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THE WHITE HOUSE
WASHINGTON

I have approved
with understanding I will
see & we will move
promptly.

GRF



THE WHITE HOUSE
WASHINGTON
January 20, 1975

MEMORANDUM FOR THE PRESIDENT

THROUGH: KEN COLE
FROM: Mike Duval
SUBJECT: Strip Mining Legislation

Your advisers currently are split as to the best Administration approach for attempting to influence Congressional action on surface mining legislation. The principal issues involve (1) whether an Administration bill is submitted to the Congress or whether negotiations be undertaken without submitting a bill, and (2) the number and extent of the changes from the bill passed last session that would be sought by the Administration.

Enclosed at Tab A is a letter from Rog Morton, Frank Zarb and Russ Train which recommends that you authorize immediate negotiations with the principal sponsors of the bill (Jackson and Udall) in an attempt to get five changes in the bill. They believe that such changes might be accepted and, if so, would result in an acceptable bill. They suggest that the alternative might be passage in the next few days of the same bill that you vetoed, with little chance of sustaining a veto.

Enclosed at Tab B is a memo from Roy Ash which recommends that you not approve the Morton-Zarb-Train recommendation. Roy believes that other changes are needed to make the bill acceptable and he recommends that you await completion of the OMB-led interagency legislative review and the presentation to you by Wednesday, January 22, of a decision paper which outlines additional options. Treasury and Commerce have been participating in the interagency review and would support Roy's recommendation.

Recommendation

I recommend that you await a decision paper which lays out the options and their implications. Max Friedersdorf concurs in this recommendation. We will work with OMB and others to have a decision paper ready by Wednesday.

Decision:

Morton/Zarb/Train approach _____ Present decision paper DR7



A



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FILED
DATE RECEIVED

JAN 16 1975

January 16, 1975

ENERGY BUREAU
DIRECTOR

Dear Mr. President:

It is our understanding that Congress will resume consideration of surface mining legislation in the next few days. The principal sponsors of S. 425, the bill which you vetoed in the last Congress, have reintroduced an identical bill which they believe will be quickly passed by both Houses.

If the Administration is to achieve needed changes in those undesirable provisions of this legislation which were the basis for the veto, it is imperative that an attempt be made to arrive at an accommodation with the principal sponsors, Senator Jackson, Representative Udall and Representative Mink in return for Administration support. Without such an agreement we may be soon faced with a new bill passed by Congress which is identical to the one vetoed with little chance of sustaining a second veto.

While the bill approved by the last Congress contains a number of deficiencies, most of these are of secondary importance. Your veto was addressed principally to adverse coal production impacts, inflationary effects and administrative uncertainties. We believe that five amendments, if adopted, will result in acceptable surface mining legislation in terms of impact on energy supply and environmental protection. These are:

1. Modification of the prohibition against stream siltation;
2. Modification of the prohibition against hydrological disturbances;
3. Clarification and limitation of the scope of citizen suits;
4. Provision for executive authority to define ambiguous terms in the Act subject to a limited judicial review; and
5. A substantial reduction of the mined land reclamation fee from 25 cents and 35 cents per ton.



Save Energy and You Serve America!



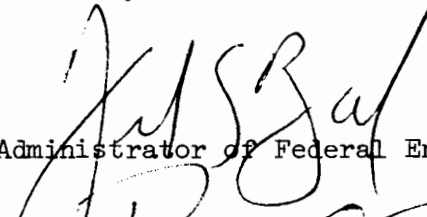
There is reason to believe that these amendments will be acceptable to the principal sponsors of S. 425 if they can be assured of your support for the amended bill. While it may not be possible to obtain any amendments in Committee, they could be introduced on the Floor.

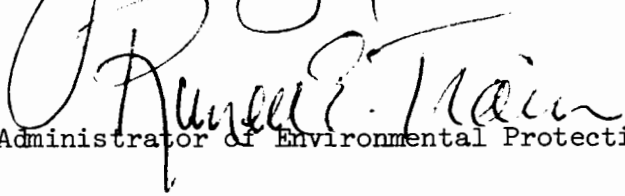
We believe early enactment of a surface mining bill amended as we have suggested is clearly in the best interest of the Nation. Our amendments to the bill would assure greater certainty as to the impact of the bill and would substantially lower coal production losses anticipated from the bill. Moreover, enactment of such an amended bill would provide the industry with the degree of certainty which will permit long range planning and capital investment so vitally necessary for increased coal production.

If you agree, we recommend this position be communicated to Senator Jackson, Representative Udall and Representative Mink. We and our staffs could then follow up with the specific amendments and other necessary details.

Respectfully,


Secretary of the Interior


Administrator of Federal Energy Administration


Administrator of Environmental Protection Agency

The President
The White House
Washington, D. C. 20500



B

THE WHITE HOUSE

DECISION

WASHINGTON

JAN 20 1975

MEMORANDUM FOR THE PRESIDENT

FROM: ~~Roy~~ L. Ash
SUBJECT: Strip Mine Bill Problem

The January 16 letter from Rogers Morton, Russ Train, and Frank Zarb recommends that you authorize them to inform the sponsors of S. 425 - the strip mine bill - that you will sign a new bill if only five changes are made from the vetoed version.

This memorandum recommends against your approval of that course of action at this time, and encloses a reply for your signature directing completion of the staff effort to define other options, and clearly compare their effects on coal production and other critical criteria with both the vetoed S. 425 and with the Morton/Zarb/Train approach. This action can be completed by Wednesday, January 22.

Two issues are raised by these divergent recommendations:

1. Whether you should send an Administration bill to Congress, or simply negotiate for changes in the reintroduced S. 425.
2. What substantive changes from the vetoed S. 425 are necessary to make it acceptable.

These issues are interrelated, and opinions within the Executive Branch are divided.

Following your veto of S. 425, an interagency task force began developing an Administration bill, based on provisions of S. 425, for you to send to Congress as part of your energy program - the approved course of action at the time of the veto. This exercise is almost completed. There should be many more than five changes in the task force bill, however, because of the need to clear up many ambiguities and eliminate provisions that the Administration cannot clearly support. On the other hand, some of the S. 425 provisions that the task force would change could be lived with if forced on us in a veto-proof bill. An Administration bill runs the risk of being



ignored in Congress. A "minimum change from S. 425" approach accepts many undesirable features and also runs the risk of being ineffective.

An interagency meeting was held Saturday, January 18, to review the issues with the agency heads, narrow differences if possible, and clear the way for preparation of decision papers.

The enclosed response, should you approve it, will give us time to sort the specifics out and present them for your decision.

Enclosure

Complete staff work and option paper - reply signed.

Approve Morton/Zarb/Train approach



THE WHITE HOUSE

WASHINGTON

Dear Mr. Train:

I am writing in response to your joint letter of January 16, 1975, in which you recommend a specific strategy to pursue with the 94th Congress concerning coal surface mining legislation.

While I understand the substantive recommendations and strategy as set forth in your letter, I believe it should be considered along with other alternatives. In any case, our approach to this difficult legislation must be based on careful consideration of the problems which led to my veto of S. 425 including:

- unacceptable coal production losses
- inflationary impact
- an undesirable approach to unemployment assistance
- excessive direct Federal involvement
- administrative and legal uncertainties
- uncertain impact on small mine operators

I agree that we must work with the principal sponsors of this legislation if we are to obtain a bill. At the same time we must be prepared to send up a bill that the Administration can support. Accordingly, I would hope that all of the interested agencies could complete their substantive review of this legislation as soon as possible, identify and compare its effects on the problem areas noted above, and prepare an option paper which I can use in making a final decision. As you know, I am pressing to have this task completed early in the week of January 20.

Until then, it is important to keep all of the Administration's options open.

Sincerely,

Honorable Russell E. Train
Administrator of Environmental
Protection Agency
Washington, D.C. 20460



THE WHITE HOUSE

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THE WHITE HOUSE



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Sincerely,

Honorable Frank G. Zarb
Administrator of Federal Energy
Administration
Washington, D.C. 20461



THE WHITE HOUSE
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Washington, D.C. 20461



THE WHITE HOUSE



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Administration
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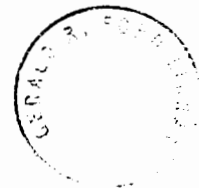
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Honorable Rogers C. B. Morton
Secretary of the Interior
Washington, D.C. 20240

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Secretary of the Interior
Washington, D.C. 20240



THE WHITE HOUSE



Honorable Rogers C. B. Morton
Secretary of the Interior
Washington, D.C. 20240

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE PRESIDENT

THROUGH: KEN COLE
FROM: Mike Duval
SUBJECT: Strip Mining Legislation

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Recommendation

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Decision:

Morton/Zarb/Train approach _____ Present decision paper _____



THE WHITE HOUSE

DECISION

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Enclosure

Complete staff work and option paper - reply signed.

Approve Morton/Zarb/Train approach





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

January 16, 1975

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If you agree, we recommend this position be communicated to Senator Jackson, Representative Udall and Representative Mink. We and our staffs could then follow up with the specific amendments and other necessary details.

Respectfully,

Secretary of the Interior

(sgd) Rogers C. E. Morton

Administrator of Federal Energy Administration

Administrator of Environmental Protection Agency

The President
The White House
Washington, D. C. 20500



THE WHITE HOUSE

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Sincerely,

Honorable Rogers C. B. Merton
Secretary of the Interior
Washington, D.C. 20240



WHITE HOUSE FILE COPY

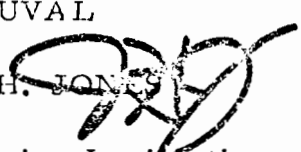
IDENTICAL LETTERS SENT TO ADMINISTRATORS ZARB AND TRAIN

THE WHITE HOUSE
WASHINGTON

January 21, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: KEN COLE
MIKE DUVAL

FROM: JERRY H. JONES 

SUBJECT: Strip Mining Legislation

Your memorandum to the President of January 20 on the above subject has been reviewed and the recommendation to present a decision paper was approved with the following notation:

-- I have approved with understanding
I will see and we will move promptly.

Please follow-up with the appropriate action.

Thank you.

cc: Don Rumsfeld

