

State belongs to the Federal Government, and it is difficult to keep the private sector and the tax base going. It hurts small business. So it has been a concern of small business.

We have had White House small business conferences in 1980, 1986, and 1994, and in all three of these conferences this has been the major concern.

Let me just briefly explain the bill. I indicated that for some time—like 40 years—we have had a policy to do contracting, to bring the private sector in to do things, but they really have not done that. So we are now saying statutorily there is a system for giving small business that opportunity. It does not say that it has to do that. It says that when there is a commercial activity, the private sector should be given an even chance to see if they can do it more efficiently than the Government. And there are exceptions to that, of course. There are legitimate, inherent activities of Government, and those will be the exceptions—national security, where the Federal Government can provide a better value, and we recognize that that can be. We are not asking that it be given to the private sector if, indeed, the Federal Government agency can do it more efficiently, or in the case, of course, where the private sector cannot provide the goods and services.

So this bill establishes a system and a process where the Office of Management and Budget in the executive branch will identify those Government functions that are “inherently and basically commercial in nature.”

It also establishes an Office of Commercial Activities within OMB to implement the bill. So now you do not have the agency that is going to do the contracting making the decision as to whether they do it or not.

There will be an outside effort made to identify the functions that could best be done that way and to establish provisions for the transition of Federal employees if there should be some reduction there.

The climate, I think, is right for action of this kind. Almost everybody agrees we ought to direct the money, if we can save money by better Government—there are lots of underlying issues, whether it be defense, whether it be health care, whether it be Medicare—to where we can better use those dollars rather than doing the things that someone else could do more efficiently.

The Senate was in support of the concept of this bill; last year, the Senate voted 59 to 39 in favor of a Treasury-Postal appropriations amendment that would have prevented unfair Government competition. It was dropped, unfortunately, from the omnibus appropriations bill.

If we are going to balance the budget, we are going to have to make some fundamental changes. The Federal Government operating commercial needs is one that we can change and eliminate and reduce. Various studies

indicate that we could save up to \$30 billion by utilizing private sector resources. The Heritage Foundation estimates we could save \$9 billion annually. The Defense Science Board concluded the Defense Department alone could save \$30 billion annually.

So, the Freedom From Government Competition Act will help to create jobs in the private sector, help open up markets to private business, save billions of dollars and make Government more efficient. I certainly commend this bill to my associates here in the Senate, to see if we could not make a way to increase and strengthen the private sector as well as save money to be used on these things that are fundamentally Governmental in nature.

FINIS MITCHELL

Mr. THOMAS. Mr. President, it is with great honor that I join Wyoming's Gov. Jim Geringer, and the people of the State of Wyoming, in paying tribute to Finis Mitchell, a man whose legacy commemorates the very pioneer spirit on which our great country was founded.

In remembrance of Mr. Mitchell's innumerable contributions to our State, Governor Geringer has issued a proclamation to designate February 15, 1997, as “Finis Mitchell Day.”

I ask unanimous consent that the State of Wyoming's proclamation be printed in the RECORD following my remarks.

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

[See exhibit 1]

Mr. THOMAS. Finis Mitchell was in the vanguard of mountain climbing at the beginning of this century, and continued his exploration of the Wind River Mountain Range until 1985 when, at the age of 84, he suffered a debilitating knee injury. He documented his climbing experiences through extensive mapping and photography, and eventually amassed a collection of slides numbering in excess of 126,000. This intimate knowledge of the area served as a reference for the U.S. Geological Survey in drawing official maps of the Wind Rivers, and inspired Mr. Mitchell to share his love of the mountains by penning a guidebook and giving educational lectures nationwide.

After marrying Emma Nelson in 1923, together they stocked over 300 of the region's lakes with fish and started the Wind Rivers' first recreational fishing camp. To this day, those lakes are being fished by the public. In recognition of his life-long dedication to environmental conservation, Finis Mitchell received an honorary doctorate from the University of Wyoming, in addition to other State and National awards. He also found the time to serve as a State legislator.

Throughout his life, Mr. Mitchell demonstrated strength in his rugged individualism. Starting from a humble beginning with his wife at their post-Depression fishing camp, this spirit of

determination provided Mr. Mitchell with the foundation for a lifetime of success. Finis Mitchell rose to the challenges of exploring social, educational, and political frontiers just as he made his innumerable treks into the untamed wilderness, one step at a time.

It can be said that Mr. Mitchell's achievements were a byproduct of respect he had for the lands he called his own backyard, and those which he helped transform into a sportsman's paradise. The following passage in Finis Mitchell's own words surely echoes the sentiment of all who have had the privilege of knowing his Winds:

Evening alone in the mountains. No one to talk to. No one speaking out . . . Only the comfort of a murmuring breeze, the goodnight chirp of the snowbird . . . the glistening of the moon on a distant glacier, the faint music of waterfalls scurrying down. Where else can a man be so close to heaven and still have his feet on the ground?

Mr. Mitchell's extensive mapping of the Wind River region and his nationally recognized wildlife conservation efforts will be appreciated by folks from Wyoming, and others drawn to the area from all over the globe, for generations to come. We will continue to share his love of nature through the beauty of the majestic vistas and abundant wildlife that make our State like no place on Earth.

Mr. President, I would like to close with a quote from “The Pioneer” by James Fenimore Cooper, which seems to epitomize the life of Finis Mitchell:

None know how often the hand of God is seen in the wilderness but them that rove it for a man's life . . .

Such a man was Finis Mitchell.

EXHIBIT 1

GOVERNOR'S PROCLAMATION

Finis Mitchell was born on November 14, 1901 in Ethel, Missouri, the son of the late Henry Reece and Faye Troutman Mitchell. He traveled with his parents from Missouri to Wyoming's Wind River Range, arriving on April 26, 1906.

Finis Mitchell started mountain climbing back in October, 1909. He continued solo climbing until 1975 when at the age of 73, he suffered a debilitating fall that left him with a bad knee.

Finis Mitchell began taking pictures as a hobby with his climbing, so that he could show people where he had been and what was in our national forests. By the time he stopped climbing he had accumulated a collection of 35mm slides in excess of 126,000. Finis spent most of his free time exploring the Wind Rivers, capturing their beauty on film, naming lakes, and mapping the terrain.

Finis Mitchell and Emma Nelson were married in Rock Springs at the Congregational Church on June 4, 1925. The two pioneers, in 1930, started Mitchell's Fishing Camp at the Big Sandy Openings, which was to become the first recreation area on the Pacific side of the Wind River Range. Due to the lack of fish, Finis and Emma transported fish in five gallon milk cans, twelve at a time using six pack horses. In the seven years that they operated their fishing camp, they stocked over 300 lakes with over 2.5 million little trout, all free for the public to enjoy.

Finis Mitchell had been the recipient of many awards and honors for his conservation

efforts by the U.S. Environmental Protection Agency, the National Forest Service and several presidents. He served in the Wyoming House of Representatives from 1955–1958. In 1975 Finis published a guidebook to the Wind Rivers, Wind River Trails. In 1977 he received an honorary doctorate from the University of Wyoming. The Congress of the United States named Finis' favorite mountain after him, Mitchell Peak at 12,482 feet, is one of a very few land forms in the country that was named after a living American.

Finis Mitchell passed away November 13, 1995, the day before his 94th birthday.

Now Therefore, I Jim Geringer, Governor of the State of Wyoming, do hereby proclaim February 15, 1997, to be "Finis Mitchell Day" in Wyoming. Known by many as "Lord of the Wind Rivers," Finis Mitchell hiked or backpacked over 15,000 miles and climbed 220 peaks since 1909. He shared his knowledge and experiences with anyone and everyone. He spent a lifetime exploring and learning about the Wind River Range and passing the information on to others.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 12th day of February, 1997.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator from Alabama is correct.

OPPOSITION TO THE HOLLINGS AMENDMENT

Mr. SHELBY. Mr. President, I want to commend the Senator from South Carolina, Senator HOLLINGS, for his many years of effort to reform our campaign system. His commitment to this endeavor is principled and long-standing.

I have supported the Senator's efforts in the past, cosponsoring and voting for his legislation that would amend the first amendment of the Constitution to allow Congress and the States to limit the amount of money spent on political campaigns.

Mr. President, with all due respect to his efforts and my past efforts, however, I rise today to speak in opposition to the Senator's proposed constitutional amendment.

I have supported the Senator from South Carolina's effort in the past because I believed then, as I do now, that we need to improve our current campaign system. But, in my zeal for reform, I ignored what was really at stake.

Over the past weeks, however, after much thought and consideration—after many discussions with constituents and reviewing the writings of many constitutional scholars, all of who support campaign finance reform—I have come to the conclusion that amending the first amendment would be far worse than the current situation.

Indeed, if we passed a constitutional amendment to amend the first amendment to solve our current campaign finance problems, the cure would be worse than the disease.

Mr. President, the proposed constitutional amendment simply takes away

too much—the cost is too high and the risks too great.

The first amendment is properly viewed as one of the most sacrosanct bundle of rights protected under the U.S. Constitution and this proposed resolution would strike at the heart of the first amendment—core political speech.

Mr. President, to support such a repeal, is to threaten the very breath of every other right protected under the Constitution—and then nothing is sacred, nothing is sure, nothing is protected.

Without free speech, liberty has no meaning.

And this amendment would seek to do what the Supreme Court has said cannot be done under the first amendment of our Constitution.

In 1974, in the seminal case of *Buckley versus Valeo*, the Supreme Court as the Presiding Officer knows, struck down the Federal Election Campaign Act's expenditure limits on candidates, individuals, and groups on first amendment grounds—finding that the Government's interest in, among other things, reducing the appearance of corruption was insufficient to justify restricting core political speech and expression.

Mr. President, the question facing the Supreme Court was, at bottom: "whether a person can be prohibited from spending money to communicate an idea, belief, or call to action"? The Court's answer was "no."

Since *Buckley*, the Court has consistently found that the first amendment protects political speech and expression rights from intrusive government restrictions such as campaign spending limits.

In *FEC versus National Conservative Political Action Committee* the Court again struck down spending limits. This time, reaffirming that restrictions on independent expenditures by political committees on publicly funded presidential general election campaigns violate the core of the first amendment's protections.

More recently, in *Colorado Republican Federal Campaign Committee versus FEC*, the Court found that political party expenditures made without coordination of a candidate were entitled to first amendment protection as independent expenditures.

The Court rejected the argument that independent expenditures threaten corruption or give the appearance of corruption.

Mr. President, this amendment is about more than just overturning one Supreme Court case, it is about overruling a whole line of first amendment case law.

Over the years, the Court has made it clear that the *Buckley* decision was not some fluke. In fact, *Buckley* has been reaffirmed many times over. The answer should not be to undo the first amendment because it is viewed as an impediment to reform.

There are better, perhaps more realistic and more effective ways of ad-

ressing the problems in our campaign finance system.

Mr. President, I believe that changes can be made to improve our current system and I intend to support efforts to reform our current campaign finance system.

But first, we need to start by enforcing current law, especially in regard to foreign contributions. No foreign contributions should be allowed to influence our political process.

It is important to remember that adopting this amendment won't do anything to address the abuses that have recently come to light regarding the White House, DNC fundraisers and foreign influence. Existing laws were broken in accepting foreign contributions.

However, we all know that our current laws are not sufficient. We need to target abusive practices which both parties agree should be eliminated.

And, Mr. President, I believe that one of the most far reaching and important changes we can make in the system we have today is to demand full disclosure of all campaign contributions and expenditures. The public has a right to know where all funds in the political system come from and where they go.

I also remain fully opposed to any form of public financing of political campaigns and intend to fight efforts to shift the cost and effort of running for public office from political candidates to the taxpayer of America.

I find it offensive that some would argue that the only way we can purify the political process and eliminate the appearance of corruption is to launder campaign funding through the U.S. Treasury.

American taxpayers should not be forced to pay for political campaigns. We have public financing of Presidential campaigns now, and you can see how effective that was in reducing corruption or the appearance of corruption in the last election.

Mr. President, reform cannot and should not come at the expense of the public, and yet the reform proposals now being put forth would first rob American citizens of their first amendment rights under the Constitution and then require them to pay for the cost of political campaigns.

What a deal. Reform could not be easier—for the political establishment.

This amendment has serious ramifications beyond the immediate restrictions placed on an individual's rights to free speech and expression. This amendment also threatens the power of the American people over their Government.

By restricting the right to speak freely and to participate in the political process, we restrict our rights to political debate and reduce our ability to control and check our Government. In fact, we give up even the pretense of self-government.

I would rather be criticized for changing a position than forever limiting the rights of Americans to speak,