

Similarly, the joint statement suggests that applying a blanket underwriting policy for certain groups of non-citizens may constitute discrimination in violation of ECOA if not strictly necessary for assessing the creditor's ability to obtain repayment or meet legal obligations. This example could be read as positing a bright-line, one-size-fits-all approach to underwriting noncitizens as necessary for ECOA compliance. There is no such requirement in ECOA or Regulation B, and focusing exclusively on compliance risks ignores that creditors may legitimately use additional information in particular circumstances to fully assess underwriting risks related to providing credit to those without lawful status or who are otherwise unauthorized to work in the United States. A credit applicant's immigration or citizenship status may present underwriting risks that typical assessments of financial capacity alone will not fully resolve. As Regulation B acknowledges, this is something creditors may legitimately consider. To the extent the joint statement suggested, or could be read to suggest, that the practices it describes are presumptively discriminatory in violation of ECOA, such a presumption would not be supported by ECOA or Regulation B.

The joint statement further assessed the interaction between 42 U.S.C. 1981 (section 1981) and ECOA. While the joint statement described how courts have approached the interaction between Regulation B and credit discrimination claims under section 1981 based on citizenship or alienage, the agencies did not purport to interpret the scope of liability under section 1981, nor do they purport to do so now. The agencies' withdrawal of the joint statement serves to address any misimpression that the joint statement has interpreted section 1981 to confer any liability under the statute that has not already been recognized by courts.

II. Other Considerations

While the Bureau has authority to issue guidance regarding the statutes and regulations it administers, the Bureau has determined that the joint statement is not consistent with its revised policy on the issuance of guidance. As described in its May 2025 guidance withdrawal notification, the Bureau's revised policy is to issue guidance only where necessary and where doing so would reduce compliance burdens. Given that it is the responsibility of Congress and the President in the legislative process to define or expand the contours of civil rights protections, the agencies have

determined that the joint statement is not necessary. Additionally, the joint statement does not mitigate any unnecessary compliance burdens. Therefore, having completed its review, the agencies have determined that the joint statement does not meet the Bureau's current standards for the issuance of guidance.

Finally, consistent with its May 2025 guidance withdrawal notification, the agencies do not believe that reliance interests compel the retention of the joint statement. Parties understand that such statements are non-binding. Creditors who have structured their operations consistent with the joint statement's comments on compliance risks can continue to operate in that manner without penalty and, given that the joint statement was non-binding on the public or courts, consumers' rights under ECOA are unchanged.⁶

For these reasons, the agencies are exercising their discretion to withdraw the October 12, 2023, notice titled: *Joint Statement on Fair Lending and Credit Opportunities for Noncitizen Borrowers Under the Equal Credit Opportunity Act*.

III. Regulatory Matters

The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this action is a "significant regulatory action" under E.O. 12866, as amended.

Pursuant to the Congressional Review Act, the Bureau will submit a report containing this notice of withdrawal and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States. OMB has designated this notice of withdrawal as not a "major rule" as defined by 5 U.S.C. 804(2).

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

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⁶ Although ECOA section 706(e), 15 U.S.C. 1691e(e), provides that no provision of ECOA imposing any liability applies to any act done or omitted in good faith in conformity with any Bureau rule, regulation, or interpretation, the joint statement was not any such rule or interpretation and therefore did not shield any creditor conduct from liability. The withdrawal of that statement likewise does not subject regulated entities to new liability, create rights or obligations from which legal consequences flow, or implicate reliance interests sufficient to justify retaining the joint statement.

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Federal Advisory Committee Meeting; Correction

AGENCY: Board of Visitors of the U.S. Air Force Academy (BoV AFA), Department of the Air Force.

ACTION: Notice of Federal advisory committee meeting; correction.

SUMMARY: The Department of Defense (DoD) published a notice in the **Federal Register** of January 8, 2026, announcing that the following Federal advisory committee meeting of the Board of Visitors of the U.S. Air Force Academy (BoV AFA) will take place. The document contained incorrect times.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 7, 2026, in FR Doc. 2026-00135, Docket Number 2026-00135, page 703, in the third column, fourth paragraph, correct the **DATES** caption to read:

DATES: The meeting is open to the public Thursday, February 5, 2026, from approximately 1:30 p.m. to 4:30 p.m. (Eastern Time). Those wishing to attend in person are requested to submit their name, affiliation, and phone number to USFAA.HQ.BOV@us.af.mil by January 30, 2026. The meeting will be handicap accessible. Seating is available on a first come, first served basis.

Dated January 8, 2026.

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25-28]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of