

When I have raised concerns about these matters with Defense Department officials, I have been told that the military will not permit soldiers to practice beliefs that pose a threat to good order and discipline. Unfortunately, that is not the legal standard the Department is faced with under R.F.R.A. Under religious liberty laws, the courts make the decision based on whether the religious restriction is the least restrictive means to accomplish a compelling governmental interest, not whether the restriction is based on good order and discipline.

Religious liberty legislation could cause many problems for the military that have not been considered. Although there have been few claims under R.F.R.A. in the military to date, this could easily change in the future. Soldiers who adhere to various faiths, including many established religions, could make claims that violate important, well-established military policies. For example, soldiers who are Rastafarian can claim protection to wear beards or dread-locks, and Native Americans can claim protection for long hair. Also, Rastafarians may claim an exemption from routine medical care that require injections, such as immunizations. Although it is my understanding that the military does not accommodate exemptions from grooming standards or receiving health care, soldiers could bring such claims and likely win. To date, inmates or guards in prisons have won cases similar to these in court, and there is little reason to expect that cases brought by soldiers would turn out any differently.

Soldiers brought lawsuits in the 1960s seeking exemptions from immunizations and exemptions from work on certain days based on religious practices, but these claims failed under the deferential standard. However, under R.F.R.A., there are endless opportunities for religious practices to interfere in important military policies and practices, and it is much more likely that such cases would be successful.

One such matter arose during the Persian Gulf War. At the time, the military imposed restrictions on Christian and Jewish observances and the display of religious symbols for soldiers stationed in Saudi Arabia. This was important so that our troops would not violate the laws and religious decrees of the host nation. There was some talk of lawsuits against our military because of these restrictions. Although this matter arose before R.F.R.A. was enacted, such a lawsuit is much more likely to be successful today.

In short, it is not in the best interest of our nation and national security for religious liberty legislation to apply to our Armed Forces. Decisions about religious accommodation should be left to the military, not the courts.

I will continue to monitor this most serious matter. It is my sincere hope

that the next Administration will recognize the seriousness of this issue and support excluding the military from legislation that creates special religious rights.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

- September 5, 1999:
- Andre P. Bacon, 21, Chicago, IL;
- Agron Berisha, 18, Miami, FL;
- Mark Douglas, 34, Fort Wayne, IN;
- Princeton L. Douglas, 18, Chicago, IL;
- Willie Lassiter, 20, Atlanta, GA;
- Denkyira McElroy, 24, Chicago, IL;
- Jerry Ojeda, 23, Houston, TX;
- Rodney Prince, 18, Baltimore, MD;
- Jarhonda Snow, 4, Miami, FL;
- Unidentified Female, San Francisco, CA.

One of the gun violence victims I mentioned, 23-year-old Jerry Ojeda from Houston, was drinking with friends when they began taking turns shooting a 9-millimeter pistol into the air. After firing several shots, Jerry took the gun and turned it on himself.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through July 26, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2001 Concurrent Resolution on the Budget (H. Con. Res. 290), which replaced the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68).

The estimates show that current level spending is above the budget reso-

lution by \$17.5 billion in budget authority and by \$20.6 billion in outlays. Current level is \$28 million below the revenue floor in 2000.

Since my last report, dated June 20, 2000, the Congress has cleared, and the President has signed, the Military Construction Appropriations Act, fiscal year 2001 (P.L. 106-246). This action changed the 2000 current level of budget authority and outlays.

I ask unanimous consent to have a letter dated July 27, 2000 and its accompanying tables printed in the 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, July 27, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2000 budget and are current through July 26, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001, which replaced H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000.

Since my last report, dated June 20, 2000, the Congress has cleared, and the President has signed, the Military Construction Appropriations Act, FY2001 (Public Law 106-246). This action changed budget authority and outlays.

Sincerely,
DAN L. CRIPPEN,
Director.

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF JULY 26, 2000
(In billions of dollars)

	Budget resolution	Current level ¹	Current level over/under resolution
On-budget:			
Budget Authority	1,467.3	1,484.8	17.5
Outlays	1,441.1	1,461.7	20.6
Revenues	1,465.5	1,465.5	(²)
Debt Subject to Limit	5,628.3	5,584.5	-43.8
Off-budget:			
Social Security Outlays	326.5	326.5	0.0
Social Security Revenues	479.6	479.6	0.0

¹ Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.
² Less than \$50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JULY 26, 2000
(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a	n.a	1,465,480
Permanents and other spending legislation	876,140	836,751	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JULY 26, 2000—Continued

[In millions of dollars]			
	Budget authority	Outlays	Revenues
Appropriation legislation	869,318	889,756	n.a.
Offsetting receipts	-284,184	-284,184	n.a.
Total, enacted in previous sessions	1,461,274	1,442,323	1,465,480
Enacted this session:			
Omnibus Parks Technical Corrections Act of 1999 (P.L. 106-176)	7	3	0
Wendell H. Ford Aviation Investment and Reform Act (P.L. 106-181)	2,805	0	0
Trade and Development Act of 2000 (P.L. 106-200)	53	52	-8
Agricultural Risk Protection Act of 2000 (P.L. 106-224)	5,500	5,500	0
Military Construction Appropriations Act, FY 2001 (P.L. 106-246)	15,173	13,799	0
Total, enacted this session	223,538	19,354	-8
Entitlements and mandatories: Adjustments to appropriated mandatories to reflect baseline estimates	-35	0	n.a.
Total Current Level	1,484,777	1,461,677	1,465,472
Total Budget Resolution	1,467,300	1,441,100	1,465,500
Current Level Over Budget Resolution	17,477	20,577	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	28
Memorandum: Emergency designations for bills enacted this session	11,163	2,078	0

Source: Congressional Budget Office.
Notes: P.L. = Public Law; n.a. = not applicable.

THE PROJECT ON GOVERNMENT OVERSIGHT

Mr. BINGAMAN. Mr. President, on July 24, the chairman of the Committee on Energy and Natural Resources, brought before the Senate a report on payments made by the Project on Government Oversight, a public interest group commonly called "POGO," to two federal employees. Unfortunately, the chairman referred to the report in his remarks as a "committee report." It is not, and I think we need to set the record straight on that point.

The rules of the Senate give the Committee on Energy and Natural Resources, like all our standing committees, broad authority to "make investigations into any matter within its jurisdiction." But the power to make investigations rests with the Committee as a whole. It is not vested in the chairman or any one Senator.

In January, at the chairman's request, the Comptroller General detailed an employee of the General Accounting Office, Mr. Paul Thompson, to the committee to conduct a "preliminary inquiry" into the payments. In February, the chairman informed the committee that the inquiry was underway and that he would "make recommendations" to the committee "as soon as we have something tangible."

The chairman has leapt from "preliminary inquiry" to a final report without any intervening action or consideration by the committee. The committee never authorized Mr. Thomp-

son's investigation and it never approved his report. I first learned about it after the chairman posted it on the Internet.

Nor was the report written or approved by the General Accounting Office. Although Mr. Thompson is a GAO employee, he was detailed to the committee. So far as I can tell, no one at the General Accounting Office participated in the investigation or in writing the report. Mr. Thompson's activities were not subject to the professional standards of conduct that govern GAO investigations, and his report was not subject to review and approval by senior GAO officials.

If the chairman had asked the committee to approve Mr. Thompson's report, I would have voted against it. If a majority of the committee had agreed to adopt the report as its own, I would have filed minority views. Since I was not given that opportunity, I will state my views for the RECORD.

POGO's payments to Mr. Berman and Mr. Speir cannot be understood in isolation. They must be viewed in the larger context of the ongoing controversy over federal oil and gas royalties.

Oil companies that produce oil on federal land are, by law, required to pay royalties to the Federal Government based on the value of the oil they produce from federal leases. Many of the major oil companies have been accused of undervaluing and, thus, underpaying the royalties they owe to the American people. The alleged underpayments total many hundreds of millions of dollars.

A few years ago, POGO and various private individuals sued the oil companies under the False Claims Act. The False Claims Act allows a private citizen to sue anyone who has defrauded the Government. If successful, the person bringing the suit, known as a "relator," is entitled to a share of the money recovered by the Government as a result of the suit.

The essential facts surrounding the POGO payments are not in dispute. POGO asked Robert A. Berman, an employee at the Department of the Interior, and Robert A. Speir, an employee at the Department of Energy, to join its False Claims Act suit. Neither man agreed. POGO then offered to share any money it received from its suit with the two men and they agreed. In January 1998, they put their agreement in writing. In August 1998, Mobil Oil Corporation settled the claims against it by paying the Government and the relators a total of \$45 million. In November 1998, POGO got about \$1.2 million from the settlement and it paid Mr. Berman and Mr. Speir \$383,600 apiece out of its share.

The current dispute centers on why POGO made those payments. POGO characterized the payments as "awards" for the two men's "decade-

long public-spirited work to expose and stop the oil companies' underpayment of royalties for the production of crude oil on federal and Indian lands." POGO's opponents believe POGO had sinister motives.

Mr. Thompson's report attempts to substantiate the opponents' suspicions. I am troubled by Mr. Thompson's report for several reasons.

First, I am troubled by the very nature of Mr. Thompson's report. In his letter of transmittal to Chairman MURKOWSKI, Mr. Thompson makes very serious charges against POGO; its chairman, Mr. Banta; its executive director, Ms. Brian; and the two federal employees who received the payments, Mr. Berman and Mr. Speir. He accuses POGO of paying the two men "to influence the Department [of the Interior] toward taking actions and adopting policies" benefiting both POGO and the two employees. Without saying so directly, Mr. Thompson's report insinuates that POGO and the two employees may have broken federal criminal laws against bribery, the payment and acceptance of gratuities, and the payment and acceptance of private compensation for government service.

Yet nowhere in his 42-page report does Mr. Thompson present the evidence necessary to back up his charges. In place of evidence, he offers only theories, speculation, suspicions, circular reasoning, and his personal conviction that all assertions of innocence from Ms. Brian and Messrs. Banta, Berman, and Speir are untrustworthy.

Second, I am troubled by the report's lack of a coherent theory of the case. Mr. Thompson laboriously rebuts the explanations offered by POGO, but never meets his own burdens of production and persuasion.

Part of his problem may stem from the fact that the chairman never defined the scope of the inquiry. Mr. Thompson states that the "chief concern" behind the inquiry was "whether the payments represent an improper influence upon the Department of the Interior's development of its new oil royalty valuation policy," but his report focuses little attention on this issue.

Whether the payments improperly influenced the Department of the Interior's oil valuation rule is, of course, a legitimate concern of the Committee on Energy and Natural Resources. In his transmittal letter, Mr. Thompson concludes that the rule "may have been improperly influenced by" the payments. Yet his own report fails to support that conclusion. The report states that the two men's involvement in the rulemaking "terminated" around December 1996, before the Department of the Interior published its proposed rule in January 1997. After Mr. Berman and Mr. Speir stopped