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16 July 2004

Federal Trade Commission  
Office of the Secretary  
Room H-159 (Annex M)  
600 Pennsylvania Avenue, NW  
Washington, D.C.

**Re: FACT Act Section 318(a)2(C) Study  
Matter No. P044804  
Federal Register, June 15, 2004**

The American Bankers Association ('ABA') is pleased to submit our comments to the Federal Trade Commission's ("Commission") request for comment on a study it will conduct, as required by Section 318(a)(2) of the Fair and Accurate Credit Transaction Act ("FACT Act"), of the effects of requiring that a consumer who has experienced adverse action with regard to a credit application receive a copy of the same credit report that the creditor relied on in making its decision. The request for comment is intended to assist the Commission in preparation of the study.

The ABA brings together all elements of the banking community to represent the interests of this rapidly changing industry. Its membership – which includes community, regional, and money center banks and holding companies, as well as savings associations, trust companies, and savings banks – makes ABA the largest banking trade association in the country.

The Commission is required to examine the extent to which providing such reports to consumers increases their ability to identify errors in their credit reports and their ability to remove fraudulent information. We do not believe that it will increase consumers' ability to do so. Our main concerns and objections are that receipt of the earlier report in many cases will confuse consumers and that any value to consumers is minimal and does not justify the costs to make the necessary operational, technical, and other changes in order to provide the report used by the creditor. Ultimately, those unnecessary costs are at least in part borne by consumers.

Requiring the creditor to provide to the consumer a copy of the credit report it relied on will be impractical in many cases and costly in others. As the Commission notes, creditors often rely on an electronic file that only computers can interpret. While it may be feasible to convert it to

