

by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power." In other words, as stated by the D.C. Circuit Court of Appeals in *Pacific Gas & Electric Company v. Federal Power Commission*, a statement of policy announces the agency's tentative intentions for the future:

"A general statement of policy . . . does not establish a 'binding norm.' It is not finally determinative of the issues or rights to which it is addressed. The agency cannot apply or rely upon a general statement of policy as law because a general statement of policy only announces what the agency seeks to establish as policy."

The Bulletin provides information on the manner in which CFPB plans to exercise its discretionary enforcement power. It expresses the agency's views that certain indirect auto lending activities may trigger liability under ECOA. For example, it states that an indirect auto lender's own markup and compensation policies may trigger liability under ECOA if they result in credit pricing disparities on a prohibited basis, such as race or national origin. It also informs indirect auto lenders that they may be liable under ECOA if a dealer's practices result in unexplained pricing disparities on prohibited bases where the lender may have known or had reasonable notice of a dealer's discriminatory conduct. In sum, the Bulletin advises the public prospectively of the manner in which the CFPB proposes to exercise its discretionary enforcement power and fits squarely within the Supreme Court's definition of a statement of policy.

Moreover, as the *Pacific Gas & Electric Company* decision quoted above makes plain, general statements of policy by definition are not legally binding, and our prior decisions have held that non-binding general statements of policy are rules under CRA. For example, we recently decided that Interagency Guidance on Leveraged Lending, issued jointly by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (referred to collectively as the Agencies), was a rule under CRA (Interagency Guidance decision). We found that the Interagency Guidance was a general statement of policy describing the Agencies' expectations for the sound risk management of leveraged lending activities. It explained the types of financial transactions that concern the Agencies and that might motivate them to initiate a supervisory review. The Bulletin similarly states CFPB's concerns that indirect lenders' markup and dealer compensation policies may result in discriminatory lending practices, and sets forth its expectations that indirect auto lenders take steps to ensure that these policies do not result in pricing disparities on prohibited bases.

We reached our conclusion in the Interagency Guidance decision, and in other prior GAO decisions, by examining CRA's definition of a "rule," which includes "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy." This definition has three key components: (1) an agency statement, (2) of future effect, and (3) designed to implement, interpret, or prescribe law or policy. We noted that this definition is broad, and includes both rules requiring notice and comment rulemaking and those that do not, such as general statements of policy. We decided that the Interagency Guidance fell squarely within CRA as an agency action that constituted a "statement of general . . . applicability and future effect designed to implement, interpret or prescribe . . . pol-

icy." Similarly, the CFPB Bulletin at issue here is a statement of general applicability, since it applies to all indirect auto lenders; it has future effect; and it is designed to prescribe the Bureau's policy in enforcing fair lending laws.

Additionally, in a decision issued in 2001, we decided that a "record of decision" (ROD) issued by the Fish and Wildlife Service in connection with a federal irrigation project was a rule under CRA. We found that the ROD was a general statement of policy regarding water flow and ecosystems issues in both the Trinity and Sacramento Rivers whose essential purpose was to set policy for the future. In deciding that a general statement of policy is a rule for CRA purposes, this and other prior decisions cite to the legislative history of CRA, which confirms that rules subject to CRA requirements include general statements of policy.

CFPB did not raise any claims that the Bulletin would not be a rule under CRA pursuant to any of the three exceptions, and we can readily conclude that the Bulletin does not fall within any of the those exceptions. The Bulletin is of general and not particular applicability, does not relate to agency management or personnel, and is not a rule of agency organization, procedure or practice.

CONCLUSION

The Bulletin is a general statement of policy designed to assist indirect auto lenders to ensure that they are operating in compliance with ECOA and Regulation B, as applied to dealer markup and compensation policies. As such, it is a rule subject to the requirements of CRA.

If you have any questions about this opinion, please contact Robert J. Cramer, Managing Associate General Counsel.

Sincerely yours,

THOMAS H. ARMSTRONG,
General Counsel.

TRIBUTE TO STANLEY SPEAKS

Mr. WYDEN. Mr. President, today I wish to honor a longtime public servant and regional director of the northwest region of the Bureau of Indian Affairs in my State, Mr. Stanley Speaks. Stan has served the tribes of Oregon and the Pacific Northwest well since 1982. His distinguished career with the Federal Government spanned more than 59 years and has resulted in highly recognized and extraordinary accomplishments that stem from his established knowledge, experience, and management leadership.

Stan graduated from Northeastern State University in Tahlequah, OK, and later obtained a master's degree in education administration. By 1959, he had begun his long career with the Bureau of Indian Affairs. He served as the regional director in western Oklahoma and Kansas and came to the northwest region in 1982. There he served 14 agencies, 3 irrigation projects, and oversaw a trust land base of 6.3 million acres, covering five Northwest States. Stan also had the fiduciary trust responsibility to 45 Northwest Tribes with a membership totaling 115,000 Native-American people. As a Tribal member of the Chickasaw Nation of Oklahoma, Stan was inducted into the Chickasaw National Hall of Fame in 2002.

Stan has devoted his life's work to the advancement of Tribes and Indian

people. He has worked hard to uphold and protect Tribal treaty rights, and through his stewardship of trust property and natural resources, trust income has helped meet the individual and family needs of Tribal members. He became the regional director at a time when the Western Oregon Tribes were being restored.

Stan has long been a champion for Tribal veterans. He has supported housing, the expansion of veterans benefits, and access to healthcare. He, along with his lovely wife, Lois, are a staple at the annual veterans dinner sponsored by the Cow Creek Band of Umpqua Indians each July.

He has assisted the federally recognized Tribes in my home State of Oregon with both advice and financial assistance on a variety of business and economic development ventures. His efforts have created hundreds of job opportunities for Indian and non-Indian people in every Tribal community across Oregon and the Northwest.

Stan has achieved countless victories for Native Americans, which will have long lasting beneficial impacts for years to come. He has been critical in maintaining the relationship between the Federal Government and Indian Tribes. Oregon has benefited from Stanley Speaks' career management and leadership contributions. His legacies of achievement for our Tribes will live on to benefit not only this generation, but for generations yet to come. I thank Stan for his service to Indian Country and to this Nation.

TRIBUTE TO CHARLOTTE BOBICKI

Mr. BENNET. Mr. President, I wish to recognize and thank a dedicated community leader and civil servant, Charlotte Bobicki. She served as my regional representative in Alamosa, CO, and the San Luis Valley for 8 years.

Charlotte began her career as a first grade teacher in Albuquerque, NM. In the early 1960s, she taught second grade in Yellow Springs, MD, while her husband, Tom, served in the Army at Fort Detrick, MD.

In the late sixties, Charlotte and Tom returned to Alamosa, CO, where she was born and had attended college. Charlotte taught fifth and sixth graders at Alamosa Evans Intermediate School. She then worked with special education students before transitioning to Alamosa Middle School, where she taught math and science and served as the assistant principal. Later she became principal at Polston Primary School.

In 1997, Charlotte was elected as an Alamosa County Commissioner, where she served two 4-year terms. In 2005, Senator Ken Salazar hired her as his regional representative in Alamosa. When I was appointed to the Senate, I asked Charlotte to continue as the regional representative to Alamosa for the San Luis Valley, and she has served in that role for the last 8 years. Since

then, I have repeatedly relied on her counsel and deep knowledge of the valley.

Her relationships and devotion to the community have been invaluable, and I will miss her insights and perspective. It has been an honor to work with Charlotte, and I wish her a long and happy retirement. I know our friendship will continue for years to come.

TRIBUTE TO MAJOR MICHAEL "PAKO" BENITEZ

Mr. ROUNDS. Mr. President, today I recognize Maj. Michael "Pako" Benitez for all of his hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Pako entered military service in 1997 and has devoted his career to the United States Armed Forces. Before his time in my office, Pako served as a flight commander and F-15E instructor weapons system officer. Pako's experiences and expertise have been a true asset to the office.

I extend my sincere thanks and appreciation to Pako for his service to our country. I wish him continued success in the years to come.

TRIBUTE TO SHELLI COFFEY

Mr. ROUNDS. Mr. President, today I recognize Shelli Coffey for all of her hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Shelli has spent her career working at the Federal Deposit Insurance Corporation, spending time in Chicago, New York, San Francisco, and Washington, DC. Shelli's insight into regulations and community banks has been a true asset to the office.

I extend my sincere thanks and appreciation to Shelli for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. CHARLES MCMILLAN

• Mr. HEINRICH. Mr. President, it is an honor to recognize Dr. Charles McMillan for his leadership and service at Los Alamos National Laboratory as he plans his retirement at the end of this year.

For 6 years, Dr. McMillan has served as director of Los Alamos, which employs some of the best and brightest minds in the Nation and is indispensable to our Nation's security and scientific and technology innovation.

It has been a pleasure to work with Dr. McMillan to support LANL's national security missions and position the lab so it will continue to play vital role in nuclear security, cutting-edge research, and scientific advances in the decades ahead.

Under Dr. McMillan's leadership, LANL has undertaken critical work to modernize our nuclear weapons complex through the Stockpile Stewardship Program.

The multidisciplinary science and engineering at LANL has also produced new materials and technologies with applications such as earth system modeling, supercomputing analysis, exploration of Mars, and improved responses to global health crises.

I have especially appreciated Dr. McMillan's commitment to working with the lab's surrounding communities in northern New Mexico.

The incredible success of Los Alamos depends on building trusting relationships with local communities.

I have been proud to work with Dr. McMillan to bring together LANL leadership, regional colleges, universities, and public schools to train more New Mexicans to become part of LANL's future workforce.

I am grateful for the steps Dr. McMillan has taken to engage with the regional coalition of LANL communities on important issues such as contracting with local small businesses and cleaning up legacy waste.

I commend Dr. McMillan for his incredible record of service to our Nation addressing some of our most complex issues and challenges.

It has been an honor for me to know Charlie, and I wish him the best in all of his future endeavors.●

TRIBUTE TO MARGIE ALT

• Mr. MARKEY. Mr. President, Margie Alt belongs on the Mount Rushmore of environmental advocates. For more than three decades, first at U.S. PRIG and then Environment America, Margie has been one of the leading generals in this monumental fight to combat climate change and protect our environment.

It was Margie's vision that transformed U.S. PIRG and Environment America into the powerhouse environmental advocacy organization it is today, with more than 1 million members across the country. Because of her leadership, EA doesn't just stand for Environment America, it also stands for everywhere in America, because that is where she planted the seeds of grassroots change and political activation.

As a tireless consumer protection champion, she has ensured that America's air and water is clean, our beaches and waterways are protected, and the public is safeguarded from toxic threats. She led groundbreaking work to organize the majority of State Renewable Electricity Standards in America, laying the foundation for the clean energy revolution that is now unstoppable. Her voice, passion, and strategic brilliance have been indispensable as the environmental movement she helped build takes on climate deniers and corporate polluters.

For her entire career, Margie has stood up for the public's health, stood

against the special interests who would despoil our lands, and stood for integrity and progress. She is truly Massachusetts' commitment to public service personified. America has been fortunate to have had Margie Alt's extraordinary leadership for these many years, and I have been fortunate to call her my friend.●

TRIBUTE TO GEORGE NINCHELSER

• Mr. ROUNDS. Mr. President, today I recognize George Nincehler, an intern in my Washington, DC, office, for all the hard work he has done on behalf of myself, my staff, and the State of South Dakota.

George recently graduated from the University of Nebraska where he majored in criminal justice and received minors in Arabic, national security, and global studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to George for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING THE NATIONAL INTERSCHOLASTIC ATHLETIC ADMINISTRATORS ASSOCIATION

• Mr. YOUNG. Mr. President, today I wish to formally recognize the 40th anniversary of the National Interscholastic Athletic Administrators Association, NIAAA, which is headquartered in Indianapolis, IN. Since its founding in 1977, the NIAAA has established itself as a leading professional organization for educational-based athletic programs for academic institutions nationwide. This association plays a critical role in the development of our young people as athletic administrators work tirelessly to provide access to extracurricular activities, teach strong work habits, and promote civil engagement.

December of 2017 will mark the 40th year since launching the NIAAA mission. The organization has since grown to over 11,000 members nationwide. Currently, its core curriculum consists of 45 courses with a budget over \$1.8 million. Despite the known fact that physical activity improves the overall personal development of young adults, evidence argues that the quality of coaching impacts the developmental effects of extramural sports. To ensure that positive, professional development is preserved, the NIAAA offers resources for secondary school athletic administrators to manage safe, high-quality athletic programs for all students. Along with professional educational opportunities, the NIAAA has participated in 10 years of scholarship donations totaling to \$120,000 and recognizing 600 students as scholarship essay winners.