

Government Control Over Compensation Sets A Dangerous Precedent. The Center also opposes Section 4 of the legislation and believes it should be removed in favor of a principles-based approach to mitigating excessive risk in incentives. Section 4 would give the Federal banking regulatory agencies the extraordinary authority to prohibit pay structures and arrangements for executives and individuals as well as pass judgment on specific compensation arrangements. Because the impact of different pay structures will have different effects based on the risk profile of the organization, the time horizon of the products or services sold and other considerations, banning all pay structures across the entire industry is likely to have significant unintended consequences and sets a dangerous precedent for federal regulation of compensation in other contexts.

We are also concerned that the proposed disclosure will result in a one-size-fits-all approach to compensation. There are six regulators responsible for developing and implementing the prohibitions and acceptable practices required in the bill. So far, they have not been able to agree on their respective responsibilities under the forthcoming regulatory restructuring. With this in mind, it is likely that in order to come to agreement on the pay practices that should be banned, the regulators will need to adopt a standardized approach to acceptable executive compensation arrangements and therefore mute the ability of companies to set forth a reasoned and reasonable approach to pay for performance.

The Center fully supports the mitigation of risk in incentives, as articulated in the attached checklist for compensation committees. The Center believes that mitigating risk is a matter of balance on a number of fronts, including balance among the type of metrics measuring performance, balance between short- and long-term compensation and balance in ensuring incentives focus on the time horizon of risk. These are decisions best made by the Board Compensation Committee and disclosed in the annual proxy statement. As you know, the SEC is in the process of enhancing its disclosures of excessive risk in incentives for employees and executives that covers all employers.

Finally, it is worth noting that previous well-intended Congressional attempts to regulate amounts or structures of compensation have typically backfired—increasing compensation or changing practices in unforeseen ways contrary to the intent of the restrictions. A good example is the executive compensation restrictions included in the American Recovery and Reinvestment Act, which encourage greater salaries, rather than a careful pay for performance orientation. Because H.R. 3269 has been available for only one week, we believe that more time is warranted to give the Committee and interested parties an opportunity to fully analyze and discuss the potential for harmful unintended consequences.

Thank you for your consideration of our views. We look forward to working with you on this and other legislation.

Sincerely yours,

TIMOTHY J. BARTL,
Senior Vice President and General Counsel.

HONORING TOM AND DAVE
SCHOETTTLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Tom and

Dave Schoettler upon being named by the Madera District Chamber of Commerce as a 2009 Lifetime Achievement Award Honoree. They will be recognized on Wednesday, August 26, 2009 at the Fifth Annual Lifetime Achievement Awards and Installation Dinner.

Tom was born in Glendale, California and Dave was born in Fresno, California to Hal and Loretta Schoettler. They are two of six children; they were business partners, allies and friends. They both attended Madera High School and participated in athletics; Tom graduated in 1950 and Dave graduated in 1951.

During high school Tom began working for his father at Schoettler Tire; this is where he met his future wife, Ila. He joined the United States Navy after high school and was stationed at Camp Pendleton. Tom was recognized with the Honor Man of Unit Award while in the Navy. He served as a Dental Technician and considered a dental career; however when he exited the Navy, his father needed him at the store. Tom went back to work at Schoettler Tire and is still working there today.

After high school, Dave attended the University of California, Berkeley. He received a Bachelor's Degree in Business and was a member of the Reserve Officers' Training Corps. Dave married his wife, Dwyann and he entered the United States Air Force. He served as Captain of the B-47 Bomber squadron. Dave and Dwyann were stationed in Homestead, Florida. Upon fulfilling his duty with the Air Force, he returned to central California to own and operate a tire business in Coalinga and on the central coast.

In 1974 Tom and Dave became partners in Schoettler Tire of Madera. The business, currently in the third generation on family partnership, has changed locations a few times but it is still family owned and operated. Dave and Tom operated Schoettler Tire for thirty-four years focusing on the values that were instilled in them by their father: integrity, honesty and loyalty. These values led Schoettler Tire to not only be the largest tire company in the area, but a leader in the industry for excellence in customer service.

Tom and Dave have been active in the community. Tom is a member of the American Legion, Italian American Club, St. Joachim's Church, Boy Scouts and the Knights of Columbus, where he served as Grand Knight. For his service he has been recognized by Heartland Opportunity. Dave served on the National Board of Tire Companies, was a member of Madera Elks, served as President of Phi Kappa Tau and was an alumnus of UC Berkeley. Schoettler Tire actively supports and is a member of the Madera Chamber of Commerce and has received numerous awards in the tire industry for sales and customer service. Beyond the time that both men have given to the community, they have also both been financially generous to many local clubs and organizations.

Tom and Ila have been married for fifty-six years. They have five sons, twenty grandchildren and nine great-grandchildren. Dave and Dwyann had been married for fifty years when Dave passed away in 2008. They have two sons, a daughter and six grandchildren.

Madam Speaker, I rise today to commend and congratulate Tom and Dave Schoettler upon being honored as the Madera Chamber of Commerce 2009 Lifetime Achievement Award Honoree. I invite my colleagues to join me in wishing Tom and Dave's family many years of continued success.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The ASSET program develops, tests, and transfers cost-effective logistics support technologies to reduce the costs associated with support of aging weapon systems and aircraft. The program addresses DOD needs for procuring replacement parts for aging systems and aircraft, and helps DOD confront problems associated with corrosion.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3226, Department of Defense Appropriations Act, 2010:

I received \$3,000,000 for Trex Enterprises at 10455 Pacific Center Court, San Diego, CA 92121. Funding for this program will be used to complete development, flight testing and integration of the Brownout MMW Sensor that will reduce aircraft accident risk and allow aircrew visibility through the full range of landing and take-off operations in otherwise extremely hazardous flight conditions. "Brownout" is a situation Army aviators experience in combat operations daily in Iraq and Afghanistan. Created by helicopter rotor downwash, it continues to cause aircraft accidents and remains a high risk to flight safety.

Specifically, as aircraft approach the ground, a thick plume of brown desert dust, dirt and sand disturbed by high velocity winds from rotor systems engulf the aircraft, causing a complete loss of the pilot's visual reference to the ground. The Brownout Situational Awareness Sensor, BSAS, is a cockpit display system capable of providing the aircrew visibility through the blowing sand and dust. This technology will greatly reduce the loss of aviator lives, loss of aircraft and reduce the amount of maintenance requirements resulting in damages from Brownout situations. Brownout is among the biggest hazards to rotary-wing operations in Iraq and Afghanistan, contributing to more than 71 U.S. helicopter accidents. Providing this capability is critical to aircrew safety and combat readiness.

I also received \$2,000,000 for CHI Systems at 12860 Danielson Court, Suite A, Poway, CA 92064. There is currently insufficient training provided to soldiers on the most crucial battlefield lifesaving situations. Medics and soldiers, in many instances, lack the experience to act swiftly and effectively in combat casualty situation. By combining instrumented manikin parts that support hands-on practice with computer based scenario training, this funding will complete the HapMed Combat Medic Trainer development and provide medics and soldiers