

**AMENDMENT TO H.R. 847**

**OFFERED BY M** \_\_\_\_\_

Page 110, line 1, strike "(A) IN GENERAL.—Notwithstanding any other provision of law, subject to subparagraph (B), liability" and insert "Notwithstanding any other provision of law, liability." with appropriate paragraph indentation.

Page 110, line 16, strike "thereof".

Page 110, line 17, strike "following" and insert "following, as may be applicable".

Page 111, line 1, strike "The" and insert "As it relates to the limitation of liability of the City of New York, the".

Page 111, line 8, amend the proposed clause (iv) to read as follows:

- 1                                   “(iv) As it relates to the limitation of
- 2                                   liability of any entity, including the Port
- 3                                   Authority of New York and New Jersey,
- 4                                   with a property interest in the World
- 5                                   Trade Center on September 11, 2001
- 6                                   (whether fee simple, leasehold or easement,

1 or direct or indirect), the amount of all  
2 available liability insurance coverage main-  
3 tained by any such entity.”.

Page 111, line 16, amend the proposed clause (v) to read as follows:

4 “(v) As it relates to the limitation of  
5 liability of any individual contractor or  
6 subcontractor, the amount of all available  
7 liability insurance coverage maintained by  
8 such contractor or subcontractor on Sep-  
9 tember 11, 2001.”.

Page 111, line 19, strike the proposed subparagraph (B).

Page 112, line 5, strike “order” and insert “order, as may be applicable”.

Page 113, after line 2, insert the following new section:

10 **SEC. 205. FUNDING; ATTORNEY FEES.**

11 Section 406 of the Air Transportation Safety and  
12 System Stabilization Act (49 U.S.C. 40101 note) is  
13 amended—

1 (1) in subsection (a), by striking “Not later  
2 than” and inserting “Subject to subsection (d), not  
3 later than”;

4 (2) in subsection (b), by striking “This title”  
5 and inserting “Subject to subsection (d), this title”;  
6 and

7 (3) by adding at the end the following new sub-  
8 sections:

9 “(d) LIMITATION.—The total payment of amounts  
10 for compensation under this title, with respect to claims  
11 filed on or after the date on which the regulations are up-  
12 dated under section 407(b), shall not exceed  
13 \$8,400,000,000.

14 “(e) ATTORNEY FEES.—

15 “(1) IN GENERAL.—Notwithstanding any con-  
16 tract, and except as provided in paragraph (2), the  
17 representative of an individual may not charge, for  
18 services rendered in connection with the claim of an  
19 individual under this title, more than 10 percent of  
20 an award made under this title on such claim.

21 “(2) EXCEPTION.—With respect to a claim  
22 made on behalf of an individual for whom a lawsuit  
23 was filed in the Southern District of New York prior  
24 to January 1, 2009, in the event that the represent-  
25 ative believes in good faith that the fee limit set by

1 paragraph (1) will not provide adequate compensa-  
2 tion for services rendered in connection with such  
3 claim because of the substantial amount of legal  
4 work provided on behalf of the claimant (including  
5 work performed before the enactment of this legisla-  
6 tion), application for greater compensation may be  
7 made to the Special Master. Upon such application,  
8 the Special Master may, in his or her discretion,  
9 award as reasonable compensation for services ren-  
10 dered an amount greater than that allowed for in  
11 paragraph (1). Such fee award will be final, binding,  
12 and non-appealable.”

