



**Senate Vote #1: REGULATORY OVERHAUL - WEAKENING RISK ASSESSMENT AND COST BENEFIT ANALYSIS.** S 343 required 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 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 the process. The Johnston Amendment passed 53-45 on July 11, 1995. A yes vote was a vote in support of President's position. Private property rights supporters voted **NO**.

**Senate Vote #2: MINING PATENTS.** US 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 US 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 in the 1995 Interior Appropriations law. Supporters of patenting point out that a miner must invest a great deal of time and money on mineral exploration and development before obtaining the title to a mining claim. Patenting a claim can often cost \$10,000 an acre and more. The government receives no benefit from the mere existence of an ore deposit somewhere beneath the surface of federal lands; it sees a return only if that deposit is 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 Dale Bumpers (D-AR) argued that patents had been granted on 11,365 acres since FY 1991 for which "Uncle Sam'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 Frank 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 "pay taxes." Sen. Bumpers made a motion to kill a provision to end 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 miners their property rights. Private property rights supporters voted **NO**.

**Senate Vote #3: 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 (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 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." Senator Kit Bond (R-MO) argued the Baucus amendment "gives the EPA Administrator the power to veto, ignore, or totally disregard 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. Private property rights supporters voted **NO**.

**Senate Vote #4: 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 US produces. Unless additional supplies of oil enter production soon, the US 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. Private property rights supporters voted **YES**.

**Senate Vote #5: ENDANGERED SPECIES ACT LISTINGS.** Last year, Congress enacted a one-year moratorium on listing endangered and threatened species and designating critical habitat pursuant to the Endangered Species Act. HR 3019, FY 1996 Omnibus Rescissions and Appropriations bill, contained language continuing this moratorium for an additional year. Senator Harry Reid (R-NV) proposed an amendment to lift the moratorium and restore money for listing species. Senators Kay Bailey Hutchison (R-TX) and Dirk Kempthorne (R-ID) offered an amendment to replace the Reid Amendment by only allowing emergency listings and \$1 to list species. A motion by Sen. Reid to table (kill) the Hutchison-Kempthorne amendment was defeated 49-51 on March 13, 1996. Private property supporters voted **NO**.

**Senate VOTE #6: EMERGENCY HARVEST OF DEAD AND DYING TREES.** 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 fiber from being harvested before it rots and no longer has commercial value. That is a tremendous loss to forestry dependent communities and makes homes more costly to build. HR 3019, described in vote #5, continued the successful timber salvage program that expedited procedures for removing dead and dying trees while retaining important environmental safeguards. Senator Patty Murray (D-WA) sought to strike the timber salvage provision and replace it with layers of environmental review that hinder timber harvesting. The Murray amendment was defeated 42-54 on March 14, 1996. A yes was a vote in support of the president's position. Private property supporters voted **NO**.

**Senate Vote #7: LIVESTOCK GRAZING ON PUBLIC LANDS.** Approximately 27,000 ranchers hold livestock grazing permits on nearly 300 million acres of Federal lands in the Western States. Grazing permits are based on pre-existing property rights. These include water rights and private base property inholding. Permittee's also typically own the range improvements and water rights they have created and paid for on their grazing allotments. Recent congressional and Clinton Administration attempts to radically change the terms and conditions of grazing permits (including the fee formula) are based on denying these pre-existing property rights and are designed to capture their value for the Federal government while eliminating grazing on Federal land. S 1459, sponsored by Senator Pete Domenici (R-NM), would codify some of the private property rights protections associated with grazing permits. It would also allow for modest increases in grazing fees. The Senate passed S 1459 51-46 on March 21, 1996. A no vote was in support of the President's position. Private property supporters voted **YES**.

**Senate Vote #8: UTAH WILDERNESS.** HR 1296 was an omnibus parks bill containing over 30 specific provisions. One of these as S 884, authored by Utah Senators Orrin Hatch and Robert Bennett (R), which would designate 2 million acres of Bureau of Land Management lands in Utah as Wilderness. Preservationists proposed to almost triple the designation. Included in this total would be private inholdings, including mining claims. Senator Bill Bradley (D-NJ), at the urging of preservationists, began a filibuster to prevent S 884 from being included in the parks bill. Unless 60 Senators vote to invoke cloture to limit debate, the Senate can come to a grinding halt. The motion to invoke cloture and prevent the 5.7 million acre Utah wilderness proposal from being added was defeated 51-49 on May 1, 1996. The bill was then withdrawn from consideration. Private property rights supporters voted **YES**.

**Senate Vote #9: OMNIBUS PROPERTY RIGHTS ACT OF 1997.** Actually this is not a vote. Because the Senate has not yet voted on S 781, which Senator Orrin Hatch (R-UT) recently introduced. The League of Private Property Voters has made an exception and used sponsorship of S 781 as the criteria. S 781 would establish a 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 781 is similar to a bill approved by the Senate Judiciary Committee with bipartisan approval during the 104th Congress (S 605/1954) but was not voted on by the full Senate. A vote on S 781 is expected in the Senate during the 1997 session. While Congressmen do not always vote for a bill they sponsor, we felt it was appropriate to include sponsorship of S 781 in the Vote Index.

S: Supported Private Property Position; O: Opposed Private Property Position;  
?: Did Not Vote; I: Ineligible to vote

**SENATE KEY****Private Property  
Position:****Senator**

**N N N Y N N Y Y Y**  
**1 2 3 4 5 6 7 8 9**

**% Support:****When  
Voting****All  
Vote****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)	O	S	S	S	O	S	S	S	I	75	67
Shelby (R)	S	S	S	S	S	S	S	S	O	89	89

**Alaska**

Murkowski (R)	S	S	S	S	S	S	S	S	O	89	89
Stevens (R)	S	S	S	S	S	S	S	S	O	89	89

**Arizona**

Kyl (R)	S	S	S	S	S	S	S	S	O	89	89
McCain (R)	?	S	S	S	S	S	S	S	O	89	78

**Arkansas**

Bumpers (D)	O	O	O	O	O	O	O	O	O	0	0
Pryor (D)	O	O	O	O	O	O	O	O	I	0	0

**California**

Boxer (D)	O	O	O	O	O	O	O	O	O	0	0
Feinstein (D)	O	O	O	O	O	O	O	O	O	0	0

**Colorado**

Brown (R)	S	S	S	S	S	S	S	S	I	100	89
Campbell (R)	S	S	S	S	S	S	S	S	O	89	89

**Connecticut**

Dodd (D)	O	O	O	O	O	O	O	O	O	0	0
Lieberman (D)	O	O	O	O	O	O	O	O	O	0	0

**Delaware**

Biden (D)	O	O	O	O	O	O	O	O	O	0	0
Roth (R)	O	O	O	O	O	S	O	O	O	11	11

**Florida**

Graham (D)	O	O	O	O	O	O	O	O	O	0	0
Mack (R)	S	?	S	S	S	S	S	S	O	89	78
<b>Georgia</b>											
Coverdell (R)	S	S	S	S	S	S	S	S	O	89	89
Nunn (D)	O	O	S	O	O	O	O	O	I	13	11
<b>Hawaii</b>											
Akaka (D)	O	O	O	S	O	O	O	O	O	11	11
Inouye (D)	O	S	O	S	O	O	O	O	O	22	22
<b>Idaho</b>											
Craig (R)	S	S	S	S	S	S	S	S	S	100	100
Kempthorne (R)	S	S	S	S	S	S	S	S	S	100	100
<b>Illinois</b>											
Moseley-Braun (D)	O	O	O	O	O	O	O	O	O	0	0
Simon (D)	O	O	O	O	O	O	O	O	I	0	0
<b>Indiana</b>											
Coats (R)	S	O	S	S	S	S	S	S	O	78	78
Lugar (R)	S	S	S	S	S	S	S	S	O	89	89
<b>Iowa</b>											
Grassley (R)	S	S	S	S	S	S	S	S	O	89	89
Harkin (D)	O	O	O	O	O	O	O	O	O	0	0
<b>Kansas</b>											
Dole (R)	S	S	S	S	S	?	S	S	I	100	78
Kassebaum Baker (R)	S	O	S	O	S	S	S	S	I	75	67
<b>Kentucky</b>											
Ford (D)	O	S	S	S	S	O	O	O	O	44	44
McConnell (R)	S	S	S	S	S	S	S	S	O	89	89
<b>Louisiana</b>											
Breaux (D)	O	?	S	S	S	S	O	O	O	44	44
Johnston (D)	O	O	S	S	S	S	S	S	I	75	67

**Maine**

Cohen (R)	O	O	O	O	S	S	O	O	I	25	22
Snowe (R)	O	O	O	O	S	S	O	S	O	33	33

**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	0	0

**Massachusetts**

Kennedy (D)	O	O	O	O	O	O	O	O	O	0	0
Kerry (D)	O	O	O	O	O	O	O	O	O	0	0

**Michigan**

Abraham (R)	S	S	S	S	S	S	S	S	O	89	89
Levin (D)	O	O	O	O	O	O	O	O	O	0	0

**Minnesota**

Grams (R)	S	S	S	S	S	S	S	S	O	89	89
Wellstone (D)	O	O	O	O	O	O	O	O	O	0	0

**Mississippi**

Cochran (R)	S	S	S	S	S	S	S	S	S	100	100
Lott (R)	S	S	S	S	S	S	S	S	O	89	89

**Missouri**

Ashcroft (R)	S	S	S	S	S	S	S	S	O	89	89
Bond (R)	?	S	S	S	S	S	S	S	O	88	78

**Montana**

Baucus (D)	O	S	O	O	O	O	S	O	O	22	22
Burns (R)	S	S	S	S	S	S	S	S	O	89	89

**Nebraska**

Exon (D)	O	O	S	O	O	O	O	O	I	13	11
Kerrey (D)	O	S	O	O	O	O	?	O	O	13	11

**Nevada**

Bryan (D)	O	S	O	O	O	O	O	O	O	11	11
Reid (D)	O	S	O	O	O	S	O	O	O	22	22
<b>New Hampshire</b>											
Gregg (R)	S	O	S	S	O	S	?	S	O	63	56
Smith (R)	S	S	S	S	S	S	S	S	O	89	89
<b>New Jersey</b>											
Bradley (D)	O	O	O	O	O	O	?	O	I	0	0
Lautenberg (D)	O	O	O	O	O	O	O	O	O	0	0
<b>New Mexico</b>											
Bingaman (D)	O	S	O	O	O	O	O	O	O	11	11
Domenici (R)	S	S	S	S	S	S	S	S	O	89	89
<b>New York</b>											
D'Amato (R)	S	S	S	S	S	S	S	S	O	89	89
Moynihan (D)	O	O	S	O	O	?	S	O	O	25	22
<b>North Carolina</b>											
Faircloth (R)	S	S	S	S	S	S	S	S	O	89	89
Helms (R)	S	?	S	S	S	S	S	S	S	100	88
<b>North Dakota</b>											
Conrad (D)	O	O	S	O	S	O	S	O	O	33	33
Dorgan B (D)	O	O	S	O	S	O	O	O	O	22	22
<b>Ohio</b>											
DeWine (R)	S	O	S	S	O	S	O	S	O	56	56
Glenn (D)	O	O	O	O	O	O	O	O	O	0	0
<b>Oklahoma</b>											
Inhofe (R)	S	S	S	S	S	S	S	S	O	89	89
Nickles D (R)	S	S	S	S	S	S	S	S	O	89	89
<b>Oregon</b>											
Hatfield (R)	O	S	S	S	S	S	S	S	I	88	78
Packwood (R)	S	S	S	I	I	I	I	I	I	100	33

Wyden (D)	I	I	I	I	O	O	O	O	O	0	0
<b>Pennsylvania</b>											
Santorum (R)	S	S	S	S	S	S	S	S	O	89	89
Specter (R)	O	S	S	O	O	S	S	O	O	44	44
<b>Rhode Island</b>											
Chafee (R)	O	S	O	O	O	O	O	O	O	11	11
Pell (D)	O	O	O	O	O	O	O	O	I	0	0
<b>South Carolina</b>											
Hollings (D)	O	O	S	O	O	O	O	O	O	11	11
Thurmond (R)	S	S	S	S	S	S	S	S	O	89	89
<b>South Dakota</b>											
Daschle (D)	O	O	O	O	O	O	O	O	O	0	0
Pressler (R)	S	S	S	S	S	S	S	S	I	100	89
<b>Tennessee</b>											
Frist (R)	S	S	S	S	S	S	S	S	O	89	89
Thompson (R)	S	S	S	O	O	S	S	S	O	67	67
<b>Texas</b>											
Gramm (R)	S	S	S	S	S	S	S	S	S	100	100
Hutchison (R)	S	S	S	S	S	S	S	S	O	89	89
<b>Utah</b>											
Bennett (R)	S	S	S	S	S	?	S	S	O	88	78
Hatch (R)	S	S	S	S	S	S	S	S	S	100	100
<b>Vermont</b>											
Jeffords (R)	O	O	O	O	O	?	O	S	O	13	11
Leahy (D)	O	O	O	O	O	O	O	O	O	0	0
<b>Virginia</b>											
Robb (D)	O	O	O	O	O	O	O	O	O	0	0
Warner (R)	S	S	S	S	S	S	S	S	O	89	89

**Washington**

Gorton (R)	S	S	S	S	S	S	S	S	O	89	89
Murray (D)	O	O	O	O	O	O	O	O	O	0	0

**West Virginia**

Byrd (D)	O	O	S	O	O	S	O	O	O	22	22
Rockefeller (D)	O	O	O	O	O	O	O	O	O	0	0

**Wisconsin**

Feingold (D)	O	O	O	O	O	O	O	O	O	0	0
Kohl (D)	O	O	O	O	O	O	O	O	O	0	0

**Wyoming**

Simpson (R)	S	S	S	S	S	S	S	S	I	100	89
Thomas (R)	S	S	S	S	S	S	S	S	O	89	89