

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
2157 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6143

Majority (202) 225-5051  
Minority (202) 225-5074

August 6, 2009

Mr. Kenneth D. Lewis  
Chief Executive Officer and President  
Bank of America Corporation  
Bank of America Corporate Center  
100 N. Tryon Street  
Charlotte, NC 28202

Dear Mr. Lewis:

Thank you for testifying before the Committee on Oversight and Government Reform on June 11, 2009. We appreciate your willingness to assist the Committee in its investigation of the events surrounding Bank of America's acquisition of Merrill Lynch and the role the Federal government played in that transaction.

To aid in our investigation, we are writing to request copies of all records in your or Bank of America's custody, possession, or control that are described below:

1. Records created between September 1, 2008 and January 16, 2009 that relate to financial losses at Merrill Lynch or to Bank of America's receipt of financial assistance from the United States Government;
2. Records, including legal advice, that relate in any way to the Material Adverse Change clause of the Bank of America-Merrill Lynch merger agreement;
3. Records of legal advice that was provided to you or any Bank of America employee between September 1, 2008 and January 16, 2009 that related to disclosure of the financial condition of Merrill Lynch or to the disclosure of any U.S. government financial assistance to Bank of America; and

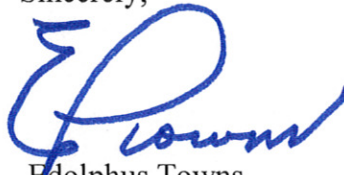
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4. Records pertaining to any meetings of the Bank of America Board of Directors that took place between September 1, 2008 and January 16, 2009.

Please deliver the requested records to the Committee on Oversight and Government Reform, room 2157 Rayburn House Office Building, no later than 12:00 noon on Friday, August 14, 2009. To facilitate delivery and review, we prefer that the records be delivered in electronic format. In responding to this request, please be advised that the terms "records" and "relating to" are defined in the attachment to this letter.

Should you have any questions regarding this request, please contact John Arlington or Christopher Staszak of the Committee staff at 202-225-5051.

Sincerely,



Edolphus Towns  
Chairman

Attachment

cc: The Honorable Darrell Issa  
Ranking Minority Member  
Committee on Oversight and Government Reform

## ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.