

and arms transfers may only be provided for Ethiopia or Eritrea for any period of time for which the President determines that Ethiopia or Eritrea (as the case may be) is in compliance with, or is taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(c) EXCEPTIONS.—The limitation on assistance under subsections (a) and (b) shall not apply with respect to humanitarian assistance (such as food or medical assistance), assistance to protect or promote human rights, and assistance to prevent, treat, and control HIV/AIDS.

(d) WAIVER.—The President may waive the application of subsection (a) or (b) with respect to Ethiopia or Eritrea, particularly for the provision of peacekeeping assistance or counterterrorism assistance, if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 7. INTEGRATION AND BORDER DEVELOPMENT INITIATIVE.

(a) ASSISTANCE.—After the date on which the border demarcation between Ethiopia and Eritrea is finalized (consistent with the decision of the Boundary Commission established by the Comprehensive Peace Agreement), the President shall establish and carry out an initiative in conjunction with the Governments of Ethiopia and Eritrea under which assistance is provided to reduce the adverse humanitarian impacts on the populations of the border region, prevent conflict which might result from the demarcation process, and further social and economic development projects that are identified and evaluated by local authorities to establish sustainable integration, development, and trade at the border region.

(b) PROJECT EXAMPLES.—Examples of development projects referred to in subsection (a) are—

(1) startup initiatives, including farming projects, to promote community economic development and the free flow of trade across the border between the two countries;

(2) generous compensation packages for families displaced by the border demarcation and support for relocation;

(3) effective mechanisms for managing movement of persons across the border between the two countries;

(4) an increase in the supply of basic services in the border region, including water, sanitation, housing, health care, and education; and

(5) support for local efforts to reinforce peace and reconciliation in the border region.

SEC. 8. REPORT.

Until the date on which the border demarcation between Ethiopia and Eritrea is finalized, the President shall prepare and transmit on a regular basis to the appropriate congressional committees a report that contains a description of progress being made toward such demarcation, including the extent to which Ethiopia and Eritrea are in compliance with, or are taking significant steps to comply with, the terms and conditions of the Algiers Agreements, and are otherwise cooperating with internationally-sanctioned efforts to resolve the current impasse.

Mr. SMITH of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

The amendment in the nature of a substitute was agreed to.

Mr. LANTOS. Mr. Speaker, I want to thank the Chairman of the Committee on International Relations, my good friend from Illinois, for agreeing to move this important legislation forward. With passage of this legislation, Congress will further encourage the end to a long, protracted dispute between these two desperately poor nations.

In July 2003, after considerable deliberation, I introduced this legislation to let the Eritrean and Ethiopian governments know that the international community's patience with this costly border dispute could not go on forever. Mr. Speaker, Ethiopia and Eritrea fought an unnecessary and bloody two-year war beginning in May 1998, which claimed 100,000 lives and displaced more than 1,000,000 people. The damage of the war was exacerbated by a preventable food crisis that left nearly 12 million people at risk of starvation.

Today, 20 years after the 1984 Ethiopian famine, both Ethiopians and Eritreans rely increasingly on food aid abroad while their governments spend hundreds of millions of dollars on weapons. In 2000, Ethiopia and Eritrea signed a comprehensive peace agreement in Algiers. The agreement established a neutral Boundary Commission and the parties agreed that the decision of the Commission is final and binding.

In April 2002, the Boundary Commission announced its Delimitation Decision, placing the heavily disputed town of Badme in Eritrea. Both nations initially accepted the ruling, although Ethiopia later rejected the Commission's ruling. Ethiopia's refusal to accept the decision of the Boundary Commission has delayed demarcation of the boundary and is costing the international community millions of dollars because of the delay.

To date, more than \$600 million have been spent to keep U.N. peacekeeping troops in a 25-kilometer-wide temporary security zone between the two countries. Meanwhile, the people of both nations are starving. In Eritrea, the 2004 donor appeal included a request for nearly \$150 million to meet their food requirements for this year alone. Meanwhile, 13 million Ethiopians will meet none of their food needs in the 2004–05 production year, increasing to 14 million in 2005–06 and reaching an estimated 17.3 million by 2007–2008.

Mr. Speaker, over the past decade, the United States has provided \$1.8 billion in foreign assistance to Ethiopia and another \$333 million to Eritrea. So, why is the international community being asked to spend one-half a billion dollars to keep Ethiopia and Eritrea from attacking each other while their people starve? Mr. Speaker, what is wrong with this picture? And why, after agreeing to the Boundary Commission's decision, has Ethiopia continued its refusal to comply with its own binding commitment?

U.N. Secretary General Kofi Anan appointed Lloyd Axworthy, the former Canadian foreign minister, as his Special Envoy and charged him with reinforcing international efforts to settle the dispute and move the process forward. While I deeply disagree with the position taken by President Meles of Ethiopia, I want to commend him for extending the courtesy of meeting with the Special Envoy during his visit to Ethiopia.

On the other hand, I cannot express the extent of my dismay and disappointment that President Issaias of Eritrea refused to meet the Special Envoy, illustrating his own inflexi-

bility and disdain for international efforts. There were no preconditions for meeting Mr. Axworthy, and only a diplomatic courtesy was expected.

Mr. Speaker, it is an outrage that these two countries whose citizens live on the very edge of survival cannot end their belligerent relationship, settle their dispute, and get on with addressing the critical economic, social, and political needs of their people. Instead of developing the great agricultural potential of Ethiopia and exploiting Eritrea's strategic port, these two countries find themselves permanently locked in a dispute and ultimately, appealing again to the international community for humanitarian help.

Mr. Speaker, H.R. 2760 sends a very clear message to both countries—abide by the Algiers Agreement and respect international diplomatic efforts and the United States will work to build economic prosperity and peace in the border areas. However, if either country fails to abide by the Algiers Agreement or refuses to cooperate with the Special Envoy, there should be consequences.

The amendment offered by the gentleman from Michigan, Mr. SMITH, and myself updates the resolution and has been agreed by both sides of the aisle. I want to thank my good friend from Michigan for assistance in this matter.

Mr. Speaker, I urge all of my colleagues to vote in support of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2760.

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

There was no objection.

CONFERENCE REPORT ON H.R. 1047, MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes:

(Conference report will be printed in Book II of the RECORD.)

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report to accompany the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, and that the conference report be considered as having been read.

The Clerk read the title of the conference report.

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

There was no objection.

(For conference report and statement, see immediately prior proceedings of the House of today.)

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 5295) to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5295

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 "Federal Employees Dental and Vision Benefits Enhancement Act of 2004".

SEC. 2. ENHANCED DENTAL BENEFITS.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

"CHAPTER 89A—ENHANCED DENTAL BENEFITS

- "Sec.
- "8921. Definitions.
- "8922. Availability of dental benefits.
- "8923. Contracting authority.
- "8924. Benefits.
- "8925. Information to individuals eligible to enroll.
- "8926. Election of coverage.
- "8927. Coverage of restored survivor or disability annuitants.
- "8928. Premiums.
- "8929. Preemption.
- "8930. Studies, reports, and audits.
- "8931. Jurisdiction of courts.
- "8932. Administrative functions.

"§ 8921. Definitions

"In this chapter:

- "(1) The term 'employee' means an employee, as defined by section 8901(1).
- "(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings given such terms by section 8901.
- "(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.
- "(4) The term 'Office' means the Office of Personnel Management.

"(5) The term 'qualified company' means a company (or consortium of companies) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs, and, if required, is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

"(7) The term 'State' includes the District of Columbia.

"§ 8922. Availability of dental benefits

"(a) The Office shall establish and administer a program through which an eligible individual may obtain dental coverage to supplement coverage available through chapter 89.

"(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

"(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

"§ 8923. Contracting authority

"(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8924, without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

"(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) Each contract under this section shall contain—

- "(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;
- "(2) the terms of the enrollment period; and
- "(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

"(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

"(d)(1) Each contract under this chapter shall require the qualified company to agree—

- "(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and
- "(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—
 - "(i) to establish internal procedures designed to expeditiously resolve such disputes; and
 - "(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-

party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

"(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

"(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

"(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

"§ 8924. Benefits

"(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

"(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

"(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

- "(1) Diagnostic.
- "(2) Preventive.
- "(3) Emergency care.
- "(4) Restorative.
- "(5) Oral and maxillofacial surgery.
- "(6) Endodontics.
- "(7) Periodontics.
- "(8) Prosthodontics.
- "(9) Orthodontics.

"(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery specified by the Office. The Office shall require qualified companies to include underserved areas (with respect to dental services) in their service delivery areas.

"(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

"§ 8925. Information to individuals eligible to enroll

"(a) The qualified companies, at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions) that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

"(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

"§ 8926. Election of coverage

"(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll