

guidance on how to address situations where creditors seek to ascertain the continuance of public assistance benefits in underwriting decisions?

9. *Artificial Intelligence and Machine Learning*: As the Bureau noted in its annual fair lending report to Congress dated April 30, 2020³⁶ and a blog post dated July 7, 2020,³⁷ financial institutions are starting to deploy artificial intelligence (AI) and machine learning (ML) across a range of functions. For example, they are used as virtual assistants that can fulfill customer requests, in models to detect fraud or other potential illegal activity, as compliance monitoring tools, and in credit underwriting. Should the Bureau provide more regulatory clarity under ECOA and/or Regulation B to help facilitate innovation in a way that increases access to credit for consumers and communities in the context of AI/ML without unlawful discrimination? If so, in what way(s)?

Another important issue is how lenders using complex AI/ML models satisfy ECOA's adverse action notice requirements. ECOA requires creditors to provide consumers with the principal reason(s) for a denial of credit or other adverse action.³⁸ These notice provisions serve important anti-discrimination, educational, and accuracy purposes. There may be questions about how institutions can comply with these requirements if the reasons driving an AI/ML decision are based on complex interrelationships.³⁹ Should the Bureau modify requirements or guidance concerning notifications of action taken, including adverse action notices, under ECOA and/or Regulation B to better empower consumers to make more informed financial decisions and/or to provide additional clarity when credit underwriting decisions are based in part on models that use AI/ML? If so, in what way(s)?

10. *ECOA Adverse Action Notices*: Under ECOA and Regulation B, a

statement of reasons for adverse action must be specific and indicate the principal reason(s) for the adverse action.⁴⁰ The Bureau understands from direct engagement and its supervisory work that stakeholders continue to have questions about this requirement. Should the Bureau provide any additional guidance under ECOA and/or Regulation B related to when adverse action has been taken by a creditor, requiring a notification that includes a statement of specific reasons for the adverse action? If so, in what way(s)?

Authority: 12 U.S.C. 5511(c).

III. Signing Authority

The Director of the Bureau, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: July 28, 2020.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

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DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the Final Environmental Impact Statement for the Housing Program at Wright-Patterson Air Force Base, Ohio

ACTION: Notice of availability.

SUMMARY: On July 16, 2020, the United States Air Force (USAF) signed the Record of Decision for the Final Environmental Impact Statement for the Housing Program at Wright-Patterson Air Force Base, Ohio.

ADDRESSES: Mr. Mike Ackerman, AFCEC/CZN, Bldg 1, 2261 Hughes Ave. (STE 155), JBSA-Lackland, TX 78236-9853, (210) 925-2741; michael.ackerman.2@us.af.mil.

SUPPLEMENTARY INFORMATION: The USAF has decided to implement the first phase of Alternative 2, specifically renovation of 30 historic housing units and the demolition of government-owned non-historic housing located on Yount Drive. This decision will support the near-term housing needs of WPAFB's key and essential leaders.

The Air Force's decision, documented in the Record of Decision, was based on analysis provided in the Final

Environmental Impact Statement, and includes inputs from the public and regulatory agencies. The Final Environmental Impact Statement was made available to the public on May 29, 2020 through a Notice of Availability in the **Federal Register** (Volume 85, Number 104, Page 32390) with a review period that ended on June 29, 2020.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

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DEPARTMENT OF EDUCATION

Applications for New Awards: Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center-Quality Management and Vocational Rehabilitation Technical Assistance Center-Quality Employment

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2020 for a Vocational Rehabilitation Technical Assistance Center for Quality Management (VRTAC-QM) and a Vocational Rehabilitation Technical Assistance Center for Quality Employment (VRTAC-QE), Catalog of Federal Domestic Assistance (CFDA) numbers 84.264J and 84.264K. The VRTAC-QM and VRTAC-QE will focus on identified national needs and improvement of the number and quality of employment outcomes under the vocational rehabilitation (VR) program and raise expectations for all people with disabilities.

DATES:

Applications Available: August 3, 2020.

Deadline for Transmittal of Applications: September 2, 2020.

Date of Pre-Application Meeting: The Office of Special Education and Rehabilitative Services (OSERS) will post a PowerPoint presentation that provides general information related to the Rehabilitation Services Administration's (RSA's) discretionary

³⁶ See Fair Lending Report of the Bureau of Consumer Financial Protection (Apr. 2020), 85 FR 27395, https://files.consumerfinance.gov/f/documents/cfbp_2019-fair-lending_report.pdf.

³⁷ See Patrice Alexander Ficklin *et al.*, *Innovation spotlight: Providing adverse action notices when using AI/ML models* (July 7, 2020), <https://www.consumerfinance.gov/about-us/blog/innovation-spotlight-providing-adverse-action-notices-when-using-ai-ml-models/>.

³⁸ 15 U.S.C. 1691(d).

³⁹ See Fair Lending Report of the Bureau of Consumer Financial Protection (Apr. 2020), 85 FR 27395 (May 8, 2020), https://files.consumerfinance.gov/f/documents/cfbp_2019-fair-lending_report.pdf; Patrice Alexander Ficklin *et al.*, *Innovation spotlight: Providing adverse action notices when using AI/ML models* (July 7, 2020), <https://www.consumerfinance.gov/about-us/blog/innovation-spotlight-providing-adverse-action-notices-when-using-ai-ml-models/>.

⁴⁰ 15 U.S.C. 1691(d)(3); 12 CFR 1002.9(b)(2).