

There being no objection, the Senate, at 1:32 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA APPRO-
PRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes of debate evenly divided on the Hutchison amendment. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understood it was 30 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I suggest the Senator from Connecticut be recognized—and this has been cleared on both sides—as in morning business for 7 minutes.

(The remarks of Mr. DODD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. DODD. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, so there is no misunderstanding, I have spoken with Senator LANDRIEU and Senator HUTCHISON, and the unanimous consent request Senator LANDRIEU made takes 3½ minutes off each side.

The PRESIDING OFFICER. That is the Chair's understanding.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to use 5 minutes and be informed at the end of 5 minutes so Senator DURBIN may take the floor, and I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, my amendment attempts to be a compromise between those who wish to take the caps off the attorney's fees for suing the District of Columbia School District and what I think is a quite reasonable approach, which is to keep the caps but raise them.

For the last 3 years, we have had caps on attorney's fees. That was made necessary because of the exorbitant fees that were being charged to the District, and that was money coming directly out of the education system. In fact, before the caps were put in place, attorney's fees represented \$14 million of the DC school budget. Since the caps have been put in place, we have had a

figure of \$3.5 million per year average for attorney's fees, and the extra \$10.5 million has been able to go into the services we are seeking to provide for handicapped and special needs children.

Moreover, we have been informed by the District of some of the excessive fees that were being billed before the caps. This is billing the school district for plaintiff's lawyer fees when the plaintiff has been successful. One attorney before the caps individually made \$1.4 million in fees in 1 year suing the District of Columbia schools.

Another law firm billed over \$5 million in a single year to the District of Columbia schools. Submission of a variety of questionable expenses, including flowers, ski trips, and even a trip to New Orleans ostensibly made to scout out private schools far from the District that might be able to accommodate special needs students.

The reason we are trying to put some reasonable caps on these attorney's fees and excessive billings is so the money will go into education. Our amendment has a cap of \$150 an hour. If a lawyer billed 2,000 hours at \$150 an hour, that would be a \$300,000 annual income.

So, we are not saying lawyers should not make a reasonable amount, and we are certainly not subjecting parents to lawyers who cannot make a living. I think \$150 an hour is quite respectable. That is why we have tried to reach out to the other side and do something that is reasonable but not exorbitant.

We are trying to help the District of Columbia schools. We have a letter from the superintendent of schools and the president of the school board requesting us to take this action. They are very concerned that millions of dollars will go into lawyer's fees rather than to improve the services they give. In fact, they are increasing the number of teachers for special needs students. They are increasing the amount of medical equipment for these special needs students, and that is exactly what we want them to do. So I am trying to be helpful to the DC schools. Educators are the ones who can best determine need.

Our amendment also has an out; that if the District itself believes the caps are too low, they have the ability to override this amendment and this act of Congress and increase the fee caps, with the mayor and the school district working together.

I think that takes care of letting the local people have a final decision, doing what they have asked us to do in putting on reasonable caps, as they are trying to do the very difficult job of providing a quality education for all the students of the District of Columbia.

I was the chairman of the DC Subcommittee and I want so much to do what is right for the District. I learned

their needs, and I worked with the mayor and the school representatives to try to give them the tools to do the job they are doing. That is why I feel strongly enough to offer this amendment so the millions of dollars that have been actually assessed against the school, even though it was against the law by one of the judges, will not be able to be collected. It would be against the Federal law for retroactive fees to be collected.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I will stop there, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. I believe the chair of our subcommittee has yielded her remaining time in debate to me.

I ask the Senator from Texas a simple question, and a yes or no answer would suffice. We are talking about limiting the fees paid to attorneys who represent children who are trying to get into special education. Could the Senator from Texas tell me, is there a law in her home State of Texas limiting the fees paid to attorneys in her State who represent children in special education cases?

Mrs. HUTCHISON. Mr. President, I thank the Senator for the question because, of course, there are not those kinds of limits in Texas, but neither does the State of Texas get 20 percent of its budget from the Federal Government. The Federal Government has the constitutional role of making sure the District runs. That is why we have taken on 23 percent of the Federal budget.

Mr. DURBIN. I thank the Senator from Texas for responding to my question.

Reclaiming my time, Mr. President.

Mrs. HUTCHISON. That is why we make sure the Federal taxpayer dollars are used wisely.

The PRESIDING OFFICER. The Senator from Illinois has the time.

Mr. DURBIN. I thank the Senator from Texas.

The answer was no. It was a long answer, but the answer was no, in Texas there is no limit on the amount of money paid in her home State to attorneys representing the families of children who are seeking special education. But she is saying with her amendment we are going to change that rule in the District of Columbia. No other State in the Nation has done what the Senator from Texas wants to do to the District of Columbia.

What is this all about? It is about a law passed by Congress which said we want to give kids with disabilities a chance for an education. We know sometimes when they try to seek that education they have to put up a fight. The school board says, no, we cannot