

99th Congress, and he traveled to Bangladesh to observe disaster relief programs in the 100th Congress. Congressman Hall also helped create the Select Committee on Hunger, which focused on the problem of hunger both domestically and internationally. He served as chairman of that Select Committee from 1988 until its elimination in 1993.

Congressman Hall continues to work to banish world hunger and promote developmental assistance. In 2002, President Bush appointed him Ambassador to the United Nations Agencies for Food and Agriculture.

This bill to designate the "Tony Hall Federal Building and U.S. Courthouse," is a fitting tribute to the compassion and humanity with which Ambassador Hall conducts his public service.

I urge my colleagues to support H.R. 5335.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 5335, to designate the Federal Building and United States courthouse at 200 West 2nd Street in Dayton, OH, as the "Tony Hall Federal Building and United States Courthouse."

As you know, Mr. Speaker, our former colleague Tony Hall was nominated by President Bush to be the United States Ambassador to the United Nations food and agriculture agencies located in Rome, Italy, and resigned his seat as the representative of the 3rd District of Ohio last month to take his post in Rome, where he will be able to continue his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to thank Congressman DAVID HOBSON of Ohio for introducing H.R. 5335 to honor Tony in his hometown of Dayton by attaching his name to the federal building and courthouse there. It is an appropriate recognition for the nearly 24 years of service in the House and the 10 years of service in the Ohio General Assembly that Tony Hall provided to the people of Dayton and surrounding areas.

We already miss Tony in the House, but I know that he is absolutely the right person to serve as the United States representative to the World Food Program, the Food and Agriculture Organization, and International Fund for Agricultural Development, all agencies of the United Nations which assist international hunger-relief efforts.

Tony Hall's name is synonymous with the cause of alleviating hunger both domestically and worldwide. He believes that food is the most basic of human needs, the most basis of human rights, and he passionately worked to convince others that the cause of hunger, which often gets lost in the legislative shuffle and pushed aside by more visible issues, deserved a prominent share of attention and resources to assist people who are the most at risk and too often the least defended.

He also worked as a tireless advocate for the cause of human rights around the world and focused his attention on the illicit diamond trade in Sierra Leone. He convinced me to travel with him to Sierra Leone in later 1999 to see how the machete-wielding rebels there have intimidated men, women, and children by hacking off arms, legs, and ears. He led the effort in bringing to the attention of Congress the conflict diamond trade and authoring legislation to certify that the diamonds Americans buy are not tainted with the blood of the people of Sierra Leone and other African nations.

We also traveled together in January to Afghanistan with Congressman JOE PITTS as the

first congressional delegation to that country since the war on terrorism. We visited hospitals, an orphanage, schools, and refugee camps. We met with U.S. diplomats and soldiers; with local leaders and officials with direct responsibility for humanitarian problems and refugees; with representatives of United Nations and private relief organizations; and in Pakistan with refugees and members of religious minority groups.

Tony is never deterred in his effort to help make a positive difference in the lives of suffering people. In his years in Congress, he traveled to wherever the need arose and met with whomever he could to effect change, taking risks few would take, with his own comfort and safety never entering his mind.

I believe Tony's life destiny is to be a servant. During 1966 and 1967, he taught English in Thailand as a Peace Corps volunteer. He returned to Dayton to work as a realtor and small businessman for several years, but before long, he was elected to the Ohio House of Representatives where he served from 1969 to 1972, and then to the Ohio Senate, serving from 1973 to 1978. On November 7, 1978, Tony was elected to the House of Representatives from the 3rd District of Ohio and served with distinction for over two decades.

Tony Hall is an inspiration to everyone fortunate enough to know him. He has a wonderful combination of compassion and passion filled with spiritual purpose—compassion to see the suffering in the less fortunate in the world and the passion to work to do something about it.

I urge a unanimous vote in support of H.R. 5335, to recognize the dedicated public service of Tony Hall by naming the federal building and courthouse in Dayton, OH, in his honor.

Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5335.

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

A motion to reconsider was laid on the table.

#### AMENDING THE GENERAL EDUCATION PROVISIONS ACT REGARDING FAMILY EDUCATIONAL AND PRIVACY RIGHTS

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5331) to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights.

The Clerk read as follows:

H.R. 5331

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT.

Paragraph (6) of subsection (a) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g; also known as the Family Educational Rights and Privacy Act of 1974) is amended by inserting "(other than a per-

son educated at a home school, whether or not a home school is treated as a home school or a private school under State law)" after "does not include a person".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TIBERI) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TIBERI).

#### GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5331.

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

There was no objection.

Mr. TIBERI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY), an author of this legislation.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleague from Ohio for yielding me this time, and I speak today on behalf of this very important bill. I want to begin by thanking the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and his staff for their cooperation and their leadership on gaining a hearing for this very important legislation that we are scheduling here today.

This is a very simple but very important piece of legislation.

□ 2045

Mr. Speaker, it further enshrines in the law that we will treat all students equally and that we will protect family privacy. The problem stems from uncertainty in the Family and Educational Rights and Protection Act. Confusion about who is covered under the act has led to the private information of many nonpublic students being treated as public information. This has caused confusion in Minnesota and other States across the Nation. While the law is being applied appropriately for most students, many home-schooled and private school students have faced problems with their personal information being released to the public.

I do not believe that was the intent of the law. We should fix it and make sure that all students have the same protections of privacy under the law. This common-sense solution simply clarifies the definition of a student and ensures that all students' private information is protected. I urge Members to vote for this bill.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5331 would ensure that the educational records of home-schooled students are provided the same protections as the education records of non-home-schooled students. This legislation evens the playing field,

and we have no objection to its passage.

However, I am concerned that this House has the time to debate this legislation, yet has been unable to pass a Labor-HHS-Education appropriations bill. H.R. 5331 focuses on protecting the educational records of home-schooled students. Unfortunately, by our inaction on the education budget, we have failed to provide vital funding that benefits the remaining 99 percent of our children, those who attend public schools.

President Bush's fiscal year 2003 budget provides for the smallest increase in education funding in the past 7 years. His budget provides only a 2.8 percent increase.

Mr. Speaker, Congress has increased the education budget by 15 percent annually over the past 7 years. President Bush's proposal is absolutely unacceptable, and our time today could be much better spent if we address that issue instead of an issue we all agree on. I support passage of this legislation, but believe that the American people would be better served by the passage of an education budget.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, again I want to reiterate what the sponsor of this legislation, the gentleman from Minnesota (Mr. KENNEDY), has already said, and that is H.R. 5331 makes a technical correction to FERPA to ensure that the records of home-schooled students are treated in the same manner as all other public school students today. H.R. 5331 requires local school districts to treat the records of all students in the same manner and protect the privacy rights of all students. I urge Members to pass the Kennedy-sponsored bill, H.R. 5331.

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

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to remind Members that the President had a bipartisan vote on a bill called Leave No Child Behind. It was a good bill, but what the President forgot is we have to fund good bills. He is leaving 99 percent of our children behind by not including full funding for his bill in this budget.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 5331, which would extend educational and privacy rights currently available to families of public school students to home schooled children. I want to applaud my colleague from Minnesota, Representative MARK KENNEDY, for sponsoring this legislation and his continued commitment to the education of our nation's children. This bill provides an important opportunity for Congress to correct an oversight in the federal Family Educational Rights and Privacy Act of 1974 (FERPA) that has resulted in some school districts and states being unable to maintain the privacy of information collected from families who home school their children.

Under current law, FERPA protects the privacy of students who attend public school. However, many school districts and numerous States hold the private records of home-schooled students because these students are required by State law to register either with their State or local school district. A privacy problem arises from FERPA's definition of a student, which "does not include a person who has not been in attendance at such agency or institution." Therefore, under current law, the information of a home-schooled student who has never attend a public school is not protected under FERPA. Unless States or local school boards create their own rules restricting the release of home-schooled student information, public schools can freely disseminate a home-schooled student's private information.

By closing this loophole in the law, home-school student's records nationwide would be protected, including in Representative KENNEDY's home state of Minnesota, which classifies such information as public. FERPA should treat all students the same and not permit districts to disseminate publicly the records of some children, while protecting the records of others.

H.R. 5331 exemplifies the commitment that this Congress has shown to parents who choose to home school their children. I am proud to be a co-sponsor and urge my colleagues to vote yes on this legislation extending privacy protections to families of home-schooled students.

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

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and pass the bill, H.R. 5331.

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

A motion to reconsider was laid on the table.

#### BLACK LUNG CONSOLIDATION OF ADMINISTRATIVE RESPONSIBILITY ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5542) to consolidate all black lung benefit responsibility under a single official, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5542

*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 "Black Lung Consolidation of Administrative Responsibility Act".

#### SEC. 2. TRANSFER OF PART B BLACK LUNG BENEFIT RESPONSIBILITIES FROM COMMISSIONER OF SOCIAL SECURITY TO SECRETARY OF LABOR.

(a) IN GENERAL.—Part B of the Black Lung Benefits Act (30 U.S.C. 921 et seq.) other than section 415(b) (30 U.S.C. 925(b)) is amended by striking "Commissioner of Social Security" each place such term appears and inserting "Secretary".

#### (b) CONFORMING AMENDMENTS.—

(1) Section 402 of such Act (30 U.S.C. 902) is amended—

(A) in subsection (c), by striking "where used in part C" and inserting "except where expressly otherwise provided,";

(B) in subsection (f)(1), by inserting after "Secretary of Health, Education, and Welfare" the following: "which were in effect on the date of enactment of the Black Lung Consolidation of Administrative Responsibilities Act,";

(C) in subsection (f)(2)—

(i) by striking "which is subject to review by the Secretary of Health, Education, and Welfare," and inserting "arising under part B"; and

(ii) by striking the comma after "Secretary of Labor"; and

(D) in subsection (i), by amending paragraph (1) to read as follows:

"(1) for benefits under part B that was denied by the official responsible for administration of such part; or".

(2) Section 413(b) of such Act (30 U.S.C. 923(b)) is amended by striking "In carrying out the provisions of this part" and all that follows through "Social Security Act, but no" and inserting "No".

(3) Section 415 of such Act (30 U.S.C. 925) is amended—

(A) in subsection (a)—

(i) by striking paragraph (2);

(ii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(iii) in paragraph (4) (as so redesignated), by striking "paragraph 4" and inserting "paragraph (2)"; and

(B) in subsection (b), by striking "after consultation with the Commissioner of Social Security,".

(4) Section 426 of such Act (30 U.S.C. 936) is amended—

(A) in subsection (a), by striking "the Commissioner of Social Security,"; and

(B) in subsection (b), by amending the first sentence to read as follows: "At the end of fiscal year 2003 and each succeeding fiscal year, the Secretary of Labor shall submit to the Congress an annual report on the subject matter of parts B and C of this title.".

(5) Public Law 94-504 (30 U.S.C. 932a) is amended by striking "under part C" and inserting "under part B or part C".

(c) REPEAL OF OBSOLETE PROVISIONS.—The following provisions of law are repealed:

(1) Section 435 of the Black Lung Benefits Act (30 U.S.C. 945).

(2) Sections 11 and 19 of the Black Lung Benefits Reform Act of 1977 (30 U.S.C. 924a, 904).

#### SEC. 3. TRANSITIONAL PROVISIONS.

(a) APPLICABILITY.—This section shall apply to the transfer of all functions relating to the administration of part B of subchapter IV (30 U.S.C. 901 et seq.) from the Commissioner of Social Security (hereinafter in this section referred to as the "Commissioner") to the Secretary of Labor, as provided by this Act.

(b) TRANSFER OF ASSETS, LIABILITIES, ETC.—

(1) The Commissioner shall transfer to the Secretary of Labor all property and records that the Director of the Office of Management and Budget determines relate to the functions transferred to the Secretary of Labor by this Act or amendments made by this Act.

(2) Section 1531 of title 31, United States Code, shall apply in carrying out this Act and amendments made by this Act, except that, for purposes of carrying out this Act and amendments made by this Act, the functions of the President under section 1531(b)