

life of these improvements. Lease terms average 7 to 10 years for office space and 3 to 5 years for retail space. Building owners typically must remove any leasehold improvements they have made to a property at the end of the lease term. Or, in the case of a lease renewal, tenants frequently demand that owners make improvements to the property as a condition of renewing the lease. Requiring business owners to depreciate these improvements over 39 years leads to a mismatch of income and expenses, thereby increasing the tax consequence of making such improvements. The long depreciation period simply makes no economic sense.

I believe that our tax laws should be updated to treat leasehold improvements in a more rational manner. That is why my colleague and I are introducing legislation to reduce the depreciable life of these improvements from 39 years to 10 years. By reducing the time period over which leasehold improvements are depreciated, our bill will more accurately align income and expenses related to rental property, and will mitigate the tax disincentives to modernizing commercial buildings.

In last year's economic stimulus bill Congress provided some relief to owners of rental property by allowing a 30 percent depreciation bonus for qualified leasehold improvements. However, this relief is only partial and is temporary. I look forward to working with my colleagues to enact my legislation that will provide more rational tax-treatment of leasehold improvements on a permanent basis. By so doing, we will take an incremental step toward modernizing the tax code's outdated depreciation rules.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 577. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, I rise to introduce legislation to establish the Freedom's Way National Heritage Area in New Hampshire and Massachusetts. The bill is cosponsored by Senator KENNEDY, Senator GREGG and Senator SUNUNU.

The bill proposes to establish a national heritage area including 36 communities in Massachusetts and six communities in New Hampshire. The area has important cultural and natural legacies that are important to New England and the entire Nation. I want to highlight just a few of the reasons I believe this designation makes sense.

The Freedom's Way is an ideal candidate because it is rich in historic sites, trails, landscapes and views. The land and the area's resources are pieces of American history and culture. The entire region, and especially places like Lexington and Concord, is impor-

tant to our country's founding and our political and philosophical principles. Within the 42 communities are truly special places. These include the Minute-man National Historic Park, more than 40 National Register Districts and National Historic Landmarks, the Great Meadows National Wildlife Refuge, Walden Pond State Reservation, Gardener State Park, Harvard Shaker Village and the Shirley Shaker Village.

In addition, there is strong grassroots support for this designation. The people of these communities organized themselves in this effort and have now turned to us for assistance. I hope we can provide it. Supporters include elected officials, people dedicated to preserving a small piece of American and New England history, and local business leaders. It is an honor to help their cause.

Finally, I am very pleased that Senators from both Massachusetts and New Hampshire have embraced this proposal. I thank Senators KENNEDY, GREGG, and SUNUNU.

By Mr. INOUE (for himself, Mr. CAMPBELL, Mr. AKAKA, and Ms. CANTWELL):

S. 578. A bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes; to the Committee on Government Affairs.

Mr. INOUE. Mr. President, I rise today to introduce a bill that would amend the Homeland Security Act of 2002 to include Indian tribal governments amongst the governmental entities that are consulted with respect to activities carried out by the Secretary of the Department of Homeland Security. This bill is entitled the "Tribal Government Amendments to the Homeland Security Act of 2002", and I am pleased to be joined in the sponsorship of this measure by the Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL, as well as our colleagues Senator DANIEL AKAKA, and Senator MARIA CANTWELL.

The amendments proposed in this measure were developed in consultation with the Senate Government Affairs Committee in the last session of the Congress but were not included in the final version of the Act because of the procedural posture of the bill as it came to the Senate from the House of Representatives.

There are 260 miles of tribal lands which form our northern and southern borders with Canada and Mexico, and along those border lands, tribal governments are the principal and frequently the only law enforcement presence with the capacity to protect those borders and to assure the safety of our homeland. In addition, there are hundreds of miles of tribal lands that border the waters surrounding the United States, and there too, tribal law enforcement is the first line of defense for purposes of homeland security.

In the Homeland Security Act of 2002, tribal governments are included in the definition of "local governments". As we all know, local governments are political subdivisions of the States. In contrast, tribal governments are recognized as separate sovereigns under the United States Constitution that do not derive their sovereign status from the States, and accordingly, we believe that Federal law should continue to reflect the legal distinction between local governments that are political subdivisions of the States and tribal governments.

Accordingly, these amendments would remove tribal governments from the definition of "local governments" as currently set forth in the Act, and insert tribal governments in the appropriate and relevant sections of the Act.

There can be no doubt that tribal governments have a critical role to play in our Nation's homeland security efforts and the protection of our land and water borders. Thus, this measure also makes clear that for purposes of homeland security, the United States recognizes the inherent authority of tribal governments to exercise jurisdiction currently with the Federal government to assure that applicable criminal, civil and regulatory laws are enforced on tribal lands.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. ROCKEFELLER, and Mrs. HUTCHISON):

S. 579. A bill to reauthorize the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2003–2006.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by striking "such sums to" and inserting the following: "\$73,325,000 for fiscal year 2003, \$78,757,000 for fiscal year 2004, \$83,011,000 for fiscal year 2005, and \$87,539,000 for fiscal year 2006. Such sums shall".

(b) EMERGENCY FUND.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: "In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level not to exceed \$3,000,000."

(c) NTSB ACADEMY.—Section 1118 of such title is amended by adding at the end the following:

"(c) ACADEMY.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation

Safety Board Academy, not otherwise provided for, \$3,347,000 for fiscal year 2003, \$4,896,000 for fiscal year 2004, \$4,995,000 for fiscal year 2005, and \$5,200,000 for fiscal year 2006. Such sums shall remain available until expended.

“(2) FEES.—The Board may impose and collect such fees as it determines to be appropriate for services provided by or through the Academy.

“(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this paragraph—

“(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(C) shall remain available until expended.

“(4) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.”

(c) REPORT ON ACADEMY OPERATIONS.—The National Transportation Safety Board shall transmit an annual report to the Congress on the activities and operations of the National Transportation Safety Board Academy.

SEC. 3. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

“(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

“(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

“(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.”

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES.

Section 1113(b) of title 49, United States Code, is amended—

(1) by striking “Statutes;” in paragraph (1)(B) and inserting “Statutes, and, for investigations conducted under section 1131, enter into such agreements or contracts without regard to any other provision of law requiring competition if necessary to expedite the investigation;” and

(2) by adding at the end the following:

“(3) The Board, as a component of its annual report under section 1117, shall include an enumeration of each contract for \$25,000 or more executed under this section during the preceding calendar year.”

AUTHORITY FOR COMMITTEES TO MEET

JOINT ECONOMIC COMMITTEE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Friday, March 7, 2003, from 9:30 a.m. to 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, appoints the following Members to the President’s Export Council:

- The Senator from Texas (Mr. CORNYN).
- The Senator from Missouri (Mr. TALENT).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today’s Executive Calendar: Calendar Nos. 50, 51, 57, 58, and 59.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

Eugene James Corcoran, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

DEPARTMENT OF DEFENSE

Stephen A. Cambone, of Virginia, to be Under Secretary of Defense for Intelligence.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D.W. Corley

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601, and to be a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., section 711:

To be lieutenant general

Maj. Gen. Walter L. Sharp

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MARCH 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, March 10. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume executive session for the consideration of the nomination of Miguel Estrada.

I further ask unanimous consent that when the Senate proceeds to the consideration of Calendar No. 19, S. 3, the partial-birth abortion bill, under the order entered into yesterday, the time from 5 to 6 p.m. be equally divided between Senator SANTORUM or his designee and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, on Monday, the Senate will once again resume consideration of the Estrada nomination. We will continue to pursue an agreement to allow for an up-or-down vote which is the end point for this nomination. At 5 o’clock on Monday, the Senate will begin consideration of S. 3, the partial-birth abortion bill. A number of Senators have indicated they will be available to make their opening statements on that bill during Monday’s session. As a reminder, the first rollcall vote of Monday’s session will occur at 6 p.m. on the nomination of Gregory Frost to be a U.S. District Judge for the Southern District of Ohio.

I thank all Members for their attention.

Mr. REID. Mr. Leader, Monday afternoon from 2 until 5 we will be on the Estrada nomination again. We have had a long, thorough debate on this matter. There has been some difficult dialog, but it has all been for the advocacy that should be present in the Senate. What this is leading up to is everything has gone so well at this point, we would hope—and I will be here virtually all the time that afternoon—that there would be no effort to try to sneak in a vote when somebody is not on the floor or anything like that. I think it would really take away from what has happened here. I continue to ask that question.

I am not sure that there will be people from the Judiciary Committee available all that afternoon. That means I will have to cover that. There are times when I am indisposed for various reasons.

Mr. FRIST. Mr. President, we can assure the other side that we will be engaged just in discussion on the Estrada nomination and have no intention to

be voting during that period. We will be continuing the very important discussion on the nomination itself.

My goal in that discussion next week is to begin to talk, not to extend what has been a very good debate, but have a discussion on this nomination in terms of the constitutional significance of advice and consent. Monday, hopefully in the afternoon, some of that discussion will begin, and then also continue that through Tuesday.

I do thank the assistant minority leader and really the whole other side of the aisle. We have had a productive week. We made real progress to complete the treaty yesterday, a very important initiative. I look forward to next week being a productive week.

Mr. REID. Mr. President, if the Senator will yield, the other question I have is, I learned yesterday that there may be an effort on Tuesday morning from 11 to 12:30 to get back on Estrada, talking about some constitutional issues people think are there. That is fine. I was just wondering if that, in fact, is the case because the Judiciary Committee members want to plan their schedules if in fact that were the case.

Mr. FRIST. That is the time that has been set aside, similar to today. There had been a request from both sides of

the aisle today to spend time talking about the issue that has been discussed; that is, Iraq and the events there. Similarly, people have asked, well, we have been on Estrada, but why don't we take a period of time to give focus to the big issues that affect the institution in terms of advice and consent and balance of power. In response to that, we have set aside this period between 11 o'clock and 12:30 on Tuesday. It is my hope that we have many Senators here to participate in that debate because I look forward to it. The whole purpose is to set that period aside. We will discuss the best way to construct that between both sides.

Mr. REID. Mr. President, through you to the leader, I extend my appreciation for his courtesy, as usual.

ADJOURNMENT UNTIL 2 P.M.,
MONDAY, MARCH 10, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, March 10, 2003, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 2003:

DEPARTMENT OF DEFENSE

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.
THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

EUGENE JAMES CORCORAN, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.
HUMBERTO S. GARCIA, OF PUERTO RICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

Maj. Gen. John D.W. Corley

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

Maj. Gen. Walter L. Sharp