political pressure to execute this person for this heinous crime she committed that I don't think there would be if she had not been a woman.

I took the time a few weeks ago through the Richmond Law Review to check to see how many cases have been commuted to life imprisonment from death row since the Furman case of 1972. I found that there have been 76 cases. I have not reviewed all of these cases because I have not had the time to do it, but I did look at several of them. I found that there are a lot of circumstances in the Tucker case that were similar to those which caused these other cases to be commuted, 76 of them since 1972. And I will use as an example, in the State of Georgia, William Neil Moore whose sentence was commuted to life imprisonment.

There were several reasons, but the four that kept coming up in his case were, No. 1, an exemplary prison record; No. 2, a strong feeling and expression of remorse for the crime he committed; No. 3, a religious conversion; and, No. 4, pleas from the families of the victims of the crime for clemency. I looked at Karla's case to find that all four of those are there, but it is much more so than it was in the case of William Neil Moore whose sentence was commuted to life imprisonment.

In the Tucker case, it is not just the sister of one of the victims and the brother of the other, but three of the four prosecutors who have made a plea for clemency. The homicide detective, J.C. Moser, the guy who put her away, has quite a passionate story that he tells on how he has never felt any kind of remorse for anyone he has sent up and now he is lined up with several others. Even the prison guards have actually passed a petition around asking for clemency.

I have a letter here I just received this morning from Mr. W.C. Kirkendall, who is from Seguin, Tx. I will read the first and last two sentences of this letter. This is a letter of December 9 to Governor Bush. ''I have been a prosecutor since 1984, favor the death penalty in the appropriate cases and have prosecuted many people who I believe deserved the ultimate penalty that society can inflict.''

The last paragraph says, ''In sum, there is nothing that her execution will accomplish and much that commuting her sentence to life will do to show both the efficacy and justice of the Texas death penalty system. Please spare her life.''

In this letter he goes into all kinds of detail as to how strong he feels about the death penalty and why he would be asking the Governor for an exception in this case.

Having looked at this, I think there can be a case made that if Karla Faye Tucker had been Carl Tucker, there would not have been all of the public and political pressure applied to demand the death penalty.

We went through something very similar in Oklahoma. In Oklahoma 2 years ago we had the most cruel, I guess, mass murder or terrorist act in the history of America when 168 innocent Oklahomans were murdered. And Timothy McVeigh went through the necessary trials, and they found him to be guilty, and they gave him the death sentence. And then Terry Nichols, who was an accomplice in the case, went through the trial, and they did not give him the death penalty.

I never try to second-guess what juries do. I had an experience myself back in the 1970's after the Furman case. I was in the State Senate, and I was the author of the death penalty bill, and I was called for jury duty. There I was. And it was a murder case. And so when they were trying to decide whether or not we should qualify as jurors, they asked me a series of questions. I said, ''Look, I can save you a lot of time. I am a member of the State senate. I am the author of the death penalty bill. I already know this guy is guilty. I have been reading about it, and the guy ought to fry.''

They did not disqualify me, and I ended up being the chairman of the jury that acquitted him. So a long time ago I stopped trying to second-guess the decision. Anyway, in the case of Terry Nichols, they did not do that. I wondered quite a bit since this case came up if Terry Nichols had been a female, would there have been so much pressure applied to everyone who would be listening to make sure that Terry Nichols got the death penalty because we didn't want an exception being made because Terry Nichols might have been a woman.

And so I look at what's happened. Just a few minutes ago, the Texas Pardons and Parole Board made a decision, and I think it was a decision that we all knew they would make, that they would deny any clemency to Karla Faye Tucker. In fact, a guy named Victor Rodriquez—I do not happen to know him, he is the chairman of the Texas Pardons and Parole Board—said way back on the 6th of January on the ''Rivera Live'' show that it did not make any difference what they came up with, that he was not going to be willing to offer commutation to Karla Faye Tucker. And the commutation petition was not even filed until January 22. So that decision has been already made. It was a done deal. And, of course, they came out and said she should not be granted clemency.

I do know Governor Bush. He is a very fair and very compassionate individual. I have looked at the constitution of the State of Texas. It is a little bit different. It gives a lot more power to the Pardons and Parole Board than some of the other States, but in the case of the Texas Pardons and Parole Board, after they have said they would deny clemency, article 4, section 11, of which I will read one sentence that is significant, says:

> The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed 30 days.

All Governor Bush can do right now is to make that recommendation. And during that time he would be able to look at some of these cases. What I think I would do, if I were the Governor of Texas, and knowing what I know so far, is go ahead and grant that 30 days reprieve; nothing would really be lost by that, and then in the meantime during that period of time I would send for—in fact, I would be glad to send them to him—the 76 cases in America where clemency has been offered in the form of commutation of a death sentence into life imprisonment and then look at the standards to see if those standards are not at least met or exceeded by Karla Faye Tucker. I think he would be able to do that.

In the absence of that, of course, tomorrow at 6 o'clock Karla Faye Tucker will be executed. I hate to think that we would wake up on Wednesday morning and go back and start researching and find that those standards were at least met or exceeded. I guess we could call this gender backlash.

The other day I was watching someone on TV—I cannot remember who it was right now, but they said on the 3d of February at 6 o'clock Karla Faye Tucker will be executed in Texas and O.J. Simpson will be playing golf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

SCHEDULING THE ISTEA BILL

Mr. BAUCUS. Mr. President, I rise, with all due respect, to ask the majority leader to reconsider the schedule which he has set so that we take up the Intermodal Surface Transportation Act, otherwise known as ISTEA, right away rather than deferring it as presently seems to be the case. I say this because our States, contractors, all of our people who depend on highways, very much depend upon the Congress to reauthorize the highway bill. Unfortunately, we have yet to do that.

The current program, as we know, expired last year on September 30. However, despite the fact that the Senate Environment and Public Works Committee favorably reported a six-year reauthorization in October, neither the full Senate or the House considered it. Instead, we were forced to pass a temporary, stopgap, 6-month extension, which expires May 1.

Mr. President, if the current schedule holds, that is, if the highway bill is not brought up until after the budget resolution, there is a strong possibility that Congress may not pass a highway bill until shortly before it adjourns this year, which is in October.

That result would be totally unacceptable. It would be unacceptable to our people, to our contractors, and to our highway workers. And it would be unacceptable to me. Frankly, it would not be a responsible way to conduct our Nation's business. Senators should understand just how long it takes a

State highway commission and contractors to plan these projects. It certainly requires months and in many cases it takes years. Furthermore, State legislatures must set their budgets so they can come up with the funds to match the Federal highway funds. This takes time, especially if a legislature meets once every two years. Transportation projects are not something you just turn on and turn off like a spigot. Our current course is very disruptive.

All this is critically important because States cannot obligate funds for highways unless obligation authority is provided by law. Our current 6-month extension expires May 1. After May 1, States will be unable to enter into contracts for their highway programs. That will bring hundreds of projects to a stop, with the resulting loss of jobs.

We might ask, Why doesn't Congress pass another short-term extension? First, that is an on-again-off-again way of doing business. No business would operate like that. And government shouldn't either. We are playing with people's livelihoods if we continue this ''on-again-off-again,'' strategy by passing a series of short term extensions.

Second, there is no guarantee that Congress can easily pass another short-term extension. That's because it would probably take unanimous consent in the Senate so that we limit amendments. We know some states like the current formula and others like the new formula. As we get closer to the election, it will be increasingly difficult to get Senators to refrain from offering amendments to change the formula. I'm sure most of my colleagues can appreciate how incredibly difficult it would be to quickly pass another simple extension under those circumstances. And even if we could, it would be continuing a bad on-again-off-again policy.

We have only 49 days in session until May 1. The bill is going to take a couple or three weeks in the Senate. The House must pass its version of the bill. Then we have to go to conference. That is a lot to do in just 49 days. So it is all the more reason to start as soon as we can in the Senate.

Furthermore, we don't have a lot of business before us right now. There is nothing that is so urgent, except the highway bill. The highway bill is urgent. It is just common sense that if something is both important and urgent, we should be devoting our attention to it. Well, the ISTEA legislation is both urgent and important. We should take it up now, not later.

I know the majority leader has lots of competing considerations here. One is the budget and how to handle the expected surplus. Should we pay off the debt? Lower taxes? Increase spending for priority programs? Secure Social Security and Medicare? Invest in our transportation infrastructure? I understand the argument that some are making: Let's put the highway bill off so we do it all together, all at once. The problem with that is very simple, it means we will probably not have a highway bill until September. And in the meantime, we will be hamstrung with formula fights and other issues on short-term extensions. As I said before, we all know the closer we get to the end of this year, to elections, the more difficult it is because then the formula fights among States become more real.

I think there are ways to work this out. Basically, we have to sit down with people on both sides of the argument here and find some way to resolve this to get the highway bill up.

I also might add that this is not just a highway bill. It is a mass transit bill. For those people in our country who live in the more populated States where mass transit is more important than it is in more rural States like Montana where I come from, they must know the transit legislation is an integral part of the ISTEA bill.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Actually, the Senator's 5 minutes have expired.

Mr. BAUCUS. Mr. President, may I have 2 more minutes?

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

Mr. BAUCUS. Mr. President, it is highways that are being postponed; it is transit being postponed; it is all the safety programs that are in the highway bill that are being postponed; it is the intermodal connections. My friend Senator MOYNIHAN is the father of the ISTEA bill. All his good work will be on hold until we can reauthorize the program. Senator DORGAN has been very helpful in this matter, as has Senator BYRD, Senator GRAMM, Senator WARNER—many of us want the highway bill up now. Our basic point is let's just bring it up now while we have the time. Otherwise we are going to be caught in a situation where delay upon delay means the ISTEA bill is not reauthorized until September or October.

So I close by asking the majority leader to again look at the consequences of delaying the highway bill and to reconsider his decision, because this is a very, very serious matter and I hope we can find a way to avoid these kinds of disruptions. I am willing to work with the leadership, with Senators CHAFEE and WARNER, and other members to accomplish that objective. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak for 7 minutes.

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

THE CLINTON BUDGET

Mr. GRAMM. Mr. President, I want to talk about the Clinton budget which was sent to Congress this morning. I want to try to outline basically what the budget does in terms of spending and taxes. I want to talk a little bit about the tobacco settlement. I want to talk about protecting Social Security. And I want to note that it is very important for people, in understanding the President's budget, to look beyond just the cover page, because the President's budget has a number of new programs that are funded by offsetting receipts and, as is usually true when a Government document is half as high as you are, there is a lot of hidden agenda, hidden spending, hidden taxes in the President's budget. My staff and I have spent yesterday evening and this morning going over the President's plan. I am not sure we have ferreted out all the new spending and all the new taxes, but we have numbers and I think they are important.

First of all, the President proposes $130 billion of new spending programs. That is a larger scale of new Government spending than has been contemplated by any budget since 1994 when the President proposed having the Government take over and run the health care system. If you exclude the health care proposal, where the President proposed that the Government on a massive scale take over and run the health care system, you have to go all the way back to at least the Carter administration to find a budget that proposes the massive increases in social programs that are contained in the Clinton budget. Interestingly enough, when you look at the Clinton budget it claims to spend $1.733 trillion, but in reality, as large as that number is and as substantial as that increase is over last year, there is at least another $42 billion that is hidden in spending that is offset by fees and by asset sales, so that in reality the budget spends $1.775 trillion, which makes it far and away the largest budget ever submitted in the history of America.

I think it is startling to note that the President's budget contains $115 billion worth of new taxes. Some of these taxes are called by different names, but they all represent taxpayers paying more in taxes, more in fees, more for the things they buy so that Government can spend more as their real purchasing power is less. There is some tax relief in the President's budget: $24 billion. But when you add it all up it is a net tax increase of a whopping $91 billion.

What I think is amazing about this tax increase, which is the largest tax increase since President Clinton proposed his tax increase in 1993, is that the tax burden on American workers is higher today than it has ever been in the history of our Republic. Not during the peak of the war effort in the Civil War, not during the peak of the war effort in World War II, did the average American citizens send 30.5 cents out of every dollar they earn to government at some level before. This year American families on average will send 30.5 cents out of every dollar they earn to government, which will spend it on