

succumbed, compensation would be given to survivors.

That is what has happened here. Douglas Simon is still alive. He is wheelchair-bound, and he suffers from AIDS and AIDS-related conditions, but mom and Candy are gone.

We could not get the bill through. We worked hard. I went to my friend and colleague. We actually had a hearing on this, thanks to the goodness and magnificence of Senator SPECTER. It was an opportunity for Mr. Simon and the boys to come forward and explain what happened. We were not able to move the bill forward, but I met with my friend, Senator BOND, champion of the VA/HUD appropriations committees and laid out this story, this great tragedy of two young men whose lives have been just so excruciatingly painful but not as painful as what their little sister suffered, not as painful as what their mom suffered. Why I am so moved by this issue is perhaps because I have a sister who died from AIDS. I know what this is about, and I know the great pain.

So my colleague, Senator BOND, said: We have to try to figure out a way to help. So in the very last portion of the \$388 billion bill, there is a provision to provide this \$100,000 benefit for these two individuals.

In terms of the scope of this bill, this is a little nothing. But in terms of two kids from Minnesota, who have been through so much, whose dad served this country and suffered such great pain, this is something.

We work on a lot of things in this body. We deal at times with millions and billions of dollars. I have sat with my colleague, Senator TALENT, to my right, and at different points we talk about millions or tens of millions of dollars, and it gets almost abstract. It gets almost so impersonal at times. But the ability to help one family, to touch that one life, to make a difference in that life, to put a smile on their face, to say we are doing our best to correct an injustice, something that went wrong, to be able to deliver on that is very meaningful. It is very special.

As I look at what has come out of that Omnibus bill, and with this provision, it certainly has made me very proud to serve in this body. It has made me appreciative of the kindness and the consideration of my senior colleagues, such as Senator BOND, and I must say his staff member, Jon Kamarck, who worked on this legislation.

We often wait until folks say their goodbye, and we hear very moving and very stunning reflections on lives of service and what it means to be a part of this magnificent institution, the greatest deliberative body in the world, the U.S. Senate. I am humbled to be here, I am thankful to be here, and I am deeply appreciative of the actions and the conscience and the heart and the ability of my colleagues, and in this particular case of the chairman of

the Appropriations VA-HUD subcommittee, the senior Senator from Missouri.

I just wanted to take this time to say thanks, to say it on the RECORD, to say it very loud and clear, to speak for two young Minnesota men who will be getting a little something back. You cannot take away and compensate for all the pain and all the suffering, but you can show that we care, and in this body we do care. I am honored to be part of this body.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Ohio.

INTERNET TAX MORATORIUM

Mr. VOINOVICH. Mr. President, on Wednesday of this week, by unanimous consent, the Senate adopted S. Con. Res. 146, which made slight modifications to S. 150, the Internet Tax Non-Discrimination Act.

I am pleased that the House passed S. 150 with the Senate changes, thereby clearing the legislation for President Bush's signature. It is long overdue.

This action ensures that Internet access will remain free from taxation, a policy that has existed since 1998, when, as Governor of Ohio and president of the National Governors Association, I helped negotiate the first moratorium.

I rise to commend my colleagues in the House and the Senate for resolving this issue in a bipartisan manner. Just over a year ago, the Senate became engaged in a spirited debate over the future of the Internet tax moratorium.

The sponsors of S. 150 argued that an expanded and permanent Internet tax moratorium was necessary to facilitate the growth of broadband Internet technologies.

On the surface, this sounded like a very reasonable position. In fact, after studying this issue, I realized that not all Internet technologies were being treated equally. For instance, some States treated digital subscriber line, DSL, service, which uses phone lines to provide high-speed Internet access, as a "telecommunications service" and therefore taxed it. Other States treated DSL Internet access as an "information service" exempt from taxation. The inconsistent treatment of DSL service created a competitive disadvantage for some Internet service providers, and I was willing to help level the playing field. However, several of my colleagues and I, including Senators ALEXANDER, CARPER, FEINSTEIN, and BOB GRAHAM of Florida, had more serious concerns with S. 150.

Specifically, the CBO stated that the new and expanded definition of "Internet access" in S. 150 was an unfunded mandate. Therefore, it was believed that S. 150 would cause significant revenue losses for our State and local governments at a time when they were facing their worst economic crisis in a generation.

In fact, the State of Ohio projected revenue losses of up to \$350 million per year if the Commerce Committee's version of S. 150 passed the Senate. As a former mayor and Governor, I knew my State could not afford to lose \$350 million per year.

Fortunately, the debate on S. 150 was taken off the floor, where Members and staff could try to close the chasm that separated the two sides. From November 2003 to April 2004, Members and staff worked feverishly to find common ground. Both sides listened and worked in good faith. Although it took a few months, I was pleased with the end result.

The final bill, which passed the Senate on April 29, 2004, by a vote of 93 to 3, created a level playing field for Internet service providers sought by the bill's sponsors, while at the same time protected State and local governments from any immediate financial harm.

I was pleased that the original grandfather clause was extended for the length of the moratorium because it provided protections to States, including Ohio, from losing further revenue.

Finally, the negotiated 4-year term of this legislation provides Congress with the necessary time to examine and understand how the new and expanded definition of "Internet access" affects both the growth of broadband Internet service and the revenue base of State and local governments. There has to be some balance.

Senator STEVENS assures me that the Commerce Committee will closely re-examine these issues next Congress. In fact, we just talked about it 10 minutes ago, about the fact he wants to move forward very expeditiously to tackle this very complicated subject.

I commend the Presiding Officer, Senator ALLEN, and Senator WYDEN for their leadership and commitment to this issue. Certainly, no two Members of the Senate have spent more time on it. I also thank Senator MCCAIN for his patience and perseverance and willingness to offer a reasonable compromise upon which both sides could agree.

Additionally, I offer my thanks to Senators ALEXANDER and CARPER. Their vision and steadfast determination to protect State and local governments is commendable, and I was proud to work so closely with my colleagues and former Governors on this issue.

Finally, I would be remiss if I did not thank the staff of the Presiding Officer and the staff of other Senators for their hard work and dedication. They really rolled up their sleeves and went to work. They spent hours, countless hours, negotiating subtle yet important nuances in the legislative language in order to reach a compromise. Some of those nuances I had a very difficult time understanding, but they understood them, thank God. The debate and end result of the Internet tax moratorium proves we can work through difficult and highly technical issues in a bipartisan manner.

As the 108th Congress comes to a close, it is my sincere hope that the same type of bipartisan spirit can be extended into the 109th Congress. It is vital that Members of this body work together to find common ground on issues that are important to our citizens, our States, our country, and, in some instances, the world.

I, for one, am looking forward to the challenges we face and am confident we can solve the difficult issues for our day and leave a lasting legacy for our children, grandchildren, and future generations.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

THANKING CHAIRMAN STEVENS

Mr. COLEMAN. Mr. President, I got up here about an hour ago to pay homage, to pay tribute to the senior Senator from Missouri, the chairman of the VA/HUD Appropriations Committee, for his help in finding a way to compensate two young men from Minnesota who have suffered great personal tragedy. I must confess to a rookie mistake in not recognizing at the same time a person without whose help, approval, and guidance this never would have happened, and that, of course, is the chairman of the Appropriations Committee, Senator STEVENS from Alaska. I know he was personally involved in this. In fact, he commented to me this is one of the worst, most terrible circumstances, and we need to address it. He has pledged on a longer term basis, even next year, to look at other situations like this so that we do the right thing.

I want to say on the record to my friend, the chairman of the Appropriations Committee, how appreciative I am, how thankful I am, how grateful I am for all he does, for his guidance in putting together a huge package that deals with big things but doesn't forget little things. Sometimes the little things are big things. In this case, this somewhat little thing—little in the scope of a \$388 billion bill, but big for two young men who have suffered so much—would not have happened without the help and the direction of the chairman of the Appropriations Committee. I wanted to make that clear on the record my deep appreciation for his big heart, for his guidance and mentorship, his concern, and ultimately his ability to get things done.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. (Mr. CHAMBLISS). Without objection, it is so ordered.

CONTINUING SAGA OF BOSTON'S BIG DIG

Mr. McCAIN. Mr. President, I come to the floor to discuss the continuing saga of Boston's big dig, an issue I have been involved in now for many years. As usual, the news is not good.

As most of my colleagues know, the Central Artery/Ted Williams Tunnel Project in Boston, more commonly known as the big dig, apparently has sprung a leak or, more accurately, hundreds of leaks.

The two independent engineers brought in by the Massachusetts Turnpike Authority are still assessing the extent of the problem. But so far, over 400 leaks have been identified that they say could take a decade—and millions of dollars—to fix. And on Wednesday, the Boston Globe reported that documents obtained by the newspaper indicate there are "thousands of ceiling and wall fissures, water damage to steel supports and fireproofing systems, and overloaded drainage equipment".

It comes as no surprise that all of the parties involved in this latest scandal are holding each other, but not themselves, accountable. Modern Continental Construction Company, which performed the work where the 8-inch "blow out" leak occurred in the north-bound section of the I-93 tunnel in September, believes the project's engineer, and joint venture of Bechtel Corporation and Parsons Brinckerhoff, is responsible because of faulty design work. The Turnpike Authority insists that even though a senior agency official was notified of the leak problem in 2001, the contractors and the project engineer are the responsible parties. The Governor believes that Turnpike Authority bears responsibility and has asked for Chairman Amorello's resignation. With all the finger-pointing, I am concerned that the taxpayers could end up footing at least part of the bill for repairs.

I do not intend to allow this to happen. The newly-discovered leaks are just another in a long list of costly failures in the continuing saga of the big dig.

The Central Artery Tunnel Project was conceived in 1981 and received initial approval in 1985. Construction began in 1991 with a target completion date of December 1998. I repeat, the target completion date of the Central Artery Tunnel Project, known as the big dig, was December 1998. As I calculate, it is now 6 years later. Over the intervening years, the completion date slipped nearly 7 years. The current forecast is for the project to be completed between May and November of 2005.

As delays for the project mounted over the years, the costs of the project spiraled out of control. According to this chart, it was estimated in 1985 that the big dig would cost \$2.6 billion. When the project is finally completed next year, the total cost is projected to be \$14.6 billion, roughly 5.5 times the original estimate. That does not count the newly discovered leaks and the repairs which, in the view of some, would take 10 years to fix.

We now know that billions of the cost overruns are attributable to mistakes and deliberate misstatements by the project managers. We have had over 20 reports from the Department of Transportation Inspector General which has tracked this very carefully. There have been deliberate misstatements by the project managers, made not only to the people of Massachusetts but also to the Congress of the United States. Several years of low-ball cost estimates finally caught up with the big dig in the year 2000.

In January of that year, the Turnpike Authority submitted its annual financial plan, estimating the cost of the big dig at \$10.8 billion.

The following month, on the same day the Federal Railroad Administration accepted the plan as valid, the Turnpike Authority announced the project would cost \$12.2 billion, or an estimated additional \$1.4 billion.

Bechtel/Parsons Brinckerhoff blamed the increase on unforeseen cost increases and shortening the construction schedule by 2 years. But a series of articles by the Boston Globe concluded that the majority of the \$1.4 billion cost overrun was due to design errors by Bechtel/Parsons Brinckerhoff. In one instance, the engineering firms failed to include the FleetCenter, the sports center home to the Boston Bruins and Boston Celtics, in the designs for the project. Months of construction took place before the design flaw was detected. This mistake alone cost taxpayers \$991,000.

The Department of Transportation Inspector General and all members of the Commerce Committee are aware of the incredible work the Department of Transportation Inspector General has done, which issued 20 reports on the big dig, and was highly skeptical of the project managers' cost projections, and concluded in May 2000 that the project's managers were "well aware that costs were increasing significantly" and "deliberately withheld" information about cost increases in the 1998 and 1999 financial plans.

That statement by the Department of Transportation Inspector General bears repeating. It concludes that the project's managers were well aware that costs were increasing significantly and deliberately withheld information—that includes the Congress of the United States—about cost increases in the 1998 and 1999 financial plans.

Last year, the Securities and Exchange Commission determined the Turnpike Authority and its former