

(C) in paragraph (10), as so redesignated, by striking “will yield just and fair resolutions in a more efficient and predictable manner” and inserting “may, in some circumstances, yield just and fair resolutions as well”;

(2) in section 3(2), by inserting “and other non-merits defenses” after “statutes of limitation”;

(3) in section 5—

(A) by striking subsection (g);

(B) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(C) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(D) by inserting after subsection (a) the following:

“(b) **RELATION TO FOREIGN STATE IMMUNITIES.**—Notwithstanding any other law or prior judicial decision, any civil claim or cause of action covered by subsection (a) shall be deemed to be an action in which rights in violation of international law are in issue for purposes of section 1605(a)(3) of title 28, United States Code, without regard to the nationality or citizenship of the alleged victim.”;

(E) in subsection (d), as so redesignated, in the matter preceding paragraph (1), by striking “subsection (e)” and inserting “subsection (h)”;

(F) in subsection (e), as so redesignated—

(i) in the matter preceding paragraph (1), by striking “Subsection (a)” and inserting “Subsections (a), (b), (f), and (g)”;

(ii) in paragraph (2), by striking “during the period” and all that follows and inserting “on or after the date of enactment of this Act.”; and

(G) by inserting after subsection (e), as so redesignated, the following:

“(f) **DEFENSES BASED ON PASSAGE OF TIME AND OTHER NON-MERITS DEFENSES.**—With respect to any claim that is otherwise timely under this Act—

“(1) all defenses or substantive doctrines based on the passage of time, including laches, adverse possession, acquisitive prescription, and usucapion, may not be applied with respect to the claim; and

“(2) all non-merits discretionary bases for dismissal, including the act of state doctrine, international comity, forum ~~non conveniens~~ *non conveniens*, prudential exhaustion, and similar doctrines unrelated to the merits, may not be applied with respect to the claim.

“(g) **NATIONWIDE SERVICE OF PROCESS.**—For a civil action brought under subsection (a) in any State or Federal court, process may be served in the judicial district where the case is brought or any other judicial district of the United States where the defendant may be found, resides, has an agent, or transacts business.”; and

(4) by adding at the end the following:

“SEC. 6. SEVERABILITY.

“If any provision of this Act, or the application of a provision of this Act to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to any civil claim or cause of action that is—

(1) pending in any court on the date of enactment of this Act, including any civil claim or cause of action that is pending on appeal or for which the time to file an appeal has not expired; or

(2) filed on or after the date of enactment of this Act.

Mr. BARRASSO. I ask unanimous consent that the committee-reported amendments be agreed to; that the bill, as amended, be considered read a third

time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Holocaust Expropriated Art Recovery Act of 2025”.

SEC. 2. HOLOCAUST EXPROPRIATED ART RECOVERY ACT OF 2016 IMPROVEMENTS.

(a) **IN GENERAL.**—The Holocaust Expropriated Art Recovery Act of 2016 (22 U.S.C. 1621 note) is amended—

(1) in section 2—

(A) by redesignating paragraph (8) as paragraph (10);

(B) by inserting after paragraph (7) the following:

“(8) The intent of this Act is to permit claims to recover Nazi-looted art to be brought, notwithstanding the passage of time since World War II. Some courts have frustrated the intent of this Act by dismissing recovery lawsuits in reliance on defenses based on the passage of time, such as laches (for example, *Zuckerman v. Metropolitan Museum of Art*, 928 F.3d 186 (2d Cir. 2019)) or adverse possession, acquisitive prescription, or usucapion (for example, *Cassirer v. Thyssen-Bornemisza Foundation*, 89 F.4th 1226 (9th Cir. 2024)) or on other non-merits discretionary defenses, such as the act of state doctrine (for example, *Von Saher v. Norton Simon Museum of Art at Pasadena*, 897 F.3d 1141 (9th Cir. 2018)), forum non conveniens, international comity, or prudential exhaustion. In order to effectuate the purpose of the Act to permit claims to recover Nazi-looted art to be resolved on the merits, these defenses must be precluded.

“(9) This Act also is intended to allow claims in accordance with the procedures under this Act for the recovery of artwork or other property lost during the covered period because, or as a result, of Nazi persecution, including by a covered government (as defined in section 1605(h)(3)(B) of title 28, United States Code) or an agent or associate of a covered government, regardless of the nationality or citizenship of the alleged victim, notwithstanding the ‘domestic takings’ rule under Federal Republic of Germany v. Philipp, 592 U.S. 169 (2021).”;

(C) in paragraph (10), as so redesignated, by striking “will yield just and fair resolutions in a more efficient and predictable manner” and inserting “may, in some circumstances, yield just and fair resolutions as well”;

(2) in section 3(2), by inserting “and other non-merits defenses” after “statutes of limitation”;

(3) in section 5—

(A) by striking subsection (g);

(B) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(C) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(D) by inserting after subsection (a) the following:

“(b) **RELATION TO FOREIGN STATE IMMUNITIES.**—Notwithstanding any other law or prior judicial decision, any civil claim or cause of action covered by subsection (a)

shall be deemed to be an action in which rights in violation of international law are in issue for purposes of section 1605(a)(3) of title 28, United States Code, without regard to the nationality or citizenship of the alleged victim.”;

(E) in subsection (d), as so redesignated, in the matter preceding paragraph (1), by striking “subsection (e)” and inserting “subsection (h)”;

(F) in subsection (e), as so redesignated—

(i) in the matter preceding paragraph (1), by striking “Subsection (a)” and inserting “Subsections (a), (b), (f), and (g)”;

(ii) in paragraph (2), by striking “during the period” and all that follows and inserting “on or after the date of enactment of this Act.”; and

(G) by inserting after subsection (e), as so redesignated, the following:

“(f) **DEFENSES BASED ON PASSAGE OF TIME AND OTHER NON-MERITS DEFENSES.**—With respect to any claim that is otherwise timely under this Act—

“(1) all defenses or substantive doctrines based on the passage of time, including laches, adverse possession, acquisitive prescription, and usucapion, may not be applied with respect to the claim; and

“(2) all non-merits discretionary bases for dismissal, including the act of state doctrine, international comity, forum non conveniens, prudential exhaustion, and similar doctrines unrelated to the merits, may not be applied with respect to the claim.

“(g) **NATIONWIDE SERVICE OF PROCESS.**—For a civil action brought under subsection (a) in any State or Federal court, process may be served in the judicial district where the case is brought or any other judicial district of the United States where the defendant may be found, resides, has an agent, or transacts business.”; and

(4) by adding at the end the following:

“SEC. 6. SEVERABILITY.

“If any provision of this Act, or the application of a provision of this Act to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to any civil claim or cause of action that is—

(1) pending in any court on the date of enactment of this Act, including any civil claim or cause of action that is pending on appeal or for which the time to file an appeal has not expired; or

(2) filed on or after the date of enactment of this Act.

**BANKRUPTCY ADMINISTRATION
IMPROVEMENT ACT OF 2025**

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3424, which is at the desk.

The clerk will report the bill by title. The senior assistant executive clerk read as follows:

A bill (S. 3424) to amend titles 11 and 28, United States Code, to modify the compensation payable to trustees serving in cases under chapter 7 of title 11, United States Code, to extend the term of certain temporary offices of bankruptcy judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BARRASSO. I ask unanimous consent that the bill be considered read a third time and passed and the motion

to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3424) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bankruptcy Administration Improvement Act of 2025”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress has amended the laws governing bankruptcy fees as necessary to ensure that the bankruptcy system remains self-supporting, while also fairly allocating the costs of the system among those who use the system.

(2) Because of the importance for the bankruptcy system to be self-funded, at no cost to taxpayers, Congress has closely monitored the funding needs of the bankruptcy system, including by requiring periodic reporting by the Attorney General regarding the United States Trustee System Fund.

(3) Because the system governing bankruptcies of various types is interconnected, Congress has established fees, including filing fees, quarterly fees in chapter 11 cases, and other fees, that together fund the courts, judges, United States trustees, and trustees serving in bankruptcy cases under chapter 7 of title 11, United States Code.

(4) Trustees serving in bankruptcy cases under chapter 7 of title 11, United States Code, are vital to the functioning of the bankruptcy system, as they provide services at the front lines of the bankruptcy process, administering thousands of cases.

(5) Chapter 7 bankruptcy trustees provide valuable returns of assets to government creditors, including the Internal Revenue Service, the Department of Agriculture, the Small Business Administration, and other Federal, State, and municipal governments.

(6) Due to the work of the chapter 7 bankruptcy trustees, millions of dollars are also disbursed annually to private creditors of all types, including medical providers, unsecured creditors, small businesses, and micro-enterprises such as domestic support providers.

(7) Despite the essential role of chapter 7 bankruptcy trustees, since 1994 the amount of compensation paid to these trustees has not been increased. As in 1994, bankruptcy trustees receive only \$60 per case (composed of \$45 from subsection 330(b)(1), and \$15 from subsection 330(b)(2), of title 11, United States Code) in nearly 90 percent of chapter 7 cases, and bankruptcy trustees receive no compensation at all for cases in which the filing fee is waived by the bankruptcy court.

(8) Since 1994, there have been significant increases in salaries, attorney fees, budget appropriations, filing fees, and court-related fees associated with chapter 7 bankruptcies. In contrast, the \$60 paid to chapter 7 trustees has remained the same and has not even been increased for inflation. In 2021, Congress attempted to implement a mechanism that would give chapter 7 trustees a raise, but the trustees only received increased compensation for 1 fiscal year. Based on Consumer Price Index estimates, the \$60 paid to trustees in 1994 would be the equivalent of over \$125 today.

(9) This Act and the amendments made by this Act—

(A) increase the compensation of chapter 7 bankruptcy trustees to the level that is appropriate, overdue, and proportionate with

the level that was intended in 1994, by increasing the total compensation of trustees to \$120 per case;

(B) ensure adequate funding of the United States trustee system through the increase of certain fees, which will also apply to districts that are not part of a United States trustee region as required by existing law; and

(C) support the preservation of existing bankruptcy judgeships that are urgently needed to handle existing and anticipated increases in business and consumer caseloads.

(10) This Act will not alter the filing fee under chapter 7 of title 11, United States Code, and will not modify, impair, or supersede the current authority of the district courts of the United States, or of bankruptcy courts, to waive the payment of filing fees by indigent individuals.

SEC. 3. TRUSTEE COMPENSATION.

(a) COMPENSATION OF OFFICERS.—Section 330 of title 11, United States Code, is amended—

(1) in subsection (b)(1) by striking “\$45” and inserting “\$105”; and

(2) by striking subsection (e).

(b) REMAINDER OF FEES.—Notwithstanding any other provision of law, the remainder of fees collected under section 1930(a)(1)(A) of title 28, United States Code, after compensating trustees under section 330(b)(1) of title 11, United States Code, shall be deposited as follows:

(1) \$63.51 in the special fund of the Treasury established under section 1931 of title 28, United States Code.

(2) \$25.00 in the special fund established in accordance with section 10101(b) of the Deficit Reduction Act of 2005 (28 U.S.C. 1931 note).

(3) \$51.49 in the United States Trustee System Fund established under section 589a of title 28, United States Code.

(c) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a of title 28, United States Code, is amended—

(1) in subsection (b)(1)(A), by striking “40.46 percent of the fees collected” and inserting “\$51.49 of the fees collected in each case”; and

(2) in subsection (f)(1)—

(A) in subparagraph (D) by striking “Fourth” and inserting “Second”; and

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating subparagraph (D) as subparagraph (B).

SEC. 4. BANKRUPTCY FEES.

(a) QUARTERLY FEES.—Section 1930(a)(6)(B) of title 28, United States Code, is amended—

(1) in clause (i), by striking “5-year” and inserting “10-year”; and

(2) in clause (ii)—

(A) in subclause (I)—

(i) by inserting “the greater of” before “.4”; and

(ii) by striking “and” at the end and inserting “or”; and

(B) in subclause (II), by striking “.8” and inserting “.9”.

(b) PERIOD FOR DEPOSITS.—Section 589a(f) of title 28, United States Code, as amended by section 3(c)(2), is amended by striking “2026” each place it appears and inserting “2031”.

(c) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS 2026 THROUGH 2031.—Notwithstanding section 589a(b) of title 28, United States Code, for each of fiscal years 2026 through 2031—

(1) the fees collected under section 1930(a)(6) of title 28, United States Code, less the amount specified in subparagraph (2) of this subsection, shall be deposited as specified in section 589a(f) of title 28, United States Code, as amended by this Act; and

(2) \$5,400,000 of the fees collected under section 1930(a)(6) of title 28, United States Code, shall be deposited in the general fund of the Treasury.

SEC. 5. EXTENSION OF TERM OF CERTAIN TEMPORARY OFFICES OF BANKRUPTCY JUDGE.

(a) BANKRUPTCY ADMINISTRATION IMPROVEMENT ACT OF 2020.—Section 4 of the Bankruptcy Administration Improvement Act of 2020 (28 U.S.C. 152 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i), by striking “5 years” and inserting “10 years”; and

(B) in subparagraph (B)(i), by striking “5 years” and inserting “10 years”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A)(i), by striking “5 years” and inserting “10 years”; and

(B) in subparagraph (B)(i), by striking “5 years” and inserting “10 years”; and

(C) in subparagraph (C)(i), by striking “5 years” and inserting “10 years”; and

(D) in subparagraph (D)(i), by striking “5 years” and inserting “10 years”; and

(E) in subparagraph (E)(i), by striking “5 years” and inserting “10 years”; and

(F) in subparagraph (F)(i), by striking “5 years” and inserting “10 years”; and

(3) in subsection (c)(2)—

(A) in subparagraph (A)(i), by striking “5 years” and inserting “10 years”; and

(B) in subparagraph (B)(i), by striking “5 years” and inserting “10 years”; and

(4) in subsection (d)(2)—

(A) in subparagraph (A)(i), by striking “5 years” and inserting “10 years”; and

(B) in subparagraph (B)(i), by striking “5 years” and inserting “10 years”; and

(5) in subsection (e)(2)(A), by striking “5 years” and inserting “10 years”; and

(6) in subsection (f)(2)(A), by striking “5 years” and inserting “10 years”.

(b) BANKRUPTCY JUDGESHIP ACT OF 2017.—Section 1003(b)(2)(A) of the Bankruptcy Judgeship Act of 2017 (28 U.S.C. 152 note) is amended by striking “5 years” and inserting “10 years”.

SEC. 6. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the first day of the calendar quarter that first occurs on or after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) COMPENSATION OF OFFICERS.—Section 3 and the amendments made by section 3 shall apply to any case under title 11, United States Code, commenced on or after October 1 that first occurs after the date of enactment of this Act—

(A) under chapter 7 of title 11, United States Code; or

(B) under chapter 11, 12, or 13 of title 11, United States Code, that is converted to a case under chapter 7 of title 11, United States Code.

(2) BANKRUPTCY FEES.—Section 4 and the amendments made by section 4 shall apply to—

(A) any case commenced or pending under chapter 11 of title 11, United States Code, on the first day of the calendar quarter that first occurs on or after the date of enactment of this Act; and

(B) quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by section 4, for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.

ORDERS FOR THURSDAY,
DECEMBER 11, 2025

Mr. BARRASSO. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, December 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to Calendar No. 285, S. 3386; further, notwithstanding rule XXII, the cloture motions filed during Tuesday's session ripen at 11:30 a.m., and following the cloture vote on the motion to proceed to Calendar No. 284, S. 3385, the Senate proceed to executive session to resume consideration of Executive Calendar No. 4, S. Res. 532; finally, I ask that the postcloture time be expired, the Senate vote on adoption of the resolution, and if adopted, the motion to reconsider be considered made and laid upon the table and the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BARRASSO. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order following the remarks of Senators Cantwell and Markey.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington.

NATIONAL WEATHER SERVICE

Ms. CANTWELL. Mr. President, I have come to the floor tonight to talk about a few issues. Literally, I thought I was going to come and talk about healthcare and the need for us to come together to help reduce healthcare costs and to continue to fight to make sure Americans are covered because covering them helps reduce all our costs when you have the reduction of uncompensated care. But I also wanted to mention a very important safety issue on aviation.

But what I need to say now is really to the State of Washington and to our National Weather Service people. I just got off the phone from our National Weather Service Director for the Pacific Northwest, who was telling me about the extremely dangerous events that are now taking place in the Northwest, with flooding, that we are going to see catastrophic events in at least a couple of our counties, and certainly a lot of damage in the better part of Puget Sound.

So it is very important that the public understand that these rivers, par-

ticularly in Snohomish and Skagit Counties, are going to reach catastrophic levels, literally 4 to 5 feet above the historic mark of these rivers. So this weather event of what is called an atmospheric river, bringing about this much precipitation into our region is going to cause the need for evacuations.

Do not tarry in the evacuation. If evacuations are requested, please comply. These are very drastic situations, and we need the public to understand that. So I am sure you are going to hear a lot more from your local forecasters, your county executives, your emergency response teams, but just know that we are under an unbelievable weather event, and we need to have the public's cooperation.

NATIONAL DEFENSE
AUTHORIZATION ACT

Ms. CANTWELL. I would like to turn now before I get to healthcare, Mr. President, to come to the floor to speak about the National Defense Authorization Act. I see it was just delivered here from the House. I was hoping that our House colleagues would have stopped that legislation and actually made a fix to it. That is section 373, of this year's Defense Authorization Act, which really undermines our critical commercial aviation safety and it exposes the gaps that we saw when we had the January 29 DCA air collision.

So I hope that my colleagues here will help us make changes to this section of the Defense Authorization Act. We know how important this is, the Flight 5342 passenger families, the Lilley family, along with myself and Senator CRUZ, have been trying to sound the alarm bells around the Capitol in the airspace about why we shouldn't let the military fly without this important broadcast system, so that people know when they are in the region and can translate that communication, so that air traffic controllers and other aircraft in a busy airspace know when the military is there.

We know what happened when a Black Hawk involved in the January 29 collision wasn't actively transmitting its location. We know what happened. We know that we have seen since then much from the NTSB. In fact, tonight, a letter from the National Transportation Safety Board is expressing their strong opposition to the inclusion of section 373, in the National Defense Authorization Act. It basically is saying that it significantly reduces the safety of the airspace around Reagan Washington National Airport by allowing the Secretary of the military Department to operate, transmitting its missions to the DCA airspace in a manner that is basically how we got in to the collision to begin with—basically with it not transmitting.

So I don't know why we have to have a letter from the NTSB telling us what we are doing in the National Defense Authorization Act is making the air-

space less safe. I don't even know how this got in the bill because I guarantee you, Senator CRUZ and I didn't approve of this being in the bill. I am pretty sure my colleagues in the House, Congressmen LARSON and GRAVES, didn't approve of this being in the bill. So how is it that this is now in the bill that we all have to respond today, including the National Transportation Safety Board, basically saying this language should not be there.

It is so important, that the families that have had to come together to support legislation that Senator CRUZ and I do support, had to put out their own tweet. They basically said that it doesn't fix the failed system that produced the accident in January. So the families are having to lobby.

So who is not listening? Who is not listening to the ranking members of committees? Who is not listening to the NTSB? Who is not listening to the families of the victims? Who is jamming this into a bill just because they think that DOD still deserves to fly in a crowded airspace without people knowing that they are there?

So I hope my colleagues will take this issue seriously. I hope my colleagues will understand that this is not the way to fix legislation. I mentioned my colleagues, Senator CRUZ, and I have passed the ROTOR Act out of committee, important legislation that does fix the problem, that is endorsed by the families, that is endorsed by the NTSB, that is endorsed by other groups. And yet we couldn't get that into this legislation. But yet, somehow, mysteriously, without anybody knowing how or why, this language is stuck into this bill. Listen to the Lilley family, who lost their son, First Officer Sam Lilley in the crash. They recognize this provision creates another loophole and stated: "Safety that depends on exemptions cannot be the foundation of [a secure] airspace system."

So not only does this provision fail to rein in the training flights properly, it will keep making it more difficult for commercial aircraft to see military training flights flying so close to the flights around DCA.

Now, I will say it is astounding to me that in this last big bill, other stuff was stuck in there, my colleague from the Commerce Committee might realize, that some of our colleagues wanted to be able to sue the Federal Government because the Department of Justice had looked at their phone records. Have we struck that provision?

I am pretty sure these families who have lost loved ones would like to be able to sue the Federal Government, the DOD or the FAA, who basically make it hard to have safety provisions and have somebody in the dark of night put another exemption in for DOD, which is what caused the accident in the first place.

So we don't allow these families to have any recourse with the government, but we are still here with a provision that some Senators thought was