



Vote #1: WEAKENING UNFUNDED MANDATE REFORMS. Unfunded Mandates are laws passed by Congress requiring state and local government to carry out actions that do not carry the necessary funding, thus placing a burden on local communities and taxpayers. These unfunded mandates often are laws imposing environmental restrictions on private property. S 1 (Unfunded Mandates) requires a Congressional Budget Office cost analysis and specifics regarding how proposals would be financed, or face a point of order that could be waived by a majority vote. During consideration of S 1, Senator Carl Levin (D-MI) offered an amendment intended to gut S 1 and replace it with a substitute that was considerably weaker. It embodied a less stringent mandates bill from the liberal controlled Congress in 1994. A motion by Senator Dirk Kempthorne (R-ID) to table or kill the Levin Amendment was approved 58-39 on January 27, 1995. **Private property rights supporters voted YES.**

Vote #2: ENDANGERED SPECIES ACT LISTINGS. Senator Kay Bailey Hutchison (R-TX) proposed an amendment to HR 889, Fiscal 1995 Defense Supplemental Appropriations bill, to impose a six-month moratorium on new designations of species entitled to protection under the Endangered Species Act by rescinding \$1.5 million for the enforcement of the Endangered Species Act of 1973. Senator Max Baucus (D-MT) made a motion to table (kill) the Hutchison Amendment and allow continued listing of species during the six-month period. The Baucus motion was rejected 38-60 on March 16, 1995. **The property rights vote was NO.**

Vote #3: EMERGENCY HARVEST OF DEAD AND DYING TREES. This vote is a companion vote to House Vote #6. In the last five years over 20 billion board feet of dead and dying timber has sat unharvested on Forest Service lands throughout the country. Existing federal laws, regulations and green group appeals and harassment tactics have prevented this wood fiber from being harvested before it rots and no longer has commercial value. That is a tremendous financial loss to forestry dependent communities and makes houses more costly to build. HR 1158 (all appropriations bills start in the House and have a House number) contained a provision that expedited procedures for removing the dead and dying trees while retaining important environmental safeguards. Senator Patty Murray (D-WA) offered an amendment to restore layers of environmental review the bill had sought to suspend in order to expedite timber harvesting. Senator Slade Gorton (R-WA) offered this motion to table (kill) the Murray Amendment. Gorton won 48-46 on March 30, 1995. **The private property position was a YES vote.**

Vote #4: REGULATORY OVERHAUL - WEAKENING RISK ASSESSMENT AND COST BENEFIT ANALYSIS. S 343 requires that any new regulations affecting the environment, health and safety that would likely cost the economy more than \$50 million annually must first undergo an assessment of risk and the relative costs and benefits. By forcing new regulations to undergo a risk assessment and cost benefit analysis, private property advocates believe many regulations affecting private property would be eliminated. Senator J. Bennett Johnston (D-LA) offered an amendment to raise the threshold to \$100 million thus cutting the number of regulations that must go through a risk assessment and cost benefit analysis. The Johnston Amendment passed 53-45 on July 11, 1995. A Yes vote was a vote in support of President Clinton. **Private property advocates supported a NO Vote.**

Vote #5: LOBBYING DISCLOSURE - ADVOCACY GROUPS. The Simpson Amendment to S 1060 would ban any organization classified as a 501(c)(4) nonprofit organization under the Internal Revenue Code of 1986 that engages in lobbying from receiving federal funds. This amendment applied to many activist groups but would have limited environmental groups who were advocating more limits and regulations on private property. By far, most groups engaged in lobbying and receiving federal grants are liberal organizations built up over 40 years of liberal control of the Congress. The concern here was over the conflict that may arise over the taxpayers providing a subsidy to environmental and other groups who lobby Congress to gain more subsidies and building up more and more power. The Amendment passed by a vote of 59-37 on July 24, 1995. **The property rights position was a YES vote.**

Vote #6: MINING PATENTS. U. S. mining laws encourage prospectors on non-designated public lands to locate and develop mineral deposits containing metals and some uncommon minerals

vital for industrial uses. As an incentive to develop a mining claim, the prospector receives an exclusive right to develop the claim if a discovery of a valuable mineral deposit can be demonstrated and as long as the prospector is progressing in bringing the deposit to production. Once the miner proves that the deposit can be mined at a profit, patent (title) to the land may be obtained upon payment of a small fee (\$5.00 or less) to the government. The U. S. Supreme Court has consistently ruled that a valid mining claim is "private property in the highest sense of the word." Opponents of this policy have characterized patenting as a give-away of valuable public resources and successfully attached a patent moratorium to last year's Interior Appropriations law. Supporters of patenting point out that a miner must invest a great deal of time and millions of dollars on mineral exploration and development before obtaining the property right to a mining claim. Patenting a claim can often cost \$10,000 an acre and more. The government does not receive any benefit from the mere existence of an ore deposit somewhere beneath the surface of federal lands. The government sees a return only if that deposit is found and developed. Proponents of mining generally agree that the price charged for a patent is inadequate and should be based on fair market value. The House added an amendment to the FY 1996 Interior Appropriations bill extending the moratorium on mining patents for another year. The Senate Appropriations Committee rejected this amendment before sending the Interior Appropriations bill to the floor. Senator Bumpers (D-AR) argued that patents had been granted on 11,365 acres since FY 1991 for which "Uncle Sugar's taxpayers have received the handsome sum of \$56,000, and we have given away over \$11 billion worth of gold, silver, platinum and palladium." Speaking in response, Senator Murkowski (R-AK) countered that a moratorium tramples on the inherent property rights of American citizens. Sen. Murkowski stated, "We have an obligation here under the sanctity of private property, and the mining law created a system by which citizens of this country are awarded real property rights in return for developing a valuable mineral deposit." He added that by developing a mine, "they provide employment" and "they pay taxes." Senator Bumpers made a motion to kill a provision which ended the patent moratorium in the Senate version of the 1996 Interior Appropriations bill (HR 1977). The Bumpers amendment was rejected 46-51 on August 8, 1995. A Yes vote supported the President's position and is a vote to deny many mining claimants their property rights. **A NO vote on the Bumpers amendment is a vote to protect property rights (See vote #15 in the House).**

Vote #7: REINTRODUCTION OF THE RED WOLF. Senator Jesse Helms (R-NC) proposed an amendment to the Fiscal 1996 Interior Appropriations Bill, HR 1977, that would prohibit the spending of money in the bill to implement and carry out a controversial Interior Department program to reintroduce red wolves to former habitat areas in the Southeastern United States. Landowners and many other opposed the US Fish and Wildlife Service program as a misguided assault on states' rights and a threat to public safety. Senator Harry Reid (D-NV) offered a motion to table (kill) the Helms Amendment. Senator Reid's motion was agreed to 50-48 on August 9, 1995. **Private Property advocates voted NO.**

Vote #8: ELIMINATING FUNDING FOR THE OFFICE OF THE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND THE ENVIRONMENT. Under Secretary Jim Lyons supervises the US Forest Service and the Natural Resources Conservation Service (formerly the Soil Conservation Service). He has inflamed the War On The West by taking strident preservationist stands that disregard federal laws and policies regarding private property, water rights, timber harvesting and management of roadless areas. Sen. Ted Stevens (R-AK) stated, "Under Mr. Lyons' leadership in the Forest Service, he had designated over 600,000 acres of the area that was available for timber harvest in the State of Alaska as habitat conservation zones. One of them is one-fifth the size of Rhode Island." To send a strong message that Lyons' conduct must change, Stevens offered an amendment to delete funding for Mr. Lyons' office during Fiscal Year 1996. Even Senator Max Baucus (D-MT) who voted against this amendment stated, "We have a saying in the West that when someone has crossed the line and gone too far "he's broken his pick." Regrettably, Under Secretary Lyons has broken his pick in the West. The time has come to make some changes, not by legislation, but by urging Secretary Lyons and the Administration to find some graceful way for him to no longer hold the position he now has." A motion by Senator Dale Bumpers (D-AR) to table or kill the Stevens Amendment was rejected 42-51 on September 19, 1995. (The Stevens Amendment was subsequently adopted by voice vote.) **Property rights supporters voted NO.**

Vote #9: CONTROLLING EXCESSES BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA).

The Fiscal Year 1996 Appropriations for the Veterans Administration, Housing and Urban Development and Independent Agencies (HR 2099) contained several anti-regulatory provisions (called riders) to reign in the regulatory excesses of the EPA. These riders would have stopped the EPA from enforcing a variety of costly, intrusive, regulations including wetlands regulations under the Clean Water Act. Senator Max Baucus (D-MT) offered an amendment allowing EPA Administrator Carol Browner, who is rabidly hostile to private property rights and once worked for then-Senator Al Gore, to ignore any of these riders that she determined "would diminish the protections of human health or the environment otherwise provided by law." Sen. Kit Bond (R-MO) argued the Baucus amendment "gives the EPA Administrator the power to veto, ignore, or totally disregard a law . . . I want my colleagues to have the pleasure of voting yes or no on this simple proposition: Do you want the unelected Administrator of the EPA to be able to change laws passed by Congress and signed by the President?" The Baucus Amendment was defeated 61-39 on September 27, 1995. **Property rights defenders voted NO.**

Vote #10: ARCTIC NATIONAL WILDLIFE REFUGE DRILLING.

A provision in the Fiscal 1996 Budget-Reconciliation bill would have allowed drilling for oil in a small corner of the Arctic National Wildlife Refuge (ANWR). Prudhoe Bay on the North Slope is entering the final phases of oil production and supplies nearly 25% of the oil the United States produces. Unless additional supplies of oil enter production soon, the U. S. will face a shortage or a greater dependency on foreign and less reliable sources. It takes approximately 10 years to get a new source of oil into full scale production. An oil shortage like that which occurred in the 70's hurts the overall economy and thereby damages property values. If ANWR were eliminated from future use the whole economy of Alaska would suffer, reducing property values and jobs and hurting many inholders. ANWR offers the best chance of a large scale oil find with minimal environmental impact. Senator Max Baucus (D-MT) offered an amendment to strike provisions in the budget-reconciliation bill allowing for oil drilling in ANWR. Senator Pete Domenici (R-NM) offered a motion to table (kill) the Baucus Amendment. The Domenici motion passed 51-48 on October 27, 1995. The private property vote was a YES.

Vote #11: OMNIBUS PROPERTY RIGHTS ACT OF 1995.

Actually this is not a vote. Because the Senate has not yet voted on S 605 . The League of Private Property Voters made an exception this year and used **sponsorship of S 605** as the criteria. S 605 would establish a uniform and more efficient federal process for protecting property owners' rights guaranteed by the Fifth Amendment. It would compensate property owners for the "taking" of their property by federal regulation when the fair market value has been reduced by 33%. S 605 requires a Takings Impact Analysis by federal agencies of regulations before they are promulgated if the agency thinks a taking may result from the regulation. A vote on S 605 is expected in the Senate in the Spring of 1996. While sponsors do not always vote for a bill they sponsor, we felt it was appropriate to include sponsorship of S 605 in the Vote Index.

SENATE KEY Private Property Position:

S: Supported Private Property Position; O: Opposed Private Property Position; ?: Did Not Vote

Senator

Y N Y N Y N N N Y Y
1 2 3 4 5 6 7 8 9 10 11

% Support:

When All
Voting Votes

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Alabama

Heflin (D)			S	O	O	O	O	S	O	O	S	S	S	45	45
Shelby (R)			S	S	S	S	S	S	S	S	S	S	S	100	100

Alaska

Murkowski (R)			S	S	S	S	S	S	S	S	S	S	S	100	100
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Stevens (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Arizona													
Kyl (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
McCain (R)	?	S	S	?	S	S	S	S	S	S	?	100	73
Arkansas													
Bumpers (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Pryor (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
California													
Boxer (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Feinstein (D)	O	S	O	O	S	O	O	O	O	O	?	20	18
Colorado													
Brown (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Campbell (R)	O	S	S	S	S	S	S	S	S	S	?	90	82
Connecticut													
Dodd (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Lieberman (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Delaware													
Biden (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Roth (R)	S	S	O	O	S	O	O	S	O	O	?	40	36
Florida													
Graham (D)	S	O	?	O	O	O	O	O	O	O	O	11	9
Mack (R)	S	S	S	S	S	?	?	S	S	S	S	100	82
Georgia													
Coverdell (R)	S	S	S	S	S	S	S	S	S	S	?	100	91
Nunn (D)	S	O	O	O	O	O	O	O	S	O	?	20	18
Hawaii													
Akaka (D)	O	O	O	O	O	O	O	O	O	S	?	10	9

Inouye (D)	?	O	O	O	O	S	O	O	O	S	?	22	18
Idaho													
Craig (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Kempthorne (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Illinois													
Moseley-Braun (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Simon (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Indiana													
Coats (R)	S	S	S	S	S	O	S	S	S	S	S	91	91
Lugar (R)	S	S	S	S	?	S	S	S	S	S	?	100	82
Iowa													
Grassley (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Harkin (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Kansas													
Dole (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Kassebaum (R)	S	S	?	S	S	O	S	?	S	O	?	75	55
Kentucky													
Ford (D)	O	S	O	O	O	S	O	O	S	S	?	40	36
McConnell (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Louisiana													
Breaux (D)	S	S	O	O	S	?	O	O	S	S	?	56	45
Johnston (D)	S	O	O	O	?	O	O	?	S	S	?	38	27
Maine													
Cohen (R)	S	S	O	O	S	O	O	S	O	O	?	40	36
Snowe (R)	S	S	S	O	S	O	O	S	O	O	?	50	45
Maryland													
Mikulski (D)	O	?	O	O	O	O	O	O	O	O	?	0	0

Sarbanes (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Massachusetts													
Kennedy (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Kerry (D)	O	O	O	O	S	O	O	O	O	O	?	10	9
Michigan													
Abraham (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Levin (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Minnesota													
Grams (R)	S	S	?	S	S	S	S	S	S	S	S	100	91
Wellstone (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Mississippi													
Cochran (R)	S	S	S	S	S	S	S	S	S	S	?	100	91
Lott (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Missouri													
Ashcroft (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Bond (R)	S	S	S	?	S	S	S	S	S	S	S	100	91
Montana													
Baucus (D)	S	O	O	O	S	S	O	O	O	O	?	30	27
Burns (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Nebraska													
Exon (D)	O	S	O	O	O	O	O	O	S	O	?	20	18
Kerrey (D)	O	O	O	O	S	O	O	O	S	O	?	20	18
Nevada													
Bryan (D)	O	O	O	O	O	S	O	O	O	O	?	10	9
Reid (D)	O	O	S	O	S	S	O	O	O	O	?	30	27
New Hampshire													
Gregg (R)	S	S	S	S	S	O	O	S	S	S	?	80	73

Smith (R)	S	S	S	S	S	S	S	S	S	S	?	100	91
New Jersey													
Bradley (D)	O	?	O	O	O	O	?	O	O	O	?	0	0
Lautenberg (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
New Mexico													
Bingaman (D)	O	O	O	O	O	S	O	O	O	O	?	10	9
Domenici (R)	S	S	S	S	S	S	S	S	S	S	?	100	91
New York													
D'Amato (R)	S	S	S	S	S	S	S	S	S	S	?	100	91
Moynihan (D)	O	O	O	O	O	O	O	?	S	O	?	11	9
North Carolina													
Faircloth (R)	S	S	?	S	S	S	S	S	S	S	?	100	82
Helms (R)	S	S	S	S	S	?	S	S	S	S	?	100	82
North Dakota													
Conrad (D)	O	S	?	O	O	O	S	O	S	O	?	33	27
Dorgan B (D)	O	S	?	O	?	O	O	?	S	O	?	29	18
Ohio													
DeWine (R)	S	S	S	S	S	O	S	S	S	S	?	90	82
Glenn (D)	O	O	O	O	O	O	O	?	O	O	?	0	0
Oklahoma													
Inhofe (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Nickles D (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Oregon													
Hatfield (R)	S	S	S	O	S	S	S	?	S	S	S	90	82
Packwood (R)	S	S	S	S	S	S	S	S	S	I	S	100	91
Pennsylvania													
Santorum (R)	S	S	S	S	S	S	S	S	S	S	?	100	91

Specter (R)	S	S	S	O	S	S	O	S	S	O	?	70	64
Rhode Island													
Chafee (R)	S	S	O	O	S	S	O	S	O	O	?	50	45
Pell (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
South Carolina													
Hollings (D)	O	O	O	O	O	O	O	O	S	O	?	20	18
Thurmond (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
South Dakota													
Daschle (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Pressler (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Tennessee													
Frist (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Thompson (R)	S	S	S	S	S	S	S	S	S	O	?	90	82
Texas													
Gramm (R)	?	S	S	S	S	S	S	S	S	S	S	100	91
Hutchison (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Utah													
Bennett (R)	S	S	S	S	?	S	S	S	S	S	S	100	91
Hatch (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Vermont													
Jeffords (R)	S	S	O	O	S	O	O	?	O	O	?	33	27
Leahy (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
Virginia													
Robb (D)	S	O	O	O	O	O	O	O	O	O	?	10	9
Warner (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
Washington													
Gorton (R)	S	S	S	S	S	S	S	S	S	S	?	100	91

Murray (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
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West Virginia

Byrd (D)	O	O	O	O	O	O	S	O	S	O	?	20	18
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Rockefeller (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
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Wisconsin

Feingold (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
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Kohl (D)	O	O	O	O	O	O	O	O	O	O	?	0	0
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Wyoming

Simpson (R)	S	S	S	S	S	S	S	S	S	S	?	100	91
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Thomas (R)	S	S	S	S	S	S	S	S	S	S	S	100	100
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