(d) JUDICIAL REVIEW.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any aggrieved person, may seek relief under this section in Federal court. A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(1) the complaint is withdrawn; or

(2) a court of jurisdiction has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEYS FEES.—In any case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover its attorneys fees from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made. In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover its attorneys fees.

SEC. 11. SUNSET.

This Act shall cease to be effective 4 years after the date on which the Alliance is established.

□ 1715

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3610, the National Oilheat Research Alliance Act. This bill, introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) allows the oilheat industry to establish an oilheat checkoff fee to fund research development and consumer education programs related to oilheat.

Oilheat plays an important role in keeping homes and businesses warm in the winter in many parts of this country. This legislation will give the oilheat industry greater resources to undertake research and development activities targeted at finding new and more efficient ways to use oilheat.

Significantly, this bill which was proposed by the oilheat industry does not require the expenditure of significant amounts of Federal money. Through this bill, the oilheat industry is looking for ways to help itself, not a government handout.

In particular, H.R. 3610 authorizes the oilheat industry to conduct a referendum among its retailers and wholesalers for the creation of a National Oilheat Research Alliance, NORA. If the oilheat industry approves such a referendum, NORA will be authorized to collect annual assessments from oilheat wholesalers to cover its planning and program costs.

Madam Speaker, this is a good bill, and I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Madam Speaker, I rise in support of H.R. 3610, and I certainly want to thank the gentleman from Colorado (Chairman Dan Schaefer) and the gentleman from Virginia (Chairman Bliley) for bringing this bill to the floor. I compliment the gentleman from Pennsylvania (Mr. GREENWOOD) for working to improve the bill in committee to ensure that the funds are properly used.

Madam Speaker, it is my understanding that both the heating oil industry and the gas industry are satisfied with this approach, and I appreciate their efforts to work this out.

I am pleased to support the bill and I urge my colleagues to do the same.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3610, the National Oilheat Research Alliance Act. This bill has strong support from the oilheat industry and Members of the Commerce Committee on both sides of the aisle.

Oilheat is an important and economical source of home and commercial heating for many Americans and many residents of my home State, Virginia. It plays a vital role in keeping homes and businesses warm in the winter in many parts of the United States. In 1996, homes and businesses purchased more than 10 billion gallons of heating oil, with most of it concentrated in New England and the Mid-Atlantic.

Oilheat is virtually the only home heating fuel without a national industry promotion program. Thus, in order for home heating fuel to compete with other home heating fuels on a fair and equitable basis, it must obtain greater resources. This bill would allow the oilheat industry to do research, education and marketing without using any Federal money. In particular, H.R. 3610 allows the heating oil industry to establish an oilheat check-off fee to fund research, development, and consumer education programs related to oilheat.

The goals of this bill, to promote research and investment in encouraging the safe and efficient use of oilheat, are good. Even more importantly, this legislation allows the oilheat industry to fund these activities itself, rather than asking the Federal Government for funding. It is appropriate for the industry to pay for the development of new commercially applicable technologies which will benefit that industry.

I commend the Subcommittee Chairman Mr. SCHAEFER and Mr. GREENWOOD, the legislation's chief sponsor, for their good work on this bill.

Mr. HALL of Texas. Madam Speaker, I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I again thank the gentleman from Texas (Mr. HALL) for working with us on this bill, and also the gentleman from Pennsylvania (Mr. GREENWOOD).

Madam Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 3610, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

Mr. HORN. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (H.J. Res. 58) recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

The Clerk read as follows:

S.J. RES. 58

Whereas the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, with overwhelming bipartisan support;

Whereas Inspectors General now exist in the 27 largest executive agencies and in 30 other designated Federal entities;

Whereas Inspectors General serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Federal Government;

Whereas Inspectors General conduct and supervise audits and investigations to both prevent and detect waste, fraud and abuse in the programs and operations of the Federal Government;

Whereas Inspectors General make Congress and agency heads aware, through semiannual reports and other activities, of problems and deficiencies relating to the administration of programs and operations of the Federal Government;

Whereas Inspectors General work with Congress and agency heads to recommend policies to promote economy and efficiency in the administration of, or preventing and detecting waste, fraud and abuse in, the programs and operations of the Federal Government;

Whereas Inspectors General receive and investigate information from Federal employees and other dedicated citizens regarding the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety;

Whereas Inspector General actions result in, on a yearly basis, recommendations for several billions of dollars to be spent more

effectively; thousands of successful criminal prosecutions; hundreds of millions of dollars returned to the United States Treasury through investigative recoveries; and the suspension and disbarment of thousands of individuals or entities from doing business with the Government; and

Whereas for 20 years the Offices of Inspectors General have worked with Congress to facilitate the exercise of effective legislative oversight to improve the programs and operations of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the many accomplishments of the Offices of Inspectors General in preventing and detecting waste, fraud, and abuse in the Federal Government;

(2) commends the Offices of Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and

(3) reaffirms the role of Inspectors General in promoting economy, efficiency and effectiveness in the administration of the programs and operations of the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 58.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

As chairman of the House Subcommittee on Government Management, Information, and Technology and on behalf of the gentleman from Indiana (Chairman BURTON) of the Committee on Government Reform and Oversight, the committee to which we are responsible for overseeing the economy and efficiency of the Federal Government, I am rising to recognize a very important asset we have in the war that we have waged consistently against waste, fraud and abuse within the Federal Government.

Madam Speaker, 20 years ago this month, in an effort to more effectively combat waste and mismanagement in Federal programs, on a bipartisan basis the predecessor of the Committee on Government Reform and Oversight—then known as the Committee on Government Operations—worked to establish inspectors general in our largest executive agencies. Later, the Inspector General Act of 1978 was expanded so that today we have inspectors general in 27 major agencies and in 30 of our smaller Federal agencies.

Not only my committee, the House Subcommittee on Government Management, Information, and Technology, but the entire Congress, has come to rely heavily on the critical work of the inspectors general. Their audits and their inspections help root out serious problems in various Federal programs and bring them into the light of day so both the administration and Congress can deal with it.

In April 1998, the subcommittee conducted a series of hearings which examined financial management practices in the Federal Government. One of these hearings focused on the status of financial management practices in the Health Care Financing Administration. It has a new, very able administrator and I wish her well in bringing efficiency to this complex agency.

At that hearing, the Inspector General of the Department of Health and Human Services exposed a stunning $20,300,000,000 in waste, fraud and abuse in the Medicare program. The Medicare program is one of this Nation's most important programs. Every dollar invested by the taxpayers and by Congress, and the clients and beneficiaries, must be utilized for quality medical and health care. Medicare was saved by our majority. Its benefits will be available to the generations yet to come.

With the exposure of problems such as this, agencies and Congress can work to improve programs on a bipartisan basis, make them more efficient, more effective and less costly. American taxpayers deserve no less from us than to provide the utmost accountability for their hard-earned money.

With this resolution, we salute the inspectors general and their staffs and we thank them for their two decades of extremely important work on behalf of the American people and Congress.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and urge its adoption by the House. The Committee on Government Reform and Oversight has a long history of working in a bipartisan manner with the inspectors general to eliminate waste, fraud and abuse in Federal programs. Indeed, the original authorizing statute establishing inspectors general in the executive branch was drafted by the Government Operations Committee 20 years ago.

The close relationship between the inspectors general and the Committee on Government Reform and Oversight is entirely appropriate. The Inspector General community is one of Congress' principal watchdogs in the executive branch. There is much we can learn from each other as we work to ensure that our government operate in the most effective and efficient manner possible.

IGs have a very difficult job, in part because they are asked to serve so many masters. They are appointed by the President, but report to the Congress as well as the agency head. As independent investigators within the Federal agencies, they are often the last person a manager wants to hear from, and Members of Congress can get very upset when the need or cost of pet projects are questioned. Yet, in many instances the toughest jobs are the ones which need doing the most. That is certainly the case here.

During fiscal year 1997, IGs returns $3 billion to the Federal Government in restitution and recoveries and their audits identified other $25 billion in funds which could be used more effectively. They also had more than 15,000 successful criminal prosecutions and over 6,000 debarments, exclusions, and suspensions of companies or individuals doing business with the government.

Similar accomplishments are made year after year. The IGs have more than proven their usefulness to Congress and the American public. The Chief Financial Officers Act, the Government Management Reform Act and the Government Performance and Results Act have given the IGs some new responsibilities, particularly to ensure that Congress has complete and reliable financial information. Their work in this area is invaluable to policymakers and management executives throughout the administration.

Madam Speaker, it has been 20 years since the passage of the original IG act, and 10 since the 1988 amendments authored by Senator GLENN. The original act established IGs in six Cabinet level departments. One measure of its success is the fact that today there are inspectors general in all departments, and also in most major independent agencies.

Madam Speaker, as this resolution states in part, inspectors general serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the government.

May I add that when it came time to choose a United States Attorney for the District of Columbia, I asked the President to appoint the Inspector General from the Department of the Interior, Wilma Lewis. She has already shown what the experience of an IG can do for the city, the Nation's capital. I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to mention just a few items that are in a statement offered by the gentleman from Indiana (Mr. BURTON). In the fiscal year 1997, which ended September 30, 1997, the inspector general audits identified $25 billion in funds that year that could be put to better use. They returned to the government $3 billion in restitution and investigative recoveries. They had more than 15,000 successful criminal prosecutions and over 6,000 debarments, exclusions, and suspension of firms or individuals doing business with the government.

They are on our frontline, Madam Speaker, and we appreciate them for

their 20 years of very difficult work. Under various administrations, there has sometimes been a difficulty between the Inspector General and the Secretary of an executive department or the administrator of a particular program. A wise administrator listens to the Inspector General and does the right thing. Generally, the inspectors general have prevailed.

Madam Speaker, I urge the passage of this timely resolution.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate joint resolution, S.J.Res. 58.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4566) to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997, as amended.

The Clerk read as follows:

H.R. 4566

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 ''District of Columbia Courts and Justice Technical Corrections Act of 1998''.

SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11–1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(B) by inserting after the second sentence the following new sentences: ''Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.''.

(2) In subsection (b)(2)—

(A) by striking ''chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia'' and inserting ''Secretary'';

(B) by striking ''and the Secretary'';

(C) by striking ''and appropriations''; and

(D) by striking ''and deficiency''.

(3) By amending subsection (c) to read as follows:

''(c)(1) Amounts in the Fund are available—

''(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

''(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

''(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary s responsibilities under this subchapter.

''(2) Notwithstanding any other provision of District law or any other law (other than the Internal Revenue Code of 1986), rule, or regulation—

''(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

''(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.''.

(4) In subsection (d)(1)—

(A) by striking ''Subject to the availability of appropriations, there shall be deposited into the Fund'' and inserting ''The Secretary shall pay into the Fund from the General Fund of the Treasury''; and

(B) by striking ''(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)''.

(5) In subsection (d)(2)(A)—

(A) by striking ''June 30, 1997'' and inserting ''September 30, 1997''; and

(B) by striking ''net the sum of future normal cost'' and inserting ''net of the sum of the present value of future normal costs''.

(6) In subsection (d)(3), by striking ''shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and''.

(7) By adding at the end the following new subsections:

''(h) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(i) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.''.

(b) REGULATORY AUTHORITY OF SECRETARY.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) REGULATIONS; EFFECT ON REFORM ACT.—Title 11, District of Columbia Code, is amended by adding the following new section:

'§ 11-1572. Regulations; effect on Reform Act

'(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary's discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

'(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.'.''; and

(3) by amending subsection (c) (as so redesignated) to read as follows:

''(c) CLERICAL AMENDMENTS.—

''(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11–1570 to read as follows:

'11–1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.'.

''(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

'11-1572. Regulations; effect on Reform Act.'.''

(c) TERMINATION OF PREVIOUS FUND AND PROGRAM.—Section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting ''(except as provided in section 11–1570, District of Columbia Code)'' after ''the following'';

(2) in subsection (c)(1), by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(3) in subsection (c)(2)—

(A) by striking ''(2) The'' and inserting ''(2) In accordance with the direction of the Secretary, the'';

(B) by striking ''in the Treasury'' and inserting ''at the Board''; and

(C) by striking ''appropriated'' and inserting ''used''.

(d) ADMINISTRATION OF RETIREMENT FUNDS.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

''(1) In applying each such section—

''(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

''(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;