

It is vital that we remember, it is our commitment to those who perished, and to each other; a commitment taken up by your children and, hopefully, by the generation to come. What we remember is gruesome and painful. But remember we must. Over the years, we have tried to make certain that what happened to us was communicated and continues to be told, and retold, until it becomes an inseparable part of the world's conscience.

And yet, some fifty years after the Holocaust, we continue to be repulsed by revelations about the enormity of the crimes against our people. And we are shocked to learn of the behavior of those who could have helped us, or at least, not hurt us, but who, instead, actually helped those whose goal was to wipe us out. Sadly, many of those who claimed they were neutral were actually involved with the German Nazis. They were anything but not neutral.

The world has now learned that the Holocaust was not only the greatest murder of humanity, the greatest crime against humanity, but also the greatest robbery in the history of mankind. Driven from our homes, stripped of family heirlooms—indeed of all our possessions—the German Nazis and their collaborators took anything that was or could be of value for recycling. They stole from the living and even defiled the Jewish dead, tearing out gold fillings and cutting off fingers to recover wedding bands from our loved ones who they had murdered.

But the German Nazis did not—could not—do it alone. The same people who now offer reasonable sounding justifications for their conduct during the Holocaust were, in those darkest of times, more than eager to profit from the German war against the Jews.

None of the so-called "neutral" nations has fully assumed responsibility for its conduct during the Holocaust. The bankers, brokers, and business people who helped Nazi Germany now offer some money to survivors, but they say little about their collaboration. They utter not a word about how they sent fleeing Jews back to the German Nazis' machinery of destruction, nor about how they supported the Nazis in other ways—no admission of guilt; no regret; no expression of moral responsibility.

We must guard against dangerous, unintended consequences arising from all that is going on now. Hopefully, family properties and other valuables will be returned to their rightful owners. But the blinding glitter of gold—the unrealistic expectations created by all the international publicity—has diverted attention from the evil which was the Holocaust.

For five decades, we survivors vowed that what happened to our loved ones would be remembered and that our experiences would serve as a warning to future generations. We must continue to make sure that the images of gold bars wrapped in yellow Stars of David do not overshadow the impressions of a mother protecting her daughter with her coat, upon which a Star of David is sewn, or of a young boy desperately clutching his father's hand at Auschwitz/Birkenau before entering the gas chambers.

The search for lost and stolen Jewish-owned assets has generated enormous publicity and excitement, but it also has created serious concerns. Gold, bank accounts, insurance policies and other assets have become the focal point of the Holocaust. That somehow minimizes Germany's murderous role.

Great care must be taken to find a balance. The various investigations must continue to uncover the hidden or little publicized truths about the so-called neutral countries that collaborated, and to recover what rightfully belongs to the victims, survivors and their families.

The focus should never be shifted from the moral and financial responsibility of Germany for the slaughter of our people—acts for which there is no statute of limitations, acts for which Germany remains eternally responsible. Our books should not and cannot be closed.

Let us Remember.●

#### DEATH OF FORMER SENATOR ROMAN L. HRUSKA

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier by Senators HAGEL and KERREY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 88) relative to the death of the Honorable Roman L. Hruska, formerly a Senator from the State of Nebraska.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 88) was agreed to, as follows:

#### S. RES. 88

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Roman L. Hruska, formerly a Senator from the State of Nebraska.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### DESIGNATING THE HENRY CLAY DESK

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 89, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 89) designating the Henry Clay Desk in the Senate Chamber for assignment to the senior Senator from Kentucky.

There being no objection, the Senator proceeded to consider the resolution.

Mr. LOTT. Mr. President, it is my distinct honor to support this resolution submitted today by Senator MCCONNELL assigning the Henry Clay Desk in the Senate Chamber to the senior Senator from Kentucky. This resolution will ensure that the Henry Clay Desk will forever stay within the family of Kentucky Senators.

The Senate has a proud tradition of passing this type of resolution. During the 94th Congress, for example, the

Senate adopted a resolution assigning the Daniel Webster Desk to the senior Senator from New Hampshire. And, during the 104th Congress, the Senate agreed to a resolution ensuring that the Jefferson Davis Desk would forever reside with the senior Senator from Mississippi.

Let me take a brief moment to reflect on the life and legacy of Henry Clay. Henry Clay began his political career in the Kentucky House of Representatives in 1803, at age 27, and remained in public service until his death in 1852. During Clay's long and distinguished career, he served his state and his nation in a wide range of capacities including speaker of the Kentucky House of Representatives, Speaker of the United States House of Representatives, and, of course, as a U.S. Senator for fifteen years. Clay also served President John Quincy Adams as Secretary of State for four years, and received his party's nomination for President in 1824, 1832, and 1844.

Henry Clay's ability to facilitate compromise was quickly recognized in Washington, and he became well-known as a highly-skilled negotiator. This skill, coupled with his knack for convincing and persuasive speech, made Clay the ideal appointment in 1814 to help negotiate the Treaty of Ghent that concluded the war with Great Britain. And, during Clay's quest to save the Union in 1820, he earned his reputation as "The Great Compromiser" by helping broker the Missouri Compromise. His leadership, however, did not end there. He also went on to play a significant role in crafting the Compromise of 1850.

Henry Clay's lifetime of public service is indeed worthy of recognition. He will always be a role model for public servants because of his dedication to the people of Kentucky and to our great Nation, and lives on his history as one of the greatest Senators of all time. In fact, Henry Clay's portrait is displayed just off the Senate floor to honor his designation in 1957, as one of history's "Five Outstanding Senators." Clay certainly deserves today's honor of committing his former desk to Senator MCCONNELL and to the senior Senators from Kentucky who will follow.

Mr. President, let me say today that I think Senator MCCONNELL is following in the footsteps of Henry Clay. He has done a tremendous job representing the good people of Kentucky for the past 15 years. And, on a personal level, I would like to say that I have developed a genuine appreciation for Senator MCCONNELL's courage, his political insight, and his keen and candid advice on a wide range of subjects. I value him as a friend, a confidant, and an advisor, and look forward to many more years of service with him here in this chamber.

Mr. President, I am proud today to support this resolution submitted by Senator MCCONNELL. It is his strong desire to maintain the heirloom of the

Clay desk in the family of Kentucky Senators for the years to come. I urge the Senate to adopt this resolution and ask that it be included in the collection of the Standing Orders of the Senate.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 89) was agreed to, as follows.

S. RES. 89

*Resolved*, That during the One Hundred Sixth Congress and each Congress thereafter, the desk located within the Senate Chamber and used by Senator Henry Clay shall, at the request of the senior Senator from the State of Kentucky, be assigned to that Senator for use in carrying out his or her senatorial duties during that Senator's term of office.

ORDERS FOR THURSDAY, APRIL 29, 1999

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 29. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that immediately following the prayer, there be 1 hour for debate only, equally divided between Senator MCCAIN and Senator HOLLINGS, relative to the cloture motion on the McCain amendment to S. 96. I further ask that following that debate, the Senate proceed to a vote on the motion to invoke cloture.

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

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. and immediately begin 1 hour of debate relating to the cloture motion to the McCain amendment to the Y2K legislation. At approximately 10:30 a.m., following that debate, the Senate will proceed to a cloture vote on the pending McCain amendment to S. 96. As a reminder, under rule XXII, all second-degree amendments to the McCain amendment must be filed 1 hour prior to the vote.

ORDER FOR FILING SECOND-DEGREE AMENDMENTS

Mr. MCCAIN. Mr. President, I ask unanimous consent that Members have until 10 a.m. on Thursday in order to file second-degree amendments to the substitute amendment.

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

Mr. MCCAIN. Mr. President, following the cloture vote, the Senate may continue debate on the Y2K bill,

the lockbox issue or any other legislative or executive items cleared for action. As a further reminder, a cloture motion was filed today to the pending amendment to the Social Security lockbox legislation. That vote will take place on Friday at a time to be determined by the two leaders. For the remainder of the week, it is possible that the Senate may begin debate on the situation in Kosovo.

ORDER FOR ADJOURNMENT

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment as a further mark of respect to the memory of deceased Senator Roman Hruska, following the remarks of Senator GRAHAM.

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

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Thank you, Mr. President.

JUDICIAL EXPANSION AND THE Y2K ACT

Mr. GRAHAM. Mr. President, over the last several years—according to our colleague from North Carolina, over the last 40 years—we have heard multiple warnings about the Y2K computer problem. We have heard how this problem will overwhelm our Nation's transportation networks, financial institutions, business sectors, and State and local communities.

I bring to the attention of the Senate this afternoon another institution that could be overwhelmed by the rush to prepare for the new millennium, and that institution is one of our direct responsibilities—the Federal courts.

Just over a month ago, the Judicial Conference of the United States—the principal policymaking body for the Federal courts, chaired by the Chief Justice of the U.S. Supreme Court—asked Congress to create nearly 70 new permanent and temporary judgeships: 11 on the appellate level and 58 in Federal district courts.

This was an unusually large request by the Judicial Conference. It was also an urgent request.

The Judicial Conference has made biennial pleas for help from Congress. Every 2 years, the Conference has recommended additional judgeships to be created in order to maintain currency with the capacity of the judicial system of the Federal Government of the United States with the caseload that system was being asked to accommodate.

I am saddened to have to state and to indicate to my colleagues and the American people that Congress has not created so much as one new Federal judgeship since December of 1990—almost 9 years ago.

Since December of 1990, appellate filings have increased by more than 30 percent. District court filings have grown by more than 20 percent. But this increase is not equally distributed across the Nation.

In my home State of Florida, we have seen a worse—a much worse—situation. The Middle and Southern Districts of Florida have seen case filings increase by over 60 percent in the last 9 years without one additional Federal judge being added to the Middle or Southern Districts.

What has been the consequence of this failure of Congress to respond to the legitimate request of the Federal judiciary for additional resources to mediate these additional case demands? This has resulted in over 1,100 criminal defendants having cases currently pending in the Middle District of Florida. On the civil side, more than 5,900 cases have yet to receive final disposition.

The reasons for this need are many. But one stands out in the context of the legislation we are now debating, the legislation to turn responsibility for Y2K litigation to the Federal courts; and that is, the increasing willingness of Congress to federalize what were formerly, and I believe properly, State civil and criminal legal issues.

In other forums we have addressed the federalization of criminal statutes, and thus I will not dwell on that subject today. But just suffice it to say this one fact: It has been now some 135 years since the end of the Civil War. Of all of the Federal criminal statutes enacted since the end of the Civil War, 30 percent of them have been enacted since 1980, or in the last 19 years. So we are in an era in which there has been a rush to create new Federal criminal statutes.

While we can and should debate the merits of this trend, what cannot be debated is the fact that this has dramatically increased the burdens on the Federal courts and their ability to dispense justice. This trend is no less prevalent on the civil side as it is on the criminal side.

In the last Congress, we considered major legal overhauls that would have preempted State tort and property laws.

In 1998, Chief Justice Rehnquist stated:

[S]hould Congress consider expanding the jurisdiction of the federal judiciary, it should do so cautiously and only after it has considered all the alternatives and the incremental impact the increase will have on both the need for additional judicial resources and the traditional role of the federal judiciary.

Unfortunately, the legislation we are considering today runs counter to that sage advice. The very nature of the Y2K problem means that multiple