection of sales or use tax by small volume remote sellers only in the State of origin;

Examining ways to simplify the interstate administration of sales and use tax on remote commerce, including a review of the need for a single or uniform tax registration, single or uniform tax returns, simplified remittance requirements, and simplified administrative procedures; and

Examining the need for an independent third party collection system that would utilize the Internet to further simplify sales and use tax administration and collection;

These H.R. 4105-established "duties" suggest that the Commission's real purpose is to design a well-engineered system of taxation (efficient tyranny) rather than keep citizens in a state of "Tax Freedom" as the bill's name suggests. I encourage my colleagues in this House as well as citizens of this country to be wary of federal and international encroach-

ment upon the privacy and efficiency currently available to individuals around the globe via the internet.

TRIBUTE TO DR. HERMAN MIXON

**HON. EARL F. HILLIARD**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 25, 1998*

Mr. HILLIARD. Mr. Speaker, I rise today to offer a tribute to one of Alabama's most able and illustrious educators, Dr. Herman Mixon of Alabama A&M University. Dr. Mixon has made significant contributions to the State of Alabama as an educator for almost 29 years, as a practicing attorney, and as a community volunteer. Dr. Mixon has given of himself so that many of our nation's most treasured assets, our young people, may learn, grow and prosper in today's complex world.

I first came to know Dr. Mixon at the citadel of learning and knowledge, Morehouse College in Atlanta, Georgia. After our continued education in graduate school, and law school, we began working together under a general practice of law. It was at that time that I learned first-hand of his advocacy for children's issues, as evidenced by his volunteer work with the Boy Scouts, student organizations and individual students.

He has always been the best in whatever endeavor he chose to participate. In addition, his excellence in his chosen fields of endeavors, be it the law, education, or community volunteerism have always benefited many others. He is a volunteer of the first order, a scholar, a humanitarian, and a true gentleman.

Mr. Speaker, I request that Dr. Mixon be commended by the United States Congress for his laudable career of service to others, and that a copy of this statement be presented to him for his aforementioned illustrious career.

VIRGINIA BIRTH-RELATED INJURY  
COMPENSATION LEGISLATION

**HON. TOM BLILEY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 25, 1998*

Mr. BLILEY. Mr. Speaker, today I rise to introduce legislation which will ensure that payments Virginians receive under the Virginia Birth-Related Injury Compensation Program continue to be received on a tax-free basis.

The Birth-Related Injury Compensation Program was enacted in Virginia in 1987. It provides rights and remedies to infants that sustain birth-related neurological injuries. The program was designed to avert the insurance crisis that threatened the availability of obstetrical care by reducing the uncertainty inherent in the Tort system. The program removes cases involving certain serious birth-related injuries from the Tort system by providing a fund to compensate infants with such neurological injuries. If a qualifying injury has occurred and either the physician or hospital providing the obstetrical services participates in the program, compensation is available through the program without establishing fault. Qualifying injuries are generally brain or spinal cord injuries caused by the deprivation of oxygen or

mechanical injuries occurring during the course of labor, delivery or resuscitation in the immediate post-delivery period.

The program provides the exclusive remedy for qualified claimants against participating physicians and/or participating hospitals, except in cases involving international or willful acts. Upon a determination that the infant qualifies for compensation through the program, damages may be awarded for certain actual medically necessary and reasonable expenses, loss of earnings from age 18 through 65, and reasonable expenses incurred in connection with the filing of the claim for compensation through the program. One form of compensation sometimes provided is the rent-free use of a residence that is specially equipped to accommodate the needs of the child. No punitive damages are awarded, and no compensation is awarded for pain and suffering, emotional distress or mental anguish.

In 1994, at the request of one of the families receiving compensation, the program prepared and submitted a private letter ruling request to the IRS requesting a ruling that the rent-free use of a residence provided by the program could be excluded from taxable income by the infant and his family under section 104(a)(2) of the Internal Revenue Code. Section 104(a)(2) of the code provides "gross income does not include the amount of damages (other than punitive damages) received (whether by suit or agreement and whether as lump sums or as periodic payments) on account of personal physical injuries or physical sickness . . .". A favorable ruling was eventually obtained.

Because a private letter ruling may only be relied upon by the taxpayer to whom it is issued, another Virginia family that subsequently applied for compensation requested that the program submit a private letter ruling request to its behalf as well. A ruling request was prepared and submitted; however, in this instance, the IRS was unwilling to issue a favorable ruling excluding the benefits under section 104(a)(2) of the Code. It was the IRS' position that section 104(a)(2) only applied to damages received on account of traditional tort or tort-type rights. Because the Virginia Neurological Injury Compensation Act is a "no fault" statute and because the full range of traditional tort remedies (i.e., compensation for pain and suffering, emotional distress or mental anguish) is not available, the IRS took the position that the right to compensation through the program is not a traditional tort or tort-type right and, accordingly does not qualify for exclusion under section 104(a)(2).

Fortunately, the IRS eventually issued a favorable ruling on the basis that the program is an arrangement having the effect of accident or health insurance and that the benefits received from the program are excludable by the infant under section 104(a)(3) of the Code. However, the ruling is limited to benefits received by the infant. The IRS specifically declined to issue a ruling regarding the taxation of benefits received by the infant's family. I believe that classifying the program as an insurance arrangement under section 104(a)(3) is an indirect and perhaps temporary way of addressing the problem.

I believe the compensation received from the program is within the intent of exclusion under section 104(a)(2). Without the legislation I am introducing today, the IRS could make good on its threat to tax the benefits received under the program. Such action would have a

disastrous effect on the families which receive benefits, as taxes would significantly diminish the relief provided by the program unless the program agreed to compensate the families for the additional tax incurred. The reimbursement of the taxes incurred on an after-tax basis would almost double the cost of the relief provided by the program.

My legislation would ensure that Virginia families, who have already been visited by tragedy, could continue to receive benefits on a tax-free basis. The legislation would amend section 104(a)(2) to exclude from gross income payments received under this program. It is the right thing to do, and I urge the House to consider this legislation this year.

PEIRCE COLLEGE COMMENCEMENT  
ADDRESS BY THE HONORABLE  
MARJORIE O. RENDELL, THURSDAY,  
MAY 14, 1998, PHILADELPHIA,  
PENNSYLVANIA

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. FATTAH. Mr. Speaker, I am submitting for the record a recent speech given by the Honorable Marjorie O. Rendell, Judge of the U.S. District Court of Appeals, on the occasion of the recent commencement at Peirce College, in my Congressional district.

PEIRCE COLLEGE COMMENCEMENT ADDRESS BY  
THE HONORABLE MARJORIE O. RENDELL

This is not my first graduation address, so I was not surprised when Dr. Lendo made an appointment to discuss with me the attributes of the school and the class that I should be aware of. He started by saying, "We're not your normal college," and twenty minutes later, I had the picture.

This is not your normal college. I have no intention of talking about you going out into the world. You are the world. I will not liken your school environment to a cocoon because you have all clearly left that developmental stage long ago.

I was quite taken by Dr. Lendo's description of the class and realized how distinctly different my address would have to be from a "traditional" commencement speech. My mind started working overtime, and I awoke at 6:00 a.m. the next morning with the wheels a-turning (My horoscope that day, I later discovered, said that I would be a steamroller. We've all had days like that—and some not quite like that.)

In any event—and this is the truth,—three songs from my past came to mind, songs that set the tone and frame the content of what I want to impart today.

I will take Dr. Lendo's description as gospel, and assume that most of the graduates have "been there, done that". In that we have a common ground (You don't get to age fifty without having "been there", and having "done that.") So allow me to share with you some thoughts about how wonderful you should feel about your arrival at this moment with many accomplishments and experiences tucked in your pockets and finally, the diploma in hand.

The first song is a children's song, "The Bear Went Over the Mountain." It goes like this: The bear . . . and whaddya think he saw; he saw another mountain, he saw another mountain. . .

You do not know until you get to the top of that mountain what you will see. Now, I take issue with the bear seeing only another

mountain ahead of him. I think the look back down the mountain is rather nice. In fact I tell mothers struggling with career and kids and the fun that entails, that these times are tough, but, believe it or not, they're really great to look back upon. It's fun to look back upon juggling the sick child, the busy husband, the demanding client, the needy parent, the barking dog—all needing you at once. Tough going up the mountain, for sure, but much easier to look back down.

I find that life is a mountain, with two sides. The first part, the trip up, is largely trial and error, while at the top, you stop, take a breath, appreciate your accomplishment, and start down, with the rest being somewhat easier due to what you've learned. Being at the top is fun . . . and many of you are there today.

Now, the bear did see other mountains ahead, so the trip down may not be the end of it, but I urge you to stop and enjoy, take pride not only in the fact that you arrived, but on how you got there. All the trials and tribulations, the trailblazing and exploration of uncharted territory that Dr. Lendo spoke of, the "going it aloneness" of what you did, these should bring a rush, a sense of satisfaction and accomplishment. Bask in it today, for tomorrow there's, as they say, the rest of the journey!

The second phrase is from a popular song "I can see clearly now".

I can see clearly now the rain is gone  
I can see all obstacles in my way  
Gone are the dark clouds that had me blind\*  
It's gonna be a bright, bright sunny day

\*[Here is that rainbow I've been praying for]

Wait a minute. This guy's as bad as the bear. He sees the obstacles clearly and it's going to be a bright day? What's his problem? Well, again, seeing your problems clearly, as compared to not being able to see them at all, or having a less than clear picture of what lies ahead is not all that bad. All of us have our struggles, whether financial, health, family issues, frustrations, and setbacks. Education, pride and confidence enable us to deal with them. The knowledge that comes from what you have learned in the classroom and in life helps you deal with what you must confront.

I have always liked the passage from the Bible, "When I was child, I spoke as a child, I understood as a child, I thought as a child; but when I became a man I put away childish things. For now we see as in a mirror, dimly, but then I shall know just as I also am known" Your life experiences and your education give you the kind of self-knowledge that is rewarding and satisfying in and of itself.

When I was interviewed for the position of judge, someone asked me, "What in your background has prepared you to sit in judgment on others and make solitary decisions that will affect people's lives?" It was a very good question. My response was:

First, I have raised a child;

Second, I have experienced political campaigns which, truth be told, prepares you to single-handedly withstand World War III; and

Third, I have been a female bankruptcy lawyer, in a profession in which females, let alone female bankruptcy attorneys, have not always been, shall we say, welcomed.

In any event, I interpreted the question as, "What has formed your insides", and those were my thoughts. As Dr. Lendo has spoken of today, we've got some well-developed insides here today. I don't need to tell you that the things you confront that are burdensome are nonetheless opportunities; you know that. I don't need to tell you that your families are proud of you today, that's already part of you. Take some satisfaction in what