

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4445
OFFERED BY MR. FITZGERALD OF WISCONSIN**

Page 4, line 6, strike the close quotation marks and the period at the end.

Page 4, after line 6, insert the following:

1 “§ 403. Fees

2 “(a) FEE DISTRIBUTION TIMING.—If the plaintiff in
3 a civil action or arbitration proceeding is seeking monetary
4 relief with respect to a sexual assault claim or a sexual
5 harassment claim, there shall be a final determination, in-
6 cluding exhaustion of appeals, of any monetary relief to
7 be paid to the plaintiff, and payment to the plaintiff, be-
8 fore the determination or payment of costs or attorneys’
9 fees to the attorney for the plaintiff.

10 “(b) FEE DETERMINATIONS BASED ON MONETARY
11 RELIEF.—Unless otherwise specified by Federal statute,
12 if a judgment or settlement agreement in a civil action
13 or arbitration proceeding provides monetary relief to the
14 plaintiff with respect to a sexual assault claim or a sexual
15 harassment claim, the portion of any attorneys’ fees paid

1 to the attorney for the plaintiff that is attributable to the
2 monetary relief with respect to that claim—

3 “(1) shall not exceed a reasonable percentage of
4 the amount of monetary relief directly distributed to
5 and received by the plaintiff with respect to the
6 claim; and

7 “(2) in any event, shall not exceed the total
8 amount of monetary relief directly distributed to and
9 received by the plaintiff with respect to the claim.

10 “(c) FEE DETERMINATIONS BASED ON EQUITABLE
11 RELIEF.—Unless otherwise specified by Federal statute,
12 if a judgment or settlement agreement in a civil action
13 or arbitration proceeding provides for equitable relief with
14 respect to a sexual assault claim or a sexual harassment
15 claim, the portion of any attorneys’ fees paid to the attor-
16 ney for the plaintiff that is attributable to the equitable
17 relief with respect to the claim shall not exceed a reason-
18 able percentage of the value of the equitable relief, includ-
19 ing any injunctive relief.”.

