

Statement of MaryBe McMillan
Secretary-Treasurer, North Carolina State AFL-CIO

Bank of America Annual Meeting
Wednesday, April 28, 10 a.m.
Belk Theater of the North Carolina
Blumenthal Performing Arts Center
130 North Tryon St.
Charlotte, N.C. 28202

Chairman Massey, other members of the board, and fellow shareholders. I am seeking support for a policy to require the Bank of America to disclose how much of its pay to senior executives was not tax deductible, and explain why they were paid so much.

My name is MaryBe McMillan, Secretary-Treasurer of the North Carolina State AFL-CIO. I represent the AFL-CIO, a federation of 57 unions representing 11.5 million members. Union-sponsored plans hold approximately \$480 billion in assets.

Bank of America, the nation's largest bank, received \$45 billion of "extraordinary assistance" in the government TARP bailout. Companies that participated in the TARP bailout could not claim a tax deduction for more than \$500,000 in salary to senior executives.

Although Congress permits TARP companies to pay their executives more than the tax deduction limit, shareholders should be told why the Board did so. Shareholders should also be told how much these high salaries cost our company in additional taxes.

The company's argument that our proposal doesn't apply to it doesn't hold water. Bank of America repaid the TARP funds only in December, so it had to comply with the tax deduction limits. In any case, tax deduction limit for executive salaries over \$1 million applies to ALL publicly traded companies.

Last year, Bank of America paid its executives salaries that were not fully deductible. In 2009, Brian Moynihan, our Company's president and CEO, received \$800,000 in salary. Joe Price, the chief financial officer, received \$750,000. Gregory Curl, the global risk executive, received \$600,000. And Thomas Montag, the head of investment banking, received \$586,539.

Wells Fargo and several of the other banks that repaid their TARP money have adopted this proposal. Will Bank of America explain to us why you paid your executives more than the deductible limits, and how much it cost us? If not, why not?