Capital One Financial Corporation
1680 Capital One Drive
McLean, VA 22102

April 4, 2006

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

Regulation Comments
Chief Counsel's Office
Office of Thrift Supervision
1700 G. Street, N.W.
Washington, DC 20552
No. 2005-33
regs.comments@ots.treas.gov

Office of the Comptroller of the Currency
250 E Street, S.W.
Mail Stop 1-5
Washington, DC 20219
Docket No. 05-22
regs.comments@occ.treas.gov

Mr. Robert E. Feldman
Executive Secretary
Attn: Comments/Legal ESS
Federal Deposit Insurance Corporation
550 17th Street, N.W.
Washington, DC 20429
comments@fdic.gov

Re: EGRPRA -- Disclosure and Reporting of CRA-Related Agreements

Dear Sirs and Madams,

Capital One Financial Corporation (Capital One) is pleased to submit comments in response to the federal banking agencies request for burden reduction recommendations, specifically with respect to the "CRA Sunshine" rule, 12 C.F.R. Parts 35, 207, 346 and 533.

Capital One Financial Corporation is a financial holding company whose principal subsidiaries, Capital One Bank, Capital One, F.S.B., Capital One Auto Finance, Inc., and Hibernia National Bank, offer a broad spectrum of financial products and services to consumers, small businesses, and commercial clients. Capital One's subsidiaries collectively had $47.9 billion in deposits and $105.5 billion in managed loans outstanding as of December 31, 2005. Capital One is a Fortune 200 company and, through its subsidiaries, is one of the largest providers of MasterCard and Visa credit cards in the world.

Capital One has no comments on the rule. However, the agencies also ask "whether statutory changes are needed." Our recommendation is that the statute be repealed, on the ground that it is burdensome to comply with and does not serve a pressing need.

Compliance with the CRA Sunshine rule is not easy to administer robustly. It requires comprehensive monitoring and tracking of communications and agreements with community organizations of many kinds, to ensure that the communications are not "CRA communications" (because they might include as a topic "the adequacy of the performance under the CRA of the insured depository institution") and that the agreements are not "covered agreements" (because "made pursuant to, or in connection with, the fulfillment of the Community Reinvestment Act"). In a large organization -- especially a large organization that has branches or other facilities offering consumer financial services in a number of communities, and especially if the institution is committed to building relationships and fostering the development of the communities that it serves -- the potential opportunities for such conversations or agreements may be many, and the employees who could be parties to them could be numerous.

Yet, at Capital One, the number of "covered agreements" that have been identified out of all this wide net has been *none*. This fact underlines our view that the rule, and the statutory provision under which it was adopted, serve no pressing need. Communications with community groups about an institution's involvement in its communities, or about other aspects of the institution's business, are valuable to an institution and its communities. They should be encouraged, and they should be allowed to continue without their participants worrying about whether they are CRA communications or whether any agreements resulting from them are CRA agreements and hence must be reported in order to avoid placing the parties in violation.

Our proposed resolution of these issues: Repeal the statue and rescind the rule

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Capital One appreciates the opportunity to respond to the agencies' request for recommendations. If you have any questions about this matter and our comments, please call me at (703) 720-2255.

Sincerely,

/s/

Christopher T. Curtis
Associate General Counsel
Policy Affairs

CTC:cbc