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**The Tragedy of the Political Commons:
Evidence from U. S. Senate Roll Call Votes on
Environmental Legislation**

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“Economic regulation will be less costly for vote-maximizing regulators to supply where the primary costs of cartelization are borne by consumers in foreign jurisdictions. This follows because these consumers do not have voting rights in the jurisdiction which supplies the cartel services.”

- Maloney, McCormick and Tollison (1984, p. 330)

Introduction

Vote-maximizing politicians rationally attempt to export the costs of providing public goods to their constituents by instituting taxes and regulations whose burden is borne, in the main, by individuals living outside of their political jurisdiction (Maloney et al., 1984). With respect to public goods, this creates what has been termed a tragedy of the political commons (Laband, 2001), with the now-familiar result that an individual’s stated preferences and behavior depends on whether relevant costs and benefits are wholly internalized to him or externalized to others. For example, we observe seemingly hypocritical individuals who support stringent penalties for criminal activity while adamantly opposing the location of a prison facility near their homes. Likewise, the same individuals who publicly support development of alternative sources of energy also strongly oppose the construction of electric power generating windmills within view of their beachfront homes in New England.

Our objective in this paper is to demonstrate that the voting behavior of our elected politicians is consistent with a tragedy of the political commons. That is, when relevant costs are internalized to their political jurisdiction, they are much less likely to vote for a bill than when the costs are externalized¹. We empirically analyze the determinants of floor votes cast by U.S.

¹ Weingast et al (1981) find the converse to be true as well. That is, legislators have incentive to vote for Pareto dominated policies, especially those of distributive nature, if it would benefit their State. They offer a rational explanation for the notorious inefficiency of pork barrel

Senators on 33 environmental bills considered during 1991-2002. Controlling for political party affiliation, general support for the environment by state voters, and how the Senator voted on environmental bills when the costs were externalized to other states, we find strong evidence that a Senator is significantly less likely to vote for environmental protection when the costs are substantially internalized to his/her state. In the following section we briefly review relevant literature. Next, we present our empirical model and results. Concluding comments round out the presentation.

Literature

The fact that environmental regulations are structured to impose differential costs on certain parts of the U.S. was recognized early on. For example, Crandall (1983a, p.17) noted:

“nowhere is the regional struggle over environmental policy more clearly reflected than in the design of the Clean Air Act, and to portray environmental policy making as a struggle between good and evil, between those who would make the world safe for living things and those who are bent on despoiling the planet is, to say the least, oversimplified. To say more, it overlooks an extraordinarily important feature of environmental politics: a regional battle between the growing states in the South and West and the declining states in the North and East.”

Analyzing the environmental voting records of congressmen as compiled by the League of Conservation Voters (LCV) from 1975 to 1980, Crandall (1983b, p.129-130) finds that:

“the burden of national air pollution policy is borne disproportionately by the growing southern and western regions of the country. This is not an accident but rather a deliberate choice of Congress, particularly its members from the northern industrial areas.”²

projects with an optimization model of legislative behavior and legislative institutions, and argue that since political institutions fundamentally alter the perception and incidence of benefits and costs, they systematically bias project choices away from the efficient outcomes.

² See also Pashigian (1985) who argues that the policy of prevention of significant deterioration (PSD) was developed to attenuate the local competition between developed and less developed regions and between urban and rural areas. Still worse, Lee(1982) argues that the price the public paid for political privileges of the Eastern coal interests was not just higher utility bills but putting up with more pollution as well in many cases.

Recent research about the exportation hypothesis has centered on hazardous waste disposal in the context of the advisability of a decentralized versus federal environmental policy. Hazardous waste disposal confers few benefits on local jurisdictions, and has perceived high costs, and therefore likely results in a NIMBY (not in my backyard) form of interstate competition -- an escalation of disposal fees above their optimal level.³ Using the case of state hazardous waste disposal taxes in order to link the theoretical and empirical literatures on inter-jurisdictional tax and regulatory competition, Levinson (1999a, p.49) argues that:

“States have incentive to set inefficiently high rates for imported waste. These results undermine the rationale for developing environmental policy from the federal government to state and local regulators.”

Levinson (1999b, p.667, 676) also suggests that:

“If states are permitted to erect tariff barriers to hazardous waste imports, the results could be a general decentralization of hazardous waste disposal and a decline in economic efficiency and environmental safety. If there are economies of scale or safety in centralized hazardous waste disposal, the results here cast doubt on the wisdom of centralizing environmental policy itself.”

Addressing regulations protecting biodiversity, Laband (2001, p. 23) places the exportation hypothesis in yet another context. He argues that our majority-rule democratic process permits an increasingly urban population to vote to impose land-use restrictions on rural land owners⁴:

“...notwithstanding that biodiversity is of little importance to them personally, urbanites may favor local, state, and federal statutes that ostensibly enhance biodiversity provided such statutes impose the cost burden on rural landowners.

³ See Arora and Cason (1999), Helland and Whitford (2001), and Fredriksson and Millimet (2002).

⁴ Laband (2002) also argues that the political commons problem manifests itself in the judiciary as well: “The problem, of course, is that not everyone who has been exposed to asbestos, mercury, lead, tobacco smoke, or other putative environmental toxin de jure will be harmed in fact. Yet by granting legal standing to sue to parties who cannot demonstrate actual harm, we have opened the legal pasture to a veritable flood of new grazers who care only about the opportunity to feed on the delicious green, not about the harm they inflict on others whose claims may not only be more pressing, but also have real merit.”

The feel-good benefit of such regulation may be small, but with no personal costs to worry about, urbanites can be convinced to vote for them.’

The tragedy of the political commons problem is further exacerbated by a strong incentive incompatibility problem with respect to unfunded environmental mandates imposed by urban dwellers on rural landowners:

“... but when private property rights are abrogated by government action, with no compensation, the adversely affected private landowners have strong incentives to mitigate their expected losses by changing their land use from timber production to housing or commercial development..... There is no positive incentive to promote habitat for endangered species; instead, a landowner who finds a member of an endangered species on his property has a well understood incentive to “shoot, shovel and shut up.’ Indeed, such behaviors are not likely to further environmental objectives.”⁵

However, optimistic about how democracies generate optimal outcomes, Wittman (1989) argues to the contrary. He finds that while congressmen tend to represent the interests of their districts, for the following reasons these interests lead to collective efficiency as well. First, the small size of congress reduces transaction costs, thereby allowing trades and bargains that are Pareto improving⁶. Second, national political parties internalize the negative externalities that might arise from local interests trying to shift costs onto other districts. The political party is a coalition that facilitates Pareto-improving trades within the party and puts restraints on opportunism by its members. Legislators who have proved to be reliable in the past are rewarded

⁵ Addressing the implications of incentive incompatibility in an international context, Berlik et al (2002, p.1557) argue that: “...although citizens of affluent countries may imagine that preservationist domestic policies are conserving resources and protecting nature, heavy consumption rates necessitate resource extraction elsewhere and oftentimes under weak environmental oversight. A major consequence of this ‘illusion of natural resource preservation’ is greater global environmental degradation than would arise if consumption was reduced and a large portion of production was shared by affluent countries.”

⁶ Weingast and Marshall (1988) mention that given the differential patterns of benefit flows, one might question the viability of institutions such as log-rolling that facilitate these trades. However, given the importance of unanticipated contingencies in both non-contemporaneous and non-simultaneous trading, legislators have an incentive to devise institutions that reduce the circumstances in which breakdown occurs. In effect, signals of political market failure results in innovations that guard against renegeing on the part of legislators.

by being appointed to influential committees, receive campaign funds, and so forth. Third, while congress has a committee structure that could be seen as representing special interests, it also has committees that have a more global view⁷. Thus, the majority would not make assignments that would result in negative-sum legislation. Individual states are, therefore, well represented against the tyranny of majority rule.

So Weingast suggests, in effect, that the political tragedy of the commons is minimized, if not overcome, by the institution of political parties. However, notwithstanding the putative impact of party discipline and efficiency-enhancing vote-trading, we find compelling evidence that the NIMBY principle applies in politics.

Methods

Our challenge is to determine whether a politician's observed voting behavior differs depending on whether the costs associated with a particular bill are, substantially or completely, internalized to his/her political district. Following in a well-established tradition (Levitt 1996, Nelson 2002), we assume that, in general, a politician's decision to vote on any given bill or not, is determined by his/her personal preferences (also referred to as 'ideology'), constituent preferences, and constraints. Since the dependent variable is framed in terms of whether (1) or not (0) a Senator's vote on a given bill was consistent with the 'pro-environment' position advocated by the League of Conservation Voters (LCV), we use a logistic model to estimate the relation between the decision to vote 'pro-environment' and its determinants. In its log-odds representation, the model is written as:

$$\text{Log}_e [\text{odds} (\text{Vote}_i \text{ pro-environment})] = \alpha_0 + \alpha_1 \text{Party affiliation}_i + \alpha_2 \text{Senator } i\text{'s general LCV} + \alpha_3 \text{Average House LCV}_i + \alpha_4 \text{Cost-bias}_i + \varepsilon_i$$

⁷ Not all is well with Committees, however. For a critique leveled against the impact of legislative organization on shaping fiscal decisions, see Crain and Muris (1995).

Where:

- Party affiliation_i =1 if Senator i was a Democrat; 0 if otherwise.
- Senator i's general LCV =Percentage of environmental bills, other than the one in question used by the League of Conservation Voters in that year to construct their rating of Senators, that Senator i voted consistently with the LCV position.
- Average House LCV_i =Average LCV score for the House delegation from the same state as Senator i, for the year the specific bill under consideration was voted on.
- Cost-bias_i =1 if the costs of the bill under consideration were internalized to Senator i's state; 0 otherwise.
- ε_i =the error term.

Based on previous findings (Nelson, 2002), we expect that Senators self-selected to be members of the Democratic Party will be more likely than Republicans to cast votes that are consistent with the positions favored by the League of Conservation Voters (LCV) on proposed environmental issues. We also expect that a Senator's vote on any given environmental bill can be predicted by how environmentally 'friendly' he/she is with respect to votes on other environmental legislation. That is, as a Senator's general LCV rating on all other environmental bills rises, the likelihood that (s)he votes pro-environment on the specific bill in question also to rise. To avoid simultaneous equation bias, a Senator's LCV score was adjusted by taking out

his/her score on the bill in question⁸. Further, we expect the Senator to be at least partially (positively) responsive to the environmental proclivities of the voters in his state, as proxied by the average LCV score for that state's delegation to the House of Representatives. That is, voters who elect members of the U.S. House of Representatives with high LCV scores also expect their Senators to vote in a pro-environment manner. Finally, other things equal, we expect that a Senator will be less likely to vote pro-environment when the costs of so doing are internalized to his state than when the costs are externalized to other states. In summary, then, we predict that the estimated signs on α_1 , α_2 , and α_3 will be positive, while the estimated sign on α_4 will be negative.

Data

Our data were taken from the League of Conservation Voters *Environmental Scorecard* for the period 1991-2002, which coincides with the 102nd through 107th Congresses. The LCV Scorecard, published annually, provides ratings on how environmentally friendly each U.S. Senator and member of the U.S. House of Representatives was in the previous legislative session (year). A given politician's 'score' for a specific year equals the percentage of votes cast by that him/her on an identified number of voted on items (pieces of environmental legislation, nominations to head environmental agencies, etc.) that were in agreement with the position supported by the LCV. By way of example, the LCV score assigned to Senator Richard Shelby (R-AL) in 2002 was 6-because Senator Shelby's vote on only one of the 16 pieces of environmental legislation voted on by the Senate that year and of interest to the LCV, was consistent with positions advocated by the LCV.⁹

⁸ Simultaneous equation bias, which results in biased parameter estimates, has been a key issue in past studies using LCV ratings of congressmen. See for instance, Jackson and Kingdon (1992), and Coates and Munger (1995).

⁹ On occasion the LCV will apply a differentially high weight to bills that they regard as extremely important.

Most of the voted-on items were characterized by costs and benefits that were widely dispersed across the U.S. For example, there were no concentrated costs or benefits for any specific state(s) resulting from Gail Norton's confirmation as Secretary of the Department of Interior in 2001. Further, the environmental benefits from virtually all voted-on items were widely dispersed. For example, a bill to protect California desert country provides relatively small per-person benefits to citizens living everywhere in the U.S. Likewise, everyone in America shares in the environmental benefits (however small or large they may be) from not drilling for oil in the Alaska National Wildlife Reserve or from a marginal increase in the stringency of air/water quality standards. However, occasionally the costs of certain pieces of environmental legislation clearly were concentrated in an identifiable subset of states. For example, the costs of a bill that restricts drilling for oil in the Gulf of Mexico are, for the most part, internalized to the states bordering the Gulf of Mexico - - states that otherwise would reap revenues from sales of drilling leases. Similarly, the (risk) costs associated with "high-level" nuclear waste disposal in Yucca Mountain, Nevada are borne, essentially entirely, by the citizens of that state.

Of the 138 bills employed by the LCV to construct their environmental scorecard ratings for the years 1991-2002, we found 33 for which costs (explicit and implicit) were confined to a small set of identifiable states (See Appendix for details). Descriptive statistics for the variables are given in Table 1.

Results

Parameter estimates of our logistic regression model are reported in Table 2. Despite the model's simplicity, its predictive success is impressive. Of the 3,210 individual votes cast on the 33 bills in our sample, 82 percent are correctly predicted by our model, and the likelihood-ratio chi-squared statistic (χ^2) of 1799 with 4 d.f. is highly significant. In addition, each estimated

coefficient is signed consistently with *a priori* expectations, and is statistically significant at better than the 0.01 level.

Consistent with Nelson (2002), we observe that Democrats are more likely than Republicans to vote consistently with the LCV position on environmental bills. Furthermore, a Senator is more likely to vote pro-environment on a specific bill as his general LCV rating on other bills increases, and when his statewide constituency elects demonstrably pro-environment House members, *ceteris paribus*. Of critical importance to the focus of our investigation is the negative and statistically significant estimated coefficient on the variable ‘Cost-bias.’ This means that a Senator is significantly less likely to vote pro-environment when the costs are largely internalized to his state than when the costs are externalized to other states.

To provide a sense of how the decision to vote pro-environment changes due to marginal changes in the explanatory variables, marginal effects and odds ratios as well as 95 percent confidence intervals are reported in the Table 2. Evaluated at the means of the explanatory variables, the marginal effects show how much the probability to vote pro-environment changes as a given variable changes by a unit, *ceteris paribus*¹⁰. Thus, being a Democrat increases the probability of voting in a manner consistent with the position advocated by the LCV by 0.34 or 34 percent. Equivalently, the odds of voting pro-environment would be higher by a factor of 4.54, *ceteris paribus*, if a Senator is affiliated to the Democratic Party. Providing confidence interval interpretation, in 95% of the cases being a Democrat can be expected to result in a 50%-88% increase in the odds of voting ‘pro-environment.’

¹⁰ Note that in the case of a logistic model, marginal effect = $E[\text{Pro Vote}_i^* | D_i = 1] - E[\text{Pro Vote}_i^* | D_i = 0]$ if the explanatory variable is dichotomous. That is, the marginal effect is calculated as the difference in predicted probability. If the explanatory variable is continuous, marginal effect $(\partial P_i / \partial X_{ij}) = [\text{Pr pro-Vote}_i] [1 - \text{Pr pro-Vote}_i] [\alpha_j]$. That is, the marginal effect depends on the probability of voting pro-environment and the coefficient α_j .

Interpreting the impact of a unit change in Cost-bias, the probability of voting ‘pro-environment’ on a bill by a Senator is reduced by 15 percent, *ceteris paribus*, as the perception that casting a ‘pro-environment’ vote will adversely impact his/her state increases. Equivalently, a unit increase in a Senator’s perception of Cost-bias results in a decrease in the odds of him/her voting pro-environment by a factor of 0.49 (49% of previous value).

Conclusions

Our analysis of U.S. Senate roll call voting over the period 1991-2002 suggests that patterns of voting on environmental legislation are consistent with the Maloney et al. (1984) hypothesis that policy outcomes are characterized by exported costs. That is, a Senator is less likely to vote in favor of pro-environmental legislation when his/her state will differentially incur costs as a result of that legislation than when there are no differential cost implications for his/her state. By implication, then, legislatures will over supply regulations generally, and environmental protection regulations specifically, because every legislator has the same incentive - - to approve any regulations with even miniscule perceived benefits in his political jurisdiction provided the costs are borne by people outside of his political jurisdiction. Rational policymakers can be expected to exploit a majority-rule decision mechanism by strategically designing legislation that spreads the benefits and concentrates the costs among a minority of political jurisdictions. The result is a tragedy of the political commons.

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Table 1. Descriptive statistics of the variables used in the analysis

Variable	Mean	Standard Deviation	Maximum	Minimum
Party affiliation (Democrat=1)	0.51	0.49	0	1
Senator general LCV score	45.95	37.77	0	100
Average House LCV score	44.35	24.35	0	100
Cost-bias	0.08	0.28	0	1

Table 2. Parameter estimates of logistic regression.

Variable	α_j	t-statistic	Marginal effect	Odds(e^{α_j})	95% CIs for odds(e^{α_j})	
					Lower	Upper
Party affiliation (Democrat=1)	1.512	11.4	0.34	4.54	3.501	5.875
Senator general LCV score	0.030	13.9	0.07	1.03	1.026	1.035
Average House LCV score	0.014	5.4	0.03	1.01	1.087	1.019
Cost-bias	-0.723	-3.9	-0.15	0.49	0.338	0.698
Constant	-3.177	-23.9	-0.75	0.04	0.032	0.054
McFadden' R^2	0.410					
Effron' R^2	0.480					
% Vote =1 predicted correctly	84					
% Vote =0 predicted correctly	81					
Hit rate (%)	82					

Notes: Sample size = 3210.

Log-likelihood ratio- $\chi^2(4) = -2(\log L_R - (-2 \log L_F)) = 2(2202-1303) = 1798$. The 95% confidence intervals were calculated as: e^{α} where $\alpha = \alpha_j \pm 1.96Se(\alpha_j)$.

Appendix. Environmental bills with State specific cost bias

Senate Bill	LCV Stance	Year	States with Stakes	Results
Grazing Fees	NAY	1991	AZ/CA/CO/ID/MT/NV/NM/ND/OK/OR/SD/TX/UT/WA/WY	Adopted: 60-38
Grazing Fees	NAY	1992	AZ/CA/CO/ID/MT/NV/NM/ND/OK/OR/SD/TX/UT/WA/WY	Adopted: 50-44
Montana Wilderness Bill (S 1696)	NAY	1992	MT	Adopted: 75-22
Outer Continental Shelf (S 2166)	NAY	1992	AL/AK/CA/DE/FL/GA/HI/LA/ME/MD/MA/MS/NH/NY/NC/OR/RI/SC/TX/VA/WA	Adopted: 51-47
Florida Coastline Protection.	NAY	1992	FL	Adopted: 53-45
California Desert Protection Act (S 21)	YEA	1992	CA	Rejected: 27-73
Ancient Forests and Endangered Species	YEA	1992	CA	Adopted: 60-35
Arctic Wilderness (S 39)	YEA	1993	AK	Rejected: 28-72
California Desert Protection Act (S 21)	YEA	1993	CA	Rejected: 62-38
Offshore oil drilling	NAY	1994	AL/AK/FL/LA/MS/TX	Adopted: 65-34
Off-Road Vehicles (S 21)	NAY	1994	CA	Adopted: 62-35
Motor Vehicles (S 21)	YEA	1994	CA	Adopted: 64-34
Livestock Grazing (S 21)	YEA	1994	CA	Adopted: 69-29
Arctic Refuge Oil Drilling-1(S 1357)	NAY	1995	AK	Adopted: 56-44
Arctic Refuge Oil Drilling-1I(S 1357)	NAY	1995	AK	Adopted: 51-48
Grazing Fees -I (S 1459)	NAY	1996	ID/MT/NV/NM/ND/OK/OR/SD/TX/UT/WA/WY	Adopted: 52-47
Grazing Fees -II (S 1459)	NAY	1996	ID/MT/NV/NM/ND/OK/OR/SD/TX/UT/WA/WY	Adopted: 5-46
Utah Wilderness (S 884)	NAY	1996	UT	Rejected: 51-49
Nuclear waste Storage (S 1936)	NAY	1996	NV	Adopted: 63-37
Pork Barrel Water Project (S 1959)	NAY	1996	CO/NM	Adopted: 65-33
Animas-La Plata Irrigation Project (S 1004).	NAY	1997	CO/NM	Adopted: 56-42
Nevada Nuclear waste Dump (S 104)	NAY	1997	NV	Adopted: 65-34
Nevada Nuclear waste Dump (S 104)	NAY	1998	NV	Rejected: 56-39
Public Lands bombing Range (S 2097)	NAY	1998	ID/NV/OR	Adopted: 49-44
Commercial Fishing in Glacier Bay	YEA	1999	AK	Adopted: 40-59
Drilling in the Arctic	NAY	2000	AK	Adopted: 51-49
Missouri River Water Control	YEA	2000	IA/KS/MO/NE/ND/SD	Rejected: 45-52
Nuclear Waste (S 1287)	NAY	2000	NV	Adopted: 64-34
Grazing Fees	YEA	2000	AZ/CA/CO/ID/MT/NV/NM/OR/TX/UT/WA/WY	Rejected: 38-62
Klamath Irrigation Project.	YEA	2001	CA/OR	Adopted: 52-48
Gulf Drilling	NAY	2001	AL/FL/LA/MS/TX	Adopted: 67-33
Arctic Drilling (S 517)	NAY	2002	AK	Rejected: 46-54
Yucca Mountain	NAY	2002	NV	Adopted: 60-39