

**The original documents are located in Box C13, folder “Presidential Handwriting, 3/14/1975” of the Presidential Handwriting File at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

BE 4-14

THE PRESIDENT HAS SEEN *dy.*  
INFORMATION

THE WHITE HOUSE

WASHINGTON

March 14, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *Cannon*

SUBJECT: STRIP MINING

*JMC*

Senate Action

The bill passed on Wednesday by a vote of 84-13 contains a few of the changes requested in the bill which you transmitted on February 6, 1975. Of the eight changes from last year's bill which were identified as critical to an acceptable bill:

- . The citizen suit provision was narrowed as requested.
- . The arbitrary restriction on location of impoundments was changed as requested.
- . The absolute prohibitions against increased sedimentation and disturbing of hydrology were modified slightly but not as requested.
- . The Senate rejected changes to:
  - specifically authorize the Secretary of Interior to define ambiguous terms.
  - remove special unemployment provisions.
  - allow mining in National Forests in certain circumstances.
  - reduce the 25-35¢ per ton tax on coal to 10¢ and limit the coverage of the reclamation fund to reclamation.

Of the 19 additional changes requested to improve the bill, 7 were accepted and 12 rejected.

Opponents of the bill in the Senate also succeeded in deleting from the bill a special exemption for anthracite mining in Pennsylvania -- a move designed to weaken the Pennsylvania delegation's support for the bill.

Interior and EPA have estimated that the adverse production impact of the Senate passed bill during the first full year of application will be 40 to 117 million tons (5 to 16% of

expected production), compared to 48-141 million tons estimated for the bill passed last year. These numbers cover only the impacts that can be estimated (e.g., restrictions on steep slope mining and on small miners). Impact could be larger if there are delays from extensive litigation or restrictive interpretations of the ambiguous provisions of the 160-page bill.

#### House Action

The most significant changes adopted by the House Interior Committee were (a) deletion of the special unemployment provisions, and (b) reduction of the tax on underground-mined coal from 25¢ to 10¢. House floor debate began Friday with no significant changes. Debate will continue Monday with final passage likely on Tuesday (March 18).

#### Administration Posture

Supporters of the bill in the Congress are posturing publicly that enough changes are being made to make the bill acceptable to you. The press, on the other hand, is reporting that the Senate bill is essentially the same as the one you vetoed.

It is too early to predict with any certainty the outcome of House floor or Conference committee action, but it is unlikely that the final product will be better than the Senate bill. The current assessment of the Congressional Relations Staff is that it will be difficult to sustain a veto.

Administration spokesmen are refraining from taking a position on the acceptability of the Senate bill.

If the final bill is close to the one passed by the Senate:

- . I would expect agencies to line up essentially as they did on the bill you vetoed last December; i.e., Interior, EPA, CEQ and Agriculture for signing and OMB, Treasury and Commerce for veto. Frank Zarb's views will be especially important and he hasn't reached a conclusion.
- . And if you decided to sign the bill, we probably can make the case that improvements in the bill are adequate.
- . And if you decided to veto the bill, we would make the case on the basis of adverse production impact, inconsistency with the need to increase coal production (e.g., Democrats' energy plan calls for production of 1.37 billion tons by 1985, compared to your goal of 1.2 billion), and the need to import oil to replace lost coal -- and the related impact on dollar outflow, unemployment and higher electric bills.