

**AMENDMENT TO H.R. 1728, AS REPORTED
OFFERED BY MR. HENSARLING OF TEXAS**

In section 129B(d) of the Truth in Lending Act (as added by section 104 of the bill), add at the end the following:

1 “(3) LEGAL COSTS.—If an unsuccessful action
2 is brought against a mortgage originator by any con-
3 sumer under this section, such consumer shall bear
4 any actual legal costs of the mortgage originator, in-
5 cluding reasonable attorney fees and expert witness
6 fees, incurred in good faith in such action, as deter-
7 mined by the court.

In section 129C(d) of the Truth in Lending Act (as added by section 204 of the bill), add at the end the following:

8 “(11) LEGAL COSTS.—If an unsuccessful action
9 is brought against a creditor, assignee, or securitizer
10 by any consumer under this section, such consumer
11 shall bear any actual legal costs of the creditor, as-
12 signee, or securitizer, including reasonable attorney
13 fees and expert witness fees, incurred in good faith
14 in such action, as determined by the court.

In section 129C(g) of the Truth in Lending Act (as added by section 205 of the bill)—

(1) in paragraph (1)(B), strike the final “and”;
and

(2) insert after paragraph (1) the following (and redesignate succeeding paragraphs accordingly):

1 “(2) if an unsuccessful action is brought
2 against a creditor or any assignee or securitizer by
3 any consumer under this section, such consumer
4 shall bear any actual legal costs of the creditor, as-
5 signee, or securitizer, including reasonable attorney
6 fees and expert witness fees, incurred in good faith
7 in such action, as determined by the court; and

