

mysticetes and all other odontocetes, including sperm and beaked whales, with no further observation of the marine mammal(s);

- The NSF must deploy vessel strike avoidance measures;
- The NSF must submit a draft report detailing all activities and monitoring results within 90 calendar days of the completion of the survey or expiration of the IHA, whichever comes sooner;
- The NSF must submit a final report within 30 days following resolution of comments on the draft report from NMFS; and
- The NSF must report injured or dead marine mammals.

### Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (87 FR 59204, September 29, 2022) and solicited public comments on both our proposal to issue the initial IHA for geophysical survey in the Ross Sea and on the potential for a renewal IHA, should certain requirements be met. During the 30-day public comment period, NMFS received no substantive comments on either the proposal to issue the initial IHA for the NSF's survey activities or on the potential for a renewal IHA.

### Preliminary Determinations

NSF's proposed activities consist of a subset of activities analyzed in the initial IHA. In analyzing the effects of the activities for the initial IHA, NMFS determined that NSF's activities would have a negligible impact on the affected species or stocks and that authorized take numbers of each species or stock were small relative to the relevant stocks (e.g., less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) NSF's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses

of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

### Endangered Species Act

The NMFS OPR Endangered Species Act (ESA) Interagency Cooperation Division issued a Biological Opinion under section 7 of the ESA (16 U.S.C. 1531 *et seq.*) on the issuance of an IHA and potential renewal IHA to NSF under section 101(a)(5)(D) of the MMPA by the NMFS OPR Permits and Conservation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed blue whales, fin whales, sei whales, and sperm whales.

### Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to NSF for conducting geophysical survey and icebreaking activities in the Ross Sea in the February 2024, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

Dated: October 12, 2023.

**Kimberly Damon-Randall,**  
Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. 2023-22913 Filed 10-17-23; 8:45 am]

**BILLING CODE 3510-22-P**

## COMMODITY FUTURES TRADING COMMISSION

### Global Markets Advisory Committee

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice; revision to meeting date.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC) published a notice in the **Federal Register** on September 8, 2023, concerning a meeting of the Global Markets Advisory Committee (GMAC or Committee) that was scheduled to occur on October 5, 2023, from 1:00 p.m. to 5:00 p.m. (Eastern Daylight Time). The September 8, 2023 notice is hereby amended to

announce that the GMAC meeting has been rescheduled to November 6, 2023, from 9:00 a.m. to 12:00 p.m. (Eastern Time). The meeting will remain open to the public with options to attend in-person and virtually. The agenda for the meeting remains unchanged. At this meeting, the GMAC will hear a presentation from the GMAC's Global Market Structure Subcommittee on the Subcommittee's workstreams involving U.S. Treasury market reforms, global standards and best practices for market volatility controls and circuit breakers, improving liquidity across asset classes, and international alignment of trading and clearing obligations to address market fragmentation, and consider recommendations from the Subcommittee on such workstreams.

At this meeting, the GMAC will also hear a presentation from the GMAC's Technical Issues Subcommittee on the Subcommittee's workstreams involving international standardization and amalgamation of trade reporting for swaps market oversight, global coordination of market events, and improving efficiencies in post-trade processes, and consider recommendations from the Subcommittee on such workstreams. Additionally, the GMAC will hear a presentation from the GMAC's Digital Asset Markets Subcommittee on the Subcommittee's workstreams involving industry standards and best practices for tokenized asset markets, the regulation of non-fungible tokens (NFTs) and utility tokens, and identification of other issues to address in digital finance and tokenization of assets, non-financial activities and Web3, and blockchain technology and consider recommendations from the Subcommittee on such workstreams. Finally, the GMAC will also address procedural matters, including topics of discussion on a forward-looking basis.

**DATES:** The meeting date announced in the **Federal Register** at 88 FR 62068 on September 8, 2023 is amended. The rescheduled meeting will be held on November 6, 2023, from 9:00 a.m. to 12:00 p.m. (Eastern Time). Members of the public who wish to submit written statements in connection with the meeting should submit them by November 13, 2023.

**ADDRESSES:** The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 for GMAC members and the public. Members of the public may also attend the meeting virtually via teleconference or live webcast. You may submit public comments, identified by

Global Markets Advisory Committee, through the CFTC website at <https://comments.cftc.gov>. Follow the instructions for submitting comments through the Comments Online process on the website. If you are unable to submit comments online, contact Brigitte Weyls, Designated Federal Officer, via the contact information listed below to discuss alternate means of submitting your comments. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC website, <https://www.cftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Brigitte Weyls, GMAC Designated Federal Officer, Commodity Futures Trading Commission, 77 West Jackson Blvd., Suite 800, Chicago, IL 60604, (312) 596-0700; or Philip Raimondi, GMAC Alternate Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC, (202) 418-5000.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation. The meeting will also be open to the public via teleconference.

*Domestic Toll and Toll Free Numbers:*

833 435 1820 U.S. Toll Free

833 568 8864 U.S. Toll Free

+1 669 254 5252 U.S. (San Jose)

+1 646 828 7666 U.S. (New York)

+1 646 964 1167 U.S. (U.S. Spanish Line)

+1 415 449 4000 U.S. (U.S. Spanish Line)

+1 551 285 1373 U.S.

+1 669 216 1590 US (San Jose)

International Numbers are available here: <https://cftc.gov.zoomgov.com/join/91234567890> and will also be posted on the CFTC's website, <https://www.cftc.gov>, on the page for the meeting, under Related Links.

*Call-In/Webinar ID:* 161 832 1892.

*Passcode/Pin Code:* 566144.

Members of the public may also view a live webcast of the meeting via the [www.cftc.gov](https://www.cftc.gov) website. The meeting agenda may change to accommodate other Committee priorities. For agenda updates, please visit <https://www.cftc.gov/About/AdvisoryCommittees/GMAC>.

After the meeting, a transcript of the meeting will be published through a

link on the CFTC's website, <https://www.cftc.gov>. Persons requiring special accommodations to attend the meeting because of a disability should notify the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

*Authority:* 5 U.S.C. 1001 *et seq.*

Dated: October 12, 2023.

**Christopher J. Kirkpatrick,**  
*Secretary of the Commission.*

[FR Doc. 2023-22944 Filed 10-17-23; 8:45 am]

**BILLING CODE 6351-01-P**

## CONSUMER FINANCIAL PROTECTION BUREAU

### Joint Statement on Fair Lending and Credit Opportunities for Noncitizen Borrowers Under the Equal Credit Opportunity Act

**AGENCY:** Consumer Financial Protection Bureau.

**ACTION:** Notice of joint statement.

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB) and the Department of Justice (DOJ) have released a joint statement to assist creditors and borrowers in understanding the potential civil rights implications of a creditor's consideration of an individual's immigration status under the Equal Credit Opportunity Act (ECOA).

**DATES:** This information is current as of October 12, 2023.

**FOR FURTHER INFORMATION CONTACT:**

Sonia Lin, Office of Consumer Populations, [sonia.lin@cfpb.gov](mailto:sonia.lin@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:** The Consumer Financial Protection Bureau (CFPB) and Department of Justice (DOJ) (collectively, the agencies) jointly issue this statement<sup>1</sup> to assist creditors and borrowers in understanding the potential civil rights implications of a creditor's consideration of an individual's immigration status under the Equal Credit Opportunity Act (ECOA). ECOA does not expressly prohibit consideration of immigration status, and, as explained further below, a creditor may consider an applicant's immigration status when necessary to ascertain the creditor's rights regarding repayment. However, creditors should be aware that unnecessary or overbroad

<sup>1</sup> This document is for informational purposes only. It does not impose any legal requirements, nor does it restrict the agencies' exercise of their authorities or confer rights of any kind, and it is not enforceable.

reliance on immigration status in the credit decisioning process, including when that reliance is based on bias, may run afoul of ECOA's antidiscrimination provisions, and could also violate other laws.

## I. ECOA and Regulation B

The agencies are charged with enforcing the antidiscrimination provisions of ECOA, requirements that are essential for ensuring fair, competitive and nondiscriminatory lending markets.<sup>2</sup> ECOA prohibits discrimination by a creditor in any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex (including sexual orientation and gender identity), marital status, age, an applicant's receipt of public assistance, or the good faith exercise of an applicant's rights under the Consumer Credit Protection Act. 15 U.S.C. 1691. Discouraging applications for credit on a prohibited basis is also prohibited.

ECOA is implemented by regulations found at 12 CFR part 1002, commonly known as "Regulation B." ECOA and Regulation B apply to all types of credit, including both personal credit and business credit. Among other things, Regulation B sets forth "[r]ules concerning evaluation of applications" for credit. 12 CFR 1002.6. Under Regulation B, creditors shall not consider race, color, religion, national origin, or sex in any aspect of a credit transaction. 12 CFR 1002.6(b)(9).<sup>3</sup> Subject to that restriction, "a creditor may consider any information obtained, so long as the information is not used to discriminate against an applicant on a prohibited basis." 12 CFR 1002.6(a).

Thus, while ECOA and Regulation B do not expressly prohibit consideration of immigration status, they do prohibit creditors from using immigration status to discriminate on the basis of national origin, race, or any other protected characteristic.<sup>4</sup> Regulation B notably

<sup>2</sup> The CFPB enforces ECOA with respect to any person subject to ECOA's coverage, with limited exclusions under the Consumer Financial Protection Act. 15 U.S.C. 1691c(a)(9). The DOJ enforces ECOA where there is evidence of a "pattern or practice" of discrimination. 15 U.S.C. 1691e(h).

<sup>3</sup> The list of prohibited bases in 12 CFR 1002.6(b)(9) does not include all characteristics protected under ECOA. The limited circumstances for considering certain other prohibited bases, such as age and marital status, are discussed elsewhere in 12 CFR 1002.6(b).

<sup>4</sup> See *Espinoza v. Farah Mfg. Co.*, 414 U.S. 86, 92, 94 (1973) (noting that title VII, which prohibits employment discrimination, "prohibits discrimination on the basis of citizenship whenever it has the purpose or effect of discriminating on the basis of national origin"). Courts have generally