

embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader Erich Honecker, who had predicted that the Wall "will stand in fifty or a hundred years," resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowki announced that the government would allow "every citizen of the German Democratic Republic to leave the GDR through any of the border crossings," and East German leader Egon Krenz promised "free, general, democratic and secret elections";

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the "Festival of Freedom";

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2721. Mr. CORKER submitted an amendment intended to be proposed by him to the

bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2722. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2723. Mr. ENZI (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2724. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2721. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . TARP MANAGEMENT IMPROVEMENTS.

(a) SHORT TITLE.—This section may be cited as the "TARP Recipient Ownership Trust Act of 2009".

(b) AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: " , and the Secretary may delegate such management authority to a private entity established under section 101(c)(4), except as to the supervision of the Secretary, as the Secretary determines appropriate, with respect to the assets of any designated TARP recipient, as required under subsection (c) of the TARP Recipient Ownership Trust Act of 2009".

(c) CONFORMING AMENDMENT.—Section 101(c)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(c)(4)) is amended by inserting before the period at the end the following: " , provided that a TARP Trust established and operated in accordance with subsection (d) of the TARP Recipient Ownership Trust Act of 2009 shall satisfy the requirements of this section."

(d) CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.—

(1) TRANSFERS TO TARP TRUST.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, the Secretary shall transfer all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed on behalf of United States taxpayers and to be known as a "TARP Trust".

(2) TRANSFER TIMING.—Transfers under paragraph (1) shall occur not later than 120 days after—

(A) the date of enactment of this Act, with respect to any entity that is a designated TARP recipient on that date of enactment; and

(B) the date on which an entity becomes a designated TARP recipient, with respect to any entity that becomes a designated TARP recipient after that date of enactment.

(3) LIMITATION.—Nothing in this Act may be construed to limit the authority of the

Secretary of the Treasury to sell or dispose of, or enter into contracts, commitments, or arrangements to sell or dispose of, any asset to be transferred to TARP Trust under this subsection during the period beginning on the date of enactment of this Act and ending on the date on which all assets are transferred to a TARP Trust.

(4) APPOINTMENT OF TRUSTEES.—

(A) IN GENERAL.—The President shall appoint 3 trustees, managers, or directors (in this section referred to as "trustees"), to manage the equity held in a TARP Trust.

(B) CRITERIA.—A trustee appointed under this subsection—

(i) may not be an elected or appointed Government official;

(ii) may not be an employee, director, or officer of any designated TARP recipient or have any financial interest in any designated TARP recipient that is material, in accordance with the regulations or guidelines of the Secretary issued under this section;

(iii) may be removed by the Secretary for cause; and

(iv) shall be paid at a rate equal to the rate payable for positions at level III of the Executive Schedule under section 5311 of title 5, United States Code.

(C) INDEMNIFICATION.—The TARP Trust shall indemnify the trustees, and the trustees shall be held harmless, with respect to any claim made by a third party arising out of the actions of the trustees, to the extent that such actions were taken in the normal course of the duties of the trustees, and were taken in good faith in the fulfillment of the fiduciary duty of the trustees.

(5) DUTIES OF TRUST.—Consistent with the goal of protecting the interests and investment of the United States taxpayer, with the purpose of maintaining economic stability and maximizing the return on investment to the taxpayer in a reasonable period of time, the trustees of the TARP Trust shall—

(A) exercise the voting rights of any shares held by the TARP Trust, in accordance with the voting principles;

(B) not participate in the day-to-day management of any designated TARP recipient;

(C) develop and implement a plan of disposition;

(D) develop an annual operating budget for its operations, which shall be subject to the approval of the Secretary, and conduct the operations of the TARP Trust in accordance with that budget;

(E) provide for an accounting of the books and records of the TARP Trust that is audited on an annual basis, as well as monthly unaudited accounting and reporting, and such other reports as the Secretary shall require;

(F) hire such employees, advisors, and agents as may be required, define their duties, and determine their compensation, without regard to the provisions of title 5, United States Code, or other laws related to the appointment, compensation, or termination of Federal employees;

(G) enter into such contracts as may be required, including contracts for services authorized by section 3109 of title 5, United States Code, without regard to any other provision of law regarding public contracts;

(H) comply with standards and practices of the Secretary with respect to custody of assets, cash management services, and related activities including depositing the net cash proceeds of any disposition of assets in an account established by the Secretary pursuant to the Emergency Economic Stabilization Act of 2008; and

(I) comply with the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221 et