

postpones the inevitable decision to abolish the death tax once and for all.

Permanent repeal of the death tax will protect millions of small and family-owned businesses from the return of this devastating tax. I have seen the effects of the death tax firsthand in my district. Before I came to Congress in 1992, I practiced law in a rural county in northern Illinois. I was there at the estate sale when the mom and her kids had to sell off half the family farm because they couldn't afford to pay the death tax after dad died. All they wanted to do was continue on with their lives, work the farm, and put food on the table. But in their most vulnerable time, after they had lost their dad and husband, after they had spent their lives paying taxes, the government came to them and said, "We want more!" And their American Dream was crushed.

Despite serious estate planning efforts, 70 percent of small and family-owned businesses do not survive through the second generation and 87 percent do not make it through the third generation. In fact, 9 out of every 10 successors whose family business failed within three years of the owner's death said death taxes played a major role in their company's demise.

The death tax is one of the most archaic and destructive taxes to small businesses in our tax code. The death tax discourages savings and investment, reduces wages and job creation, and is a leading cause of dissolution for thousands of small businesses. This is an immoral tax. It's time to once and for all permanently do away with the death tax that confiscates the hard work and savings of the most productive and important part of the U.S. economy, our small businesses.

HONORING CHIEF WARRANT  
OFFICER DAVID AYALA

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 14, 2005*

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to David Ayala who gave his life in service to our country in Ghanzi, Afghanistan.

David, a graduate of New Rochelle High School, was a dedicated son, friend, husband and citizen. He knew before he graduated high school that he wanted to serve his country in the U.S. Army. As a young boy, David dreamt of one day flying a helicopter for the Army. Just three months after his high school graduation in 1998, David enlisted to pursue his dream, studying to become a helicopter mechanic.

After receiving 18 months of training in Fort Rucker, Alabama, David emerged as a Warrant Officer and began his deployment in Germany. David would later be joined in Germany by his loving wife Athena, who was also serving her country as a nurse in a military hospital. As Chief Warrant Officer, David was assigned to F Company, 5th Battalion, 159th Aviation Regiment, Giebelstadt, Germany.

In March of 2005, David and his unit were deployed to the Middle East under control of Army Central Command as part of Operation Enduring Freedom. On April 6th of this year, David died when the CH-47 Chinook helicopter he was aboard crashed.

David was a true patriot who never gave up his love for the sky and who paid the ultimate

price for loyalty to his country. All Americans are truly fortunate to have had a person of David's caliber working to defend our Nation and keep it safe, strong, and secure.

Mr. Speaker, I ask my colleagues to join me in honoring Chief Warrant Officer David Ayala along with all of our Nation's other fallen heroes.

DEATH TAX REPEAL  
PERMANENCY ACT OF 2005

SPEECH OF

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 2005*

Mr. COBLE. Mr. Speaker, I rise today in support of H.R. 8, the Death Tax Repeal Permanency Act of 2005.

I was proud to support the Economic Growth and Tax Relief Reconciliation Act of 2001, which included a permanent repeal of the Death Tax. Unfortunately, due to arcane rules of the Senate, this much-needed relief for working Americans is scheduled to sunset at the end of 2010. Since then, my colleagues and I have voted three times to make this repeal permanent. I am hopeful that both the House and Senate will finally agree to permanently repeal the Death Tax and send this legislation to President Bush for his signature.

Unless we pass this much needed legislation, my constituents in the Sixth District of North Carolina will once again be subject to the Death Tax in 2011. Further, the sunset of this tax makes it difficult for business owners to make strategic planning and investment decisions that could have a major impact on the future of their businesses and loved ones. Finally, I do not believe that we should punish American families who have worked diligently to provide for themselves and want to pass along their success to their children and grandchildren.

It is my belief that few sections of the tax code are more unfair and hazardous to the economy than the Death Tax. Conceptually and in practice, it diminishes personal incentive to remain industrious. Furthermore, it encourages people to become less reliant on themselves and their loved ones and more reliant on a government that is on occasions intrusive, confiscatory, and ill-suited to help people.

After 20 years in Congress, I still believe that smaller government and lower taxes are the most effective economic policies. Eliminating the Death Tax will continue to restore consumer confidence, spur capital investment, and create new jobs which are critical components of economic growth, particularly within the small business community.

Mr. Speaker, I support a complete and permanent repeal of the Death Tax.

SMALL BUSINESS SPECTRUM  
OWNERSHIP OPPORTUNITIES ACT

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 14, 2005*

Mr. RUSH. Mr. Speaker, I rise today to introduce the "Small Business Spectrum Owner-

ship Opportunities Act." This bill would level the playing field in the acquisition of spectrum for telecommunications services so that small businesses and economically disadvantaged business owners could enter the communications field. As you know, since the passage of the 1996 Telecommunications Act there has been an unprecedented growth on the Telecommunications sector, which has often been referred to as the telecommunications revolution. However, conspicuously absent from this revolution has been economically disadvantaged business owners. They have in essence been left on the fringes of this telecommunications revolution. There are many factors attributed to this lack of participation but chief among them is lack of capital. Because entry into the telecommunication field is capital intensive, many deserving, innovative, and well qualified small business owners have been denied entry into this vital sector because they lack access to the needed capital to compete with large companies. The problem of small businesses access to capital in telecommunications is greatly amplified because potential lenders to small telecommunications businesses cannot secure an interest in spectrum licenses as a condition of a loan. Given that new spectrum is auctioned and requires cash, this defect in spectrum financing means that small business are disadvantaged in their opportunities when compared with companies that have broad access to capital.

My bill would increase telecommunications ownership opportunities for small businesses, including small businesses owned or controlled by socially disadvantaged individuals, through Small Business Administration participation in a market-oriented restructuring of the credit aspects of Federal Communications Commission telecommunications spectrum auctions. The Act establishes two programs. THE TELECOMMUNICATIONS SPECTRUM INSTALLMENT LOAN PROGRAM which permits an entrepreneur to apply for a direct loan from the Small Business Administration in order to bid on a spectrum license in an auction of the Federal Communications Commission. In addition, the SBA Administrator may make loan guarantees (guarantees on private sector loans) only for telecommunications equipment and working capital necessary to carry out the terms of the license to be financed. The second program is the TELECOMMUNICATIONS ACCELERATED LENDER PROGRAM. In this program the SBA guarantees loans that are provided in the private sector. Guaranteed loans are to be used by entrepreneurs to obtain spectrum in auction or in secondary spectrum markets. An approved borrower is given a letter of credit by the lender (and SBA). The Federal Communications Commissions accepts this letter of credit in lieu of any up front payment or earnest money deposit required by Commission regulation. In addition, the SBA Administrator may make loan guarantees (guarantees on private sector loans) for telecommunications equipment and working capital necessary to carry out the terms of the license to be financed. The SBA Administrator requires, as a condition of any direct loan and any loan guarantee, that (1) any disbursement of a loan amount be fully protected by a secured interest in the proceeds of sale or other assignment of the license involved; (2) the loan agreement contain specific measures by which, in the case of default by the borrower,