



June 29, 2007

Via Electronic Delivery

Jennifer J. Johnson, Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue, N. W.
Washington, DC 20551

Re: Proposed Amendments to:

Equal Credit Opportunity Act (Regulation B)
Docket No: R-1281; 72 Federal Register 21125, April 30, 2007

Electronic Fund Transfer Act (Regulation E)
Docket No: R-1282; 72 Federal Register 21131, April 30, 2007

Truth in Lending Act (Regulation Z)
Docket No: R-1284; 72 Federal Register 21141, April 30, 2007

Truth in Savings Act (Regulation DD)
Docket No: R-1285; 72 Federal Register 21155, April 30, 2007

Dear Ms. Johnson:

This letter is submitted by Bank of America Corporation (“BAC”) in response to the Board of Governors of the Federal Reserve System’s (the “Board”) April 30, 2007 proposal to amend portions of Regulations B, E, Z and DD relating to the delivery of electronic disclosures (the “Proposed Rules”).

Relationship of the Proposed Rules to Development of the Electronic Financial Services Marketplace

BAC believes that the Electronic Signatures in Global and National Commerce Act, (“E-Sign Act”) has played a significant role in the development and expansion of a national electronic financial marketplace – where consumers can quickly and conveniently access and compare information about the array of financial services and products available to them and apply for and obtain the products that meet their needs. The E-Sign Act has established a relatively simple and



flexible infrastructure within which financial institutions have wide latitude as to how they create and maintain electronic relationships with their customers.

The Board has contributed to the development and growth of this marketplace as well, by avoiding the imposition of regulations that unduly burden or restrict the ways these relationships are developed. The Proposed Rules are a careful and considered response to developments in this marketplace since the promulgation of the interim final rules in 2001.

BAC believes, that with limited exceptions discussed below, the Proposed Rules will continue to foster a healthy environment for further growth and development of the electronic financial services marketplace.

BAC Supports the Primary Objectives of the Proposed Rules

BAC endorses those provisions of the Proposed Rules that would:

(1) withdraw those portions of the 2001 interim final rules and commentary on electronic disclosures that restate or unnecessarily cross-reference provisions of the E-Sign Act. As the Board notes, the E-Sign Act specifically addresses the requirements for delivering disclosures electronically and the elimination of these provisions from the interim final rules will have no impact on the applicability of the E-Sign Act to the underlying regulations;

(2) withdraw certain portions of the 2001 interim final rules that impose undue burdens on electronic commerce, such as the e-mail alert and redelivery requirements. We agree with the Board that changes in the marketplace have rendered these portions of the interim final rules unnecessary or ill advised; and

(3) retain the substance of important clarifications or guidance, such as the applicability of the E-Sign Act to certain advertising and application disclosures.

With some modification, BAC believes that the Proposed Rules would facilitate the ability of financial institutions to comply with existing consumer protection laws in a dynamic electronic environment. Specifically, BAC agrees with the Board's conclusion that certain advertisement, solicitation and application disclosures may be provided electronically without regard to the consent and other requirements of the E-Sign Act. BAC also agrees with the Board's observation that requiring completion of the E-Sign Act's consumer consent process under these circumstances could discourage consumers from shopping for credit electronically and create an undue burden on electronic commerce. Finally, we agree with the Board that eliminating the need to complete the E-Sign Act's consent process in these situations will not result in an increased risk of harm to consumers. As a result, BAC supports the Board's proposals to allow financial institutions to provide certain disclosures electronically without being subject to the consumer consent requirements of the E-Sign Act.



Electronic Disclosures and In-Office Applications

The Proposed Rules would require that certain disclosures be provided electronically at the time the product application is accessed electronically. BAC believes that a requirement to do so would not be appropriate or feasible in all circumstances. Moreover, it could create barriers to future development of new and innovative ways of offering financial products and services without any corresponding evidence that consumers would be harmed by receiving paper rather than electronic disclosures. For example, many consumers appreciate the convenience of applying for financial products such as loans or deposit accounts in person at the institution's offices. In this case, the application data is often entered directly into the institution's application processing system based on a conversation between the institution's agent and the consumer. Required disclosures are often provided at the time of application in a paper form that the consumer can retain. Another emerging trend is for consumers to apply for these products at a standalone computer kiosk located in the financial institution, again with required disclosures provided in paper form at the time of application.

We urge the Board to accommodate these situations by allowing financial institutions to provide disclosures in either electronic or paper form, so long as the disclosures are provided in a manner that otherwise satisfies applicable timing and delivery requirements. Alternatively, the Board could specify that the requirement only applies to electronic applications accessed remotely, away from the financial institution's offices.

Mobile Devices and ATMs

Financial institutions are increasingly offering a greater array of products and services to customers via mobile devices such as cell phones and PDAs, as well as through enhanced ATMs. While the technology that facilitates this emerging service delivery channel is rapidly improving, at present there are still significant technological and operational limitations on the ability to deliver, display, retain and print required disclosures. For example, many required disclosures would be impossible to download in their entirety or take an extremely long time to download to an Internet enabled cell phone. Even if technologically feasible, depending on the terms of the consumer's mobile service agreement, the process could be cost prohibitive. These limitations are similar to limitations that financial institutions face when transacting business with customers over traditional phone lines. Many of those limitations have been addressed by special rules for the delivery of required disclosures by telephone.

BAC believes that applying rigid interpretations of traditional disclosure timing and delivery requirements to these devices could place an undue burden on financial institutions and consumers alike and could impede the development of this emerging delivery channel. As a result, BAC believes that the Board should consider the logical extension of special disclosure timing and delivery rules to the various forms of electronic communications that can be conducted through these devices.



BAC appreciates the opportunity to comment on the Proposed Rules and would be pleased to answer any questions from the Board and Staff. Questions may be directed to Robert Flemma at (704) 387-5883.

Sincerely,

Robert J. Flemma, Jr.