

that laid out categories for dangerous drugs and their proper control in the Controlled Substances Act of 1970. These schedules include a classification of drugs for their potential for abuse and their medical value. This scheduling system gives us a handle on what science and experience continue to tell us about dangerous drugs. Marijuana, along with PCP and LSD, are included in the category of drugs with a high potential for abuse and no recognized medical use in its smoked form.

But we have not stopped here. In response to public pressure in our last major drug epidemic, we created the drug czar's office to help coordinate our national efforts. We mandated better coordination of Federal efforts through high-intensity drug trafficking areas. In addition, this body continues these efforts. We have spent a good deal of legislative time insisting that our international partners also take steps to stop the production and distribution of dangerous drugs. We are signatories to various international treaties, such as the 1988 U.N. convention, that commits us to maintaining a drug-free environment.

These facts do not mean that various individuals stop trying to smuggle illegal drugs and sell them to the public. It does not mean that unscrupulous business enterprises or individuals stop trying to sell snake oil to the public. We cannot afford to abandon lightly the idea that things offered to the public as medicine must meet exacting standards and scientific validation.

We must be cautious when confronted with sophisticated advertising campaigns that seek to circumvent Federal and State laws and establish procedures for determining safe and effective medicines.

Indeed, it should give us pause if any group seeks to push a so-called medicine through the electoral process. One has to stop and ask why. If the motive is to provide a medicine, why is it that this so-called medicine requires an effort to by-pass science, to ignore experience, and to rely on methods wholly unsuited to the concern at hand. What we see is that various individuals are resorting to testimonials, anecdotes, and junk science. They do this to legitimize the notion that marijuana should be made available for just about any condition one can name. This is not a path that leads us to responsible public policy, sound medical practice, or a caring and compassionate approach to the sick.

In the case of medical marijuana, we see an effort underway that seeks to by-pass good science and responsible medicine. There is no valid science that demonstrates the medical usefulness of smoking marijuana.

Indeed, as recently as February 1994, the U.S. District Court in Washington, DC, denied a petition by marijuana legalization groups to have marijuana rescheduled. Not only did the court deny the petition of the legalizers, it specifically noted that their appeals for re-

scheduling were based on anecdotes and testimonials. No valid scientific studies were offered to support their claims. As the opinion notes each of the various legalization experts admitted, under oath, that he was basing his opinion on anecdotal evidence, on stories he heard from patients, and on his impressions about the drug. The science supporting the claims was not there.

In fact, there is considerable and growing evidence to the contrary. Many of the carcinogens that accompany tobacco are present in similar or greater quantities in marijuana smoke. Moreover, a growing body of evidence indicates the serious, harmful, long-term effects for health and mental development from smoking marijuana. No major medical association or research institute supports the claim for the medical uses of smoking marijuana. The claims remain anecdotal. No major industrialized country endorses its medical use. Just recently, Holland, which condones limited public use of marijuana, has noted no medical utility for marijuana.

On the contrary, the principal source of support for marijuana as a medicine comes from groups that favor legalization of drugs. Again, one ought to ask what is really going on when it is not the medical community clamoring for action but rather lobbying groups that seek to legalize certain drugs.

Major funding for campaigns to support the idea of marijuana as medicine comes for individuals and groups that favor drug legalization or liberalization. The major support for the effectiveness of marijuana as a medicine comes from anecdotes. It is not based on science because the science doesn't support the claims. The legalization groups know this and have hit upon methods to try to legalize drugs, at this point marijuana, by other means.

They make no pretense among themselves about the agenda. They do, however, resort to misdirection in their public pronouncements. Thus, they exploit the public's trust and goodwill to accomplish an agenda that the public has repeatedly opposed. This is not about medicine for sick people but about playing on people's sympathies to legalize a dangerous drug.

They have sought to turn responsible public policy on its head. It is their argument that drugs are dangerous because they are illegal, not that they are illegal because they are dangerous. They would have us believe that our real problem is only the laws that make heroin or cocaine or marijuana or methamphetamine illegal for anyone to buy and use as they see fit.

They would have us forget our own experiences. They would have us disregard the wisdom of our grandparents and others who learned a bitter lesson all those years ago. As Bill Bennett said, drugs are illegal because they are dangerous. They are not dangerous because they are illegal. We forget that simple reality at our great cost. And it will be our kids who will pay the price.

As another old saying goes, fool me once shame on you. Fool me twice, shame on me.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE 125TH ANNIVERSARY OF SHEPHERD COLLEGE

Mr. BYRD. Mr. President, from a practical standpoint, education is fundamental to a society interested in securing a better future for generations to come. But, on a more personal level, I can think of few things in life that provide for the kinds of pleasure, growth, and sense of self-worth as does the acquiring of an education.

Today, I wish to pay tribute to a long-standing pillar of education in West Virginia—Shepherd College. Shepherd College, in Jefferson County, was founded 125 years ago yesterday.

This school, which is located in West Virginia's oldest town, is proof that we can preserve our heritage and traditions at the same time we are preparing ourselves for the challenges of tomorrow. With its roots firmly planted in history, Shepherd College continues to evolve and prepare for the challenges of the new millennium.

Shepherd College first opened in September 1871, as a private school in a single building that had previously served as the Jefferson County Courthouse, and today bears the name McMurrin Hall, in honor of Shepherd College's first principal, Joseph McMurrin. McMurrin and two assistant professors were hired that year to teach the 42 students who were instructed "in languages, arts and sciences."

On February 27, 1872, the West Virginia Legislature passed an act establishing Shepherd College as a four-year school, dedicated to the training of teachers, and accredited to bestow the Bachelor of Arts degree. A liberal arts program was approved in 1943, and in 1950, the Bachelor of Science degree was added.

Today, Shepherd College, part of the State College System of West Virginia, boasts 3,700 students who are enrolled in 80 different fields of study.

In recent years, more than a dozen new buildings have been added to the campus. I am proud to have played a role in that growth by adding funds to federal appropriations bills for the school's new Science and Technology Center. The new Center is intended to help prepare students in fields such as computer science, environmental science, biology, and chemistry—areas of education which are critical to the future ability of our nation to compete

in the global market place, and in which our country, sadly, is lagging behind other industrialized nations. This facility will also provide working partnerships with the many federal facilities located in the Eastern Panhandle, helping area residents to develop careers in high-tech fields, and, in turn, helping West Virginia and the nation to achieve a more prosperous future.

At noon yesterday, Shepherdstown echoed with the sounds of bells, pealing in honor of the school's 125-year commitment to education, a fitting tribute to its founders.

Along with my fellow West Virginians, I wish Shepherd College a happy 125th birthday.

HIGHWAY TRUST FUND AND THE GAS TAX

Mr. BYRD. Mr. President, back on June 5, 1996, I sent a letter to all Senators signaling my intention to offer an amendment to the next available tax bill to place into the Highway Trust Fund the 4.3 cent gas tax that is currently used for deficit reduction.

Senators will recall that, back in May and June of last year, there was much debate on this 4.3 cent gas tax, which was first imposed by the Omnibus Budget Reconciliation Act of 1993. During this past summer, I deferred offering this amendment on two occasions at the request of both the Majority and Minority Leaders. Unfortunately, another opportunity to offer the amendment did not arise.

My purpose in proposing that the 4.3 cent gas tax be placed into the Highway Trust Fund is to better enable the Congress to reverse the very destructive trend of federal disinvestment in our nation's transportation infrastructure. By increasing the revenue stream to the Highway Trust Fund, it would be my hope and expectation to leverage additional resources for our Federal-Aid Highway program in order to stem the deterioration of our nation's highways.

Our federal investment in infrastructure as a percentage of the total federal budget has declined significantly since 1980. Few economists would disagree that adequate long term investment in infrastructure is critical to a nation's economic well-being. Only through investment here at home, investment to maintain and renew our own physical plant, can our economy grow and generate healthy wages for its citizens.

Even so, our nation's investment in infrastructure as a percentage of our Gross Domestic Product has almost been cut in half since 1980. As a nation, we continue to invest an absolutely paltry percentage of our Gross Domestic Product in infrastructure—a percentage considerably less than our chief economic competitors in Europe and Asia.

Nowhere do we pay a greater price for inadequate infrastructure investment than in our nation's highways.

Our national highway system carries nearly 80 percent of U.S. interstate commerce and nearly 80 percent of intercity passenger and tourist traffic. The construction of our national interstate system represents perhaps the greatest public works achievement of the modern era. However, we have allowed segments of our National Highway System to fall into serious disrepair.

The Department of Transportation has released its most recent report on the condition of the nation's highways. Its findings are even more disturbing than earlier reports. DOT currently classifies less than half of the mileage on our interstate system as being in good condition and only 39 percent of our entire national highway system is rated in good condition. Fully 61 percent of our nation's highways are rated in either fair or poor condition. Almost one in four of our nation's highways' bridges are now categorized as either structurally deficient or functionally obsolete. This is not the highway infrastructure that will help our country and its citizens continue to prosper into the twenty first century. If we allow this decay to continue, it will constrict the lifelines of our nation.

According to the DOT, our investment in our nation's highways is a full \$15 billion short each year just to maintain these current inadequate conditions. Put another way, we would have to increase our national highway investment by more than \$15 billion a year to make the least bit of improvement in the status of our national highway network each year.

It is critical to point out that, while our highway infrastructure continues to deteriorate, highway use is on the rise. Indeed, it is growing at a very rapid pace. The number of vehicle miles traveled has grown by roughly 40 percent in just the last decade. As a result, we are witnessing new highs in the amount of congestion, causing delays in the movement of goods and people that are very costly to our national economy.

Mr. President, it is clear that the requirements we place on our national highway system are growing while our investment continues to decline. We are simply digging ourselves into a deeper and deeper hole. Six years ago, in 1991, it was estimated that an investment of \$47.5 billion dollars would be necessary on an annual basis to ensure that highway conditions would not deteriorate any further than they existed in that year. By 1993, that figure grew to \$51.6 billion. And two years ago, that figure grew to \$54.8 billion. The longer we delay making federal highway spending a priority, the more expensive it gets to reverse this destructive trend.

In the coming months, the Senate will take up legislation to reauthorize the Intermodal Surface Transportation Efficiency Act, or ISTEA. Many members, including myself, have come to the Floor to introduce legislation to address specific transportation needs in

their states and regions. Also, many members have spoken to the need for formula changes to bring about what they perceive to be a more equitable distribution of funds from the highway program. Just yesterday, our new Transportation Secretary, Rodney Slater, testified before the Environment and Public Works Committee on the broad outlines of the Administration's proposed ISTEA reauthorization bill. There are many fine initiatives in the Administration's bill just as there have been many fine initiatives introduced by Members from all regions of the country.

However, we must face the fact that, absent a determined effort by the Congress and the Administration to substantially increase the current level of spending on our highway program, we are not going to stem the deterioration of our highway infrastructure. Similarly, it is unlikely that, as we reauthorize ISTEA, we will be able to accommodate new initiatives and address substantial formula changes.

Just last month, I was pleased to join with 55 of my colleagues in writing to the distinguished Chairman of the Budget Committee, Senator DOMENICI, asking that the upcoming Budget Resolution allocate sufficient budget authority to the Environment and Public Works Committee to allow for a robust ISTEA reauthorization bill. But it must be recognized that the ISTEA reauthorization bill is just that—an authorization bill. And while ISTEA does allocate some direct funding from the Highway Trust Fund outside of the appropriations process, the vast majority of funds distributed under the Federal-Aid Highway Program are controlled by annual obligation limitations set by the Appropriations Committee.

The Administration's budget proposal assumes that there will be increased contract authority provided for several meritorious programs under the Federal-Aid Highway Program over the next six years. But the unfortunate fact is that the Administration's budget simultaneously assumes that the annual obligation limitation set by the Appropriations Committee will be frozen at the current year's level for the entire life of the next authorization bill. Put another way, under the Administration's proposal, states will not be allowed to obligate one additional penny in any of the next six years above the current year's level.

Mr. President, I appreciate that we can have a reasonable debate as to whether the solution to this problem is depositing an additional 4.3 cents into the Highway Trust Fund. The Highway Trust Fund currently has some sizable unobligated balances. Moreover, income to the Highway Trust Fund has been steadily rising as a result of increased gas consumption and the fact that an additional 2.5 cents has been deposited in the Highway Trust Fund since the beginning of Fiscal Year 1996. However, one thing that cannot be denied is the fact that substantially increased funds are necessary to stem the