

**CONGRESSIONAL RECORD JULY 20, 1977**  
**Legislative History**

Congressional Record July 20, 1977

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**123 CONG.REC. S12423**  
**July 20, 1977**

{S12423} Mr. METCALF. Mr. President, I submit a report of the committee of conference on H.R. 2, and ask for its immediate consideration.

S12423 The PRESIDING OFFICER. The report will be stated.

S12423 The assistant legislative clerk read as follows:

S12423 The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

S12423 The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

S12423 (The conference report is printed in the House proceedings of the RECORD of July 12, 1977.)

S12423 Mr. METCALF. Mr. President, I ask unanimous consent that the following members of the Senate Committee on Energy and Natural Resources be admitted to the Senate during the consideration of this conference report: D. Michael Harvey, Norman Williams and Caroline M. Clark.

S12423 The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S12423 Mr. METCALF. Mr. President, I suggest the absence of a quorum, without the time being taken out of either side in accordance with the time limitation.

S12423 The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is ordered. The clerk will call the roll.

{S12424} The assistant legislative clerk proceeded to call the roll.

S12424 Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

S12424 The PRESIDING OFFICER. Without objection, it is so ordered.

S12424 Mr. HANSEN. Mr. President, I ask unanimous consent that Tony Bevinetto, of my staff, may have the privilege of the floor during debate on this conference report and any vote occurring thereon.

S12424 The PRESIDING OFFICER. Without objection, it is so ordered.

S12424 Mr. HANSEN. Mr. President, I ask unanimous consent that Tom Wylie, of the Committee on Energy and Natural Resources, and Fred Craft, be granted privilege of the floor during the debate and any votes on this bill.

S12424 The PRESIDING OFFICER. Without objection, it is so ordered.

S12424 Mr. BUMPERS. Mr. President, I ask unanimous consent that George Jacobson and Ark Monroe of my staff be granted privilege of the floor during the debate and voting on this bill.

S12424 The PRESIDING OFFICER. Without objection, it is so ordered.

S12424 Mr. METCALF. Mr. President, this bill is the culmination of 7 years of effort on the part of the Congress of the United States to pass a measure that would control, regulate, and provide for the reclamation of areas that would be strip mined for coal.

S12424 The Senate passed the bill, S. 7. The House passed the bill, H.R. 2. We have before us the conference report today on the differing provisions of those two bills.

S12424 It was a difficult conference. It was a rather complex, rather involved one. Even though in 2 previous conference sessions we had days and days of conference, we had to have 12 separate meetings of the conference committee. We had more than 200 issues that were in conference, differentiation between the Senate bill and the House bill. Some of those issues were resolved as a result of negotiations between the respective staffs of the House of Representatives and the Senate.

S12424 Before I go any further I should pay tribute to the dedication and devotion of our respective staffs in working out these very involved, very complex issues so that they did not have to come to the conference and could be resolved by unanimous consent.

S12424 We had 37 major issues that had to be resolved by the conference. One of the major issues, of course, is the issue that is going to be addressed by the distinguished Senator from Arkansas on surface owner consent.

S12424 We had many other issues: Lignite reclamation fee, allocation of orphan lands, national disaster aid, alluvial valley floors, prime farmlands, small operators, and so forth.

S12424 I ask unanimous consent to have this breakdown printed in the RECORD.

S12424 There being no objection, the material was ordered to be printed in the RECORD, as follows:

S12424 1. Number of conference committee meetings - 12 (June 8, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29 30).

S12424 2. Deferral of the surface owner consent issue - 3; June 14 (p. 27 of transcript); June 16 (p. 71 of transcript); June 22 (p. 63 of transcript).

S12424 3. Number of major issues resolved by conferees - 37; title I=0; title II=0; title III=1; title IV=6; title V=20; title VI=1; title VII=7; title VIII=1; title IX=1.

S12424 4. Approximate number of minor issues resolved by staff - 160; title I=4; title II=8; title III=1; title IV=85; title V=40; title VI=0; title VII=20; title VIII=0; title IX=0.

S12424 5. Itemization of major issues resolved by conferees, by title: title I, none; title II, none; title III, all mineral research institutes; title IV, lignite reclamation fee, allocation of orphan land reclamation funds, impact aid to communities from fund, State orphan land reclamation authority, natural disaster aid, land development authority; title V, small operator exemption; Federal inspection of mine sites, consistency of State rules and regulations, public notice and hearings, alluvial valley floor exemption, prime farmlands performance standards, alluvial valley floor constraints, surface owner protection, private coal, prime farmlands constraints, 500-foot limitation regarding underground coal mines, blasting notice, undisturbed natural barrier, variance for retention of bench or highwall, civil penalties, prime farmlands performance bond, Alaska national forests, judicial review, special bituminous coal mines, exempted coal extraction, anthracite mines; title VI, designation of lands unsuitable for non-coal mining; title VII, alluvial valley floor definition. Federal lands definition, prime farmlands definition, grants to States, Indian lands study and regulation, experimental practices, special land uses, surface owner protection, Federal coal; title VIII, coal research laboratories, title IX, energy resource graduate fellowships.

S12424 Mr. METCALF. So we are here today to adopt finally, I hope, a surface mining bill that will provide for adequate restoration, adequate reclamation, and at the same time give some stability to the mining industry and encourage the members of industry to go forward with the tremendous investments they have made in order to mine this coal, which is one of the keystones of any environmental policy and any energy policy.

S12424 I hope the conference report will be adopted.

S12424 I have put an analysis of the conference report in the July 18 RECORD. In the July 12 RECORD, the House of Representatives inserted the complete conference report and the report of the board of managers, and a copy of the report is on the desk of each Senator.

S12424 Mr. President, I reserve the remainder of my time, and I yield to the Senator from Wyoming.

S12424 Mr. HANSEN. Mr. President, I shall take just a few moments.

S12424 The country is deeply indebted to the Senator from Montana (Mr. METCALF) for his persistent interest, his continuing leadership, and his in-depth understanding of the problems this Nation faces in trying to make better and greater use of this important energy resource we have.

S12424 No one needs to remind any knowledgeable citizen these days that this Nation does face a very grave crisis - the energy crisis. When we stop to reflect that 75 percent of our energy presently comes from oil and gas, when we recognize that we are importing roughly half of all the oil we use; when we think of the implications these facts hold for our national survival, the continuing vitality of industry in this country, the reasonable expectation that jobs will continue throughout the 12 months of the year, the fact that our foreign policy can and indeed will be influenced more and more as we become increasingly aware as a nation of our dependence upon natural resources from foreign countries - all these items tend to underscore the importance of the bill we have before us.

S12424 As the senior Senator from Montana pointed out, it has not been an easy task to draft this bill. Two bills that received attention and the deliberation of both Houses of Congress were vetoed by former Presidents.

S12424 I think it can be said, aside from the fact we have lost some time, that we have come up with the best balanced bill all around that Congress has been privileged to examine as a result of the work of a conference committee. It does not suit anyone in every detail, I am certain, and it certainly does not suit me completely. But, all in all, I think it is the best bill we could hope to offer to Congress. I hope the conference report will be adopted by both

Houses and the bill will be signed at an early time by the President.

S12424 It is important that we spell out in the law what the rules are, so that the industry and all Americans can get on with the job of taking positive steps to mitigate our dependency upon uncertain foreign sources of energy supply.

S12424 I again compliment the distinguished Senator from Montana for his leadership and at this time express my appreciation to each member of the Energy and Natural Resources Committee.

S12424 Mr. METCALF. I thank the Senator.

S12424 Mr. President, I yield to the Senator from Pennsylvania.