will be done if they do report it, or because they are afraid of reprisal.

For this reason, Congress amended the False Claims Act in 1986, in the words of the Judiciary Committee, ''to encourage any individual knowing of Government fraud to bring that information forward.'' The 1986 amendments offer large rewards to whistleblowers who bring a successful false claims action and afford new protections against employer retaliation. While the amendments do not expressly authorize federal employees to file whistleblower suits, the courts have generally read the amended law to permit them to, since the courts recognize that federal employees are often in the best position to uncover and report government fraud.

What happened here seems fairly clear. Two federal employees had information they believed showed that oil companies were defrauding the Government. They brought it forward to their agencies. They also, it seems likely, may have shared some of that information with POGO. They could have openly joined POGO's False Claims Act suit but, for whatever reason, they chose not to. They chose instead to become, in effect, silent partners in POGO's suit. POGO generously, if foolishly, shared its windfall with them.

Probably all concerned would now agree that this arrangement was a serious mistake. POGO has handed its opponents a powerful weapon with which to wound its credibility and its effectiveness. It has not only brought down a world of trouble on itself, Mr. Berman, and Mr. Speir, but it has deflected attention away from the question of whether the oil companies defrauded the Government to the matter before us.

At the very least, the payment of large sums of money by an outside source to a federal employee for work related activities creates an appearance of impropriety. If the appropriate authorities ultimately determine that the payments to Mr. Berman and Mr. Speir were not unlawful, then Congress may need to tighten the conflict of interest laws to more clearly bar federal employees from accepting such payments in the future, or to amend the False Claims Act to prevent federal employees from aiding or benefiting from False Claims Act suits. Crafting a legislative solution that would prevent a recurrence of this problem in the future would, in my view, be a more constructive—and far more appropriate—use of the Senate's time and energy than trying to build a case against POGO and Messrs. Berman and Speir.

Any changes in the current laws should, however, be carefully drawn to avoid shutting off the legitimate flow of allegations and information about government fraud and corruption from federal employees to organizations like POGO. These organizations play a valuable role in exposing government fraud and corruption. They offer a safe harbor to federal employees who may be unable or unwilling to come forward publicly on their own. We may not always agree with the causes they espouse or the allegations they make, but we would make a terrible mistake if we were to choke off the flow of allegations and information to them or still their voice.

They must, of course, operate within the law. Good intentions do not give them, or the people that come to them, free rein to violate federal conflict of interest laws, agency ethnic rules, or the protective orders of the courts. If anything like that happened in this case, then POGO and the two federal employees should be held accountable by the appropriate law enforcement officials and the courts. But, as the Supreme Court has admonished us in the past, Congress is not a law enforcement agency or a judicial tribunal, and we should not presume to be one in this case.

The Committee on Energy and Natural Resources, like most of the Senate's standing committees, from time to time, has to conduct investigations into certain matters to do its job. The Energy Committee has, in recent years, conducted a number of sensitive investigations into serious allegations of wrongdoing leveled against senior Administration officials whose nominations were pending before the committee. Each of these investigations was handled very thoroughly and professionally on a bipartisan basis by the committee's own lawyers.

Special, partisan investigations like Mr. Thompson's carry with them special problems. By focusing exclusively on proving the guilt of their chosen target, they tend to lose sight of the larger picture and their sense of proportion. Justice Robert Jackson warned us of this danger in the case of prosecutors who ''pick people'' they think they ''should get rather than cases that need to be prosecuted.''

With the law books filled with a great assortment of crimes, [Justice Jackson said,] a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking a man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the great danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.

Sadly, I fear that has happened in this case.

COST OF REPORTED BILLS BY THE CONGRESSIONAL BUDGET OFFICE

Mr. SMITH of New Hampshire. Mr. President, Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of reported bills, prepared by the Congressional Budget Office, be included in Senate reports. On July 27, 2000, the Committee on Environment and Public Works filed Senate Report 106–362, accompanying S. 2796, the Water Resource Development Act of 2000, and Senate Report 106–363, accompanying S. 2979, Restoring the Everglades, An American Legacy Act. The cost estimates were not available at the time of filing. The information subsequently was received by the committee and I ask unanimous consent to print it in the CONGRESSIONAL RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 18, 2000.

Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2796, the Water Resources Development Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Applebaum, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2796, Water Resources Development Act of 2000, as ordered reported by the Senate Committee on Environment and Public Works on June 28, 2000

Summary

S. 2796 would authorize the Secretary of the Army, acting through the Army Corps of Engineers (Corps), to undertake projects specified in title I of the bill for inland navigation, flood control and damage reduction, environmental restoration, and shore protection. CBO estimates that the bill would authorize about $2 billion (in 2000 dollars) for these projects.

Other provisions of the bill would authorize the Secretary to conduct studies on water resources needs and feasibility studies for specified projects; authorize the Secretary to convey or exchange certain properties; renew, end, or modify previous authorizations for certain projects; and authorize new programs or pilot projects to develop water resources and protect the natural environmental, including a program to restore the natural environment of the south Florida ecosystem. For these activities, CBO estimates that S. 2796 would authorize the appropriation of about $1.7 billion.

Assuming the appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing S. 2796 would cost about $1.6 billion over the 2001–2005 period, and another $2.5 billion over the following 10 years for the projects that would be authorized by the bill. (Some construction costs and operations and maintenance would occur after this period.) CBO estimates that enacting S. 2796 would increase certain offsetting receipts to the Federal Government by about $3 million over the 2001–2003 period. Because enacting the bill would affect direct spending, pay-as-you-go procedures would apply.

S. 2796 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

State and local governments would incur some costs as a result of the bill's enactment, but these costs would be voluntary.

Estimated Cost to the Federal Government

The estimated budget impact of S. 2796 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	2000	2001	2002	2003	2004	2005
Changes in Spending Subject to Appropriation						
Estimated Authorization Level	315	373	357	317	367	.....
Estimated Outlays	223	340	350	341	372	.....
Changes in Direct Spending						
Estimated Budget Authority	−1	a	−2	(1)	(1)	.....
Estimated Outlays	−1	a	−2	(1)	(1)	.....

[1] Less than $500,000.

Basis of Estimate

For this estimate, CBO assumes that S. 2796 will be enacted by the beginning of fiscal year 2001 and that all amounts authorized by the bill will be appropriated for each fiscal year.

Spending Subject to Appropriation

For projects specified in the bill the Corps provided estimates of annual budget authority needed to meet design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between authorization and appropriation. Estimated outlays are based on historical spending rates for activities of the Corps.

Direct Spending (including Offsetting Receipts)

Land Exchange in Pike County, Missouri. S. 2796 would authorize the Secretary to receive about 9 acres of land from S.S.S. Lumber, Inc. and convey another 9 acres to the company. If the land the government receives is less valuable than the land the company receives, then the bill would require the company to pay the difference. The bill also requires the company to pay the administrative costs of the exchange. After the exchange is completed, the Federal Government would forgo a small amount of offsetting receipts that are currently collected for the use of this land.

Joe Pool Lake, Trinity River Basin, Texas. S. 2796 would authorize the Secretary to enter into an agreement with the city of Grand Prairie, Texas, to transfer maintenance of Joe Pool Lake from the Trinity River Authority to the city. The bill would relieve the Trinity River Authority of its remaining obligation to repay the Federal Government for construction of the lake, and it would require the city to pay the Federal Government about $2 million in both 2001 and 2003 as a condition of the agreement. Based on information from the Corps, CBO expects the Trinity River Authority will pay its current obligation of about $1 million for 2001, but will default on its subsequent obligations to the government, which total about $14 million over the next 39 years. Because the government would receive more money under S. 2796 than under current law, the agreement with the city would increase offsetting receipts by $1 million in 2001 and $2 million in 2003.

Pay-As-You-Go Considerations

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding 4 years are counted.

[By fiscal year, in millions of dollars]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	−1	0	−2	0	0	0	0	0	0	0
Changes in receipts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Estimated Impact on State, Local, and Tribal Governments

S. 2796 contains no intergovernmental mandates as defined in UMRA. State and local governments probably would incur some costs to meet the matching requirements for water resources development projects and other programs authorized by this bill, but these costs would be voluntary. Some State and local governments would benefit from provisions in the bill that would alter cost-sharing obligations.

CBO estimates that non-Federal entities (primarily State and local governments) that choose to participate in the projects and programs authorized by S. 2796 would spend about $2.5 billion (in 2000 dollars) to match the authorized Federal funds. These estimates are based on information provided by the Corps. In addition to these costs, non-Federal entities would pay for the operation and maintenance of many of the projects after they are constructed.

S. 2796 would authorize new environmental restoration programs in several areas of the country. Under these programs, the Secretary of the Army would select projects and enter into agreements with local interests to carry them out and share in the costs. Generally, the non-Federal share of these costs would be 35 percent. The bill also would direct the Corps to carry out a number of projects in support of a plan to restore the Florida Everglades. Non-Federal participants in these projects would pay 50 percent of the project costs.

One section of this bill would benefit non-Federal participants in Corps projects by broadening an existing provision, which requires the Corps to consider the ability of non-Federal participants to pay their share of project costs. Under current law, cost-sharing agreements for flood control projects and agricultural water supply projects are subject to this ''ability to pay'' provision. S. 2796 would add other types of projects, including feasibility studies and projects for environmental protection and restoration, navigation, storm damage protection, shoreline erosion, and hurricane protection.

Estimated Impact on the Private Sector: The bill contains no new private-sector mandates as defined in UMRA.

Estimate Prepared by: Federal Costs: Rachel Applebaum (226–2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220); Impact on the Private Sector: Sarah Sitarek (226–2940).

Estimate Approved by: Peter H. Fontaine Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 11, 2000.

Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2797, the Restoring the Everglades, an American Legacy Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Applebaum, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2797, Restoring the Everglades, an American Legacy Act, as reported by the Senate Committee on Environment and Public Works on July 27, 2000

Summary

S. 2797 would authorize the Secretary of the Army, acting through the Army Corps of Engineers (Corps), to establish a program for protecting the natural environment, providing flood control, and increasing the water supply for the south Florida ecosystem. The bill would authorize appropriations for projects estimated to cost $791 million (at 2000 prices). S. 2797 would require the Secretary to fund 50 percent of the operations and maintenance costs for the specified projects, and to provide administrative support for this effort.

Assuming appropriations for the authorized projects and adjusting their estimated costs for anticipated inflation. CBO estimates that implementing S. 2797 would cost $254 million over the 2001–2005 period, and $665 million over the succeeding 5 years. After 2010, program administration, operations, and maintenance for the specified projects would cost about $12 million annually, S. 2797 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2797 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs to match the Federal funds authorized by this bill, but those costs would be voluntary.

Estimated cost to the Federal Government

The estimated budgetary impact of S. 2797 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	2001	2002	2003	2004	2005
Changes in Spending Subject to Appropriation					
Estimated Authorization Level	20	38	49	61	154
Estimated Outlays	15	29	44	57	109

Basis of Estimate

The Corps provided estimates of annual budget authority needed to meet design and construction schedules for projects that would be authorized by the bill. CBO adjusted the estimated project costs to reflect the impact of anticipated inflation during the time between authorization and appropriation. That adjustment brings projected funding for project design and construction to about $900 million.

Estimated outlays are based on historical spending rates for construction projects of the Corps. Outlays are projected to increase significantly after 2004 as design and preliminary work would be completed and major construction work would begin. CBO also estimated the Corps' administrative expenses under the bill (about $3 million a year), as well as operations and maintenance costs ($11 million from 2007 to 2010), and the cost

to the Department of the Interior to purchase certain land specified in the bill ($2 million).

Pay-As-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact

S. 2797 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would require matching funds from the State of Florida equal to half the cost of the authorized projects, including costs to operate and maintain those projects. Any such expenditures by the State would be voluntary.

Estimate Prepared by: Federal Costs: Rachel Applebaum (226–3220); Impact on the Private Sector: Sarah Sitarek (226–2940).

Estimate Approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 206(b) of H. Con. Res. 290 (the FY2001 Budget Resolution) requires the Chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee and the appropriate budgetary aggregates when the requirements of that section are met. Sec. 5108 of P.L. 106–246, the 2001 Military Construction Appropriations bill, and Sec. 8150 of P.L. 106–259, the 2001 Department of Defense Appropriations bill, satisfy the requirements of section 206(b) of H. Con. Res. 290.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$541,738,000,000	$554,360,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	869,525,000,000	896,134,000,000
Adjustments:		
General purpose discretionary	+58,558,000,000	+38,413,000,000
Highways		
Mass transit		
Mandatory		
Total	+58,558,000,000	+38,413,000,000
Revised Allocation:		
General purpose discretionary	600,296,000,000	592,773,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	928,083,000,000	934,547,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation:			
Budget Resolution	$1,467,843,000,000	$1,453,081,000,000	$50,119,000,000
Adjustments:			
Sec. 206(b) of H. Con. Res. 290 adjustment	+$58,558,000,000	+$38,413,000,000	−$38,413,000,000
Revised Allocation:			
Budget Resolution	$1,526,401,000,000	$1,491,494,000,000	$11,706,000,000

THE DESIGNATION OF WILSON CREEK IN NORTH CAROLINA AS A WILD, SCENIC, AND RECREATIONAL RIVER

Mr. EDWARDS. Mr. President, I rise today to say how pleased I am that the President recently signed into law H.R. 1749, legislation that designates Wilson Creek in North Carolina as a wild and scenic river. This legislation passed the House of Representatives without opposition, and I was proud to support it here in the Senate and to see it pass just prior to the August recess.

The designation of Wilson Creek as a wild and scenic river is critically important to the local community. It will protect Wilson Creek for use by those who seek a relaxing hike in the woods or an exciting rafting experience. The scenic and recreational areas along Wilson Creek are also some of the most beautiful and ecologically valuable countryside in all of North Carolina. In a time when all of us have so much going on in our lives, Wilson Creek will provide us with a place to relax and enjoy a bit of the natural world.

Wilson Creek is truly a national treasure. It possesses remarkable scenic and recreational value and is home to a wide variety of plant and animal species. It is designated as an Outstanding Resource Water, indicating its exceptional recreational and ecological significance and high level of water quality. It winds its way through rare geologic rock formations that are also quite beautiful. The pools and rapids along Wilson Creek provide opportunities for canoe and kayak enthusiasts to test their skills or take a relaxing paddle. For years, visitors have camped, hiked, fished and played along Wilson Creek, and this designation will ensure that they will continue to enjoy all that the area has to offer for years to come.

I would also like to say a few words about the history of this legislation and the impressive effort that has led us to this important point. It is not enough to say that this measure was a bipartisan effort. This law is the result of a cooperative effort spearheaded by the Caldwell County Commissioners, in which every interested party had a voice. Working with the Forest Service, the Avery County Commissioners, the Caldwell County Chamber of Commerce, the Caldwell County Economic Development Commission, local landowners and the local community, the Commissioners helped develop this important plan to protect permanently Wilson Creek. That this legislation has had such strong local support is a testament to the hard work put forward by all of these groups and individuals. The collaborative effort to craft and pass this legislation will serve as a model for other communities that may have similar projects. They are to be commended for their efforts. I would also like to thank other local officials, citizens, the Forest Service, and everyone else who dedicated so much time, effort, and heart to get us to this point.

Many portions along Wilson Creek exist much as they did more than 100 years ago, and I believe we must do all we can to preserve them. We have a rare opportunity to protect a critically important waterway for future generations, and I am so pleased to see it become law.

ADDITIONAL STATEMENTS

DEVILS LAKE OUTLET

• Mr. DORGAN. Mr. President, I have spoken many times about the need for an emergency outlet for Devils Lake. An article from the Fargo Forum reaffirms the need to act expediently to build an emergency outlet for Devils Lake before a catastrophic natural spill occurs.

Mr. President, I ask that the article be printed in the RECORD.

[From the Fargo Forum, Aug. 22, 2000]

USGS ADDS EVIDENCE FOR OUTLET

A little-noticed report from the U.S. Geological Survey adds more to the vast body of evidence that the Devils Lake, N.D., area is in a wet cycle and will remain in a wet cycle for some time to come.

And that means Devils Lake, which rose 25 feet from February 1993 to August 1999, likely will continue to rise. The lake's elevation today is about 1446.3 feet, or slightly down