

**[12/19/79-Not Submitted-DF]**

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ID 795807

THE WHITE HOUSE

WASHINGTON

DATE: 18 DEC 79

FOR ACTION: STU EIZENSTAT

FRANK MOORE

RICK HERTZBERG

INFO ONLY: THE VICE PRESIDENT

JODY POWELL

JACK WATSON *concur*

*DF*

SUBJECT: YARN MEMO RE LETTER TO SENATE AND HOUSE CONFEREES ON

EMB LEGISLATION REGARDING SUBSTANTIVE WAIVER

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: +

+++++

ACTION REQUESTED: IMMEDIATE TURNAROUND.

STAFF RESPONSE: ( ) I CONCUR. ( ) NO COMMENT. ( ) HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input checked="" type="checkbox"/>	IMMEDIATE TURNAROUND
<input type="checkbox"/>	NO DEADLINE
<input type="checkbox"/>	FOR APPROPRIATE HANDLING
<input type="checkbox"/>	LAST DAY FOR ACTION

<input type="checkbox"/>	ADMIN CONFID
<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>	SECRET
<input type="checkbox"/>	EYES ONLY

ACTION  
FYI

<input checked="" type="checkbox"/>	VICE PRESIDENT
<input type="checkbox"/>	JORDAN
<input type="checkbox"/>	CUTLER
<input type="checkbox"/>	DONOVAN
<input checked="" type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	MCDONALD
<input checked="" type="checkbox"/>	MOORE
<input checked="" type="checkbox"/>	POWELL
<input checked="" type="checkbox"/>	WATSON
<input type="checkbox"/>	WEDDINGTON
<input type="checkbox"/>	WEXLER
<input type="checkbox"/>	BRZEZINSKI
<input type="checkbox"/>	MCINTYRE
<input type="checkbox"/>	SCHULTZE
<input type="checkbox"/>	
<input type="checkbox"/>	ANDRUS
<input type="checkbox"/>	ASKEW
<input type="checkbox"/>	BERGLAND
<input type="checkbox"/>	BROWN
<input type="checkbox"/>	CIVILETTI
<input type="checkbox"/>	DUNCAN
<input type="checkbox"/>	GOLDSCHMIDT
<input type="checkbox"/>	HARRIS
<input type="checkbox"/>	KREPS
<input type="checkbox"/>	LANDRIEU
<input type="checkbox"/>	MARSHALL

<input type="checkbox"/>	<input type="checkbox"/>	MILLER
<input type="checkbox"/>	<input type="checkbox"/>	VANCE
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	<input type="checkbox"/>	CAMPBELL
<input type="checkbox"/>	<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	<input type="checkbox"/>	CRUIKSHANK
<input type="checkbox"/>	<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	<input type="checkbox"/>	FRANCIS
<input type="checkbox"/>	<input type="checkbox"/>	HARDEN
<input checked="" type="checkbox"/>	<input type="checkbox"/>	HERTZBERG
<input type="checkbox"/>	<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	<input type="checkbox"/>	KAHN
<input type="checkbox"/>	<input type="checkbox"/>	LINDER
<input type="checkbox"/>	<input type="checkbox"/>	MARTIN
<input type="checkbox"/>	<input type="checkbox"/>	MILLER
<input type="checkbox"/>	<input type="checkbox"/>	MOE
<input type="checkbox"/>	<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	<input type="checkbox"/>	PRESS
<input type="checkbox"/>	<input type="checkbox"/>	SANDERS
<input type="checkbox"/>	<input type="checkbox"/>	SPETH
<input type="checkbox"/>	<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	<input type="checkbox"/>	TORRES
<input type="checkbox"/>	<input type="checkbox"/>	VOORDE
<input type="checkbox"/>	<input type="checkbox"/>	WISE

COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D. C.

Dec. 18, 1979

Rick --

This must be expedited.

Jane

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

December 18, 1979

MEMORANDUM FOR THE PRESIDENT

FROM:

Jane Yarn  
Acting Chairman



SUBJECT:

Letter to Senate and House Conferees on EMB  
Legislation Regarding Substantive Waiver

Throughout the development of the Energy Mobilization Board legislation you have consistently maintained your opposition to any provision which would grant the Board authority to waive federal, state or local law. We appreciate the courageous stand you have taken on the issue. The congressional debate on substantive waiver is now coming to a head in the Joint Conference on the EMB bills. This is the most crucial and difficult issue the conferees face. To date, the House conferees have held firm in their support of providing the Board with substantive waiver authority; the Senate members strongly disfavor that position.

At this critical juncture in the process, we believe it is extremely important that there be no doubt about your position on this issue among any of the conferees or within the Congress. Thus we strongly recommend that you send a letter to the conference leaders -- Senator Johnston and Congressman Dingell -- stating clearly the Administration's position. The conference will probably meet again tomorrow to consider unresolved matters, including the substantive waiver issue. Attached are draft letters for your consideration.

Attachments

**DRAFT**

Honorable John Dingell  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Dingell:

The House and Senate conferees, under your leadership and that of Senator Bennett Johnston, have begun the conference on legislation of great importance to the Nation, to create the Energy Mobilization Board. My Administration has worked long and hard in cooperation with the Congress to enact this vital measure.

A major outstanding difference remains between the House and Senate bills -- that of substantive waiver. The House bill provides that the Board may waive the application of Federal substantive laws. The Senate bill has no such provision. While the House bill was improved during the course of its passage by requiring approval of the waiver by the President and the concurrence of both Houses of Congress, the provision remains objectionable. It creates a mechanism for waiving laws carefully crafted over the past decade to protect the Nation's air and water and the beauty and integrity of our land. Never before in American history has Congress come so close to authorizing so few to do so much to imperil America the Beautiful. I urge the Conference and the Congress not to adopt this provision.

Yours truly,

Jimmy Carter

12/19/79

THE WHITE HOUSE  
WASHINGTON

Bert Carp called and said no to send in the CEQ letter. He does not want to put the President in the position of having to say no either.

He thinks Speth would agree and will notify Speth when he returns.

FM agress.

Handwritten signature and initials in black ink. The signature appears to be "Karl" followed by a large, stylized "D" and "V" above it. Below the signature is a large, stylized "W" or "M" with a long horizontal stroke extending to the left.

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WASHINGTON

DATE: 18 DEC 79

FOR ACTION: STU EIZENSTAT

FRANK MOORE

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INFO ONLY: THE VICE PRESIDENT

JODY POWELL

JACK WATSON

SUBJECT: YARN MEMO RE LETTER TO SENATE AND HOUSE CONFEREES ON  
EMB LEGISLATION REGARDING SUBSTANTIVE WAIVER

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+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +  
+ BY: +  
+++++

ACTION REQUESTED: IMMEDIATE TURNAROUND

STAFF RESPONSE: ( ) I CONCUR. ( ) NO COMMENT. ( ) HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

*See changes  
Tom Teal*

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

December 18, 1979

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Acting Chairman

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House of Representatives  
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~~A~~ <sup>One</sup> major outstanding difference <sup>remaining</sup> ~~remains~~ between the House and Senate bills ~~is~~ that of substantive waiver. The House bill provides that the Board may waive ~~the appli- cation of~~ Federal substantive laws. The Senate bill has no such provision. While the House bill was improved during the course of its passage by requiring approval of ~~the~~ waiver by the President, ~~and~~ the concurrence of both Houses of Congress, ~~the~~ provision ~~remains~~ objectionable. It creates a mechanism for waiving laws carefully crafted over the past decade to protect the Nation's air and water and the beauty and integrity of ~~land~~. Never before in American history has Congress come so close to ~~authorizing~~ so few ~~to~~ do so much to imperil America the Beautiful. I urge the Conference and the Congress not to adopt this provision.

is the question

such

the American landscape.

letting

the with

I still find this

that were

Yours truly,

Jimmy Carter

**DRAFT**

Honorable Bennett Johnston  
United States Senate  
Washington, D.C. 20510

Revise as indicated  
on letter to John  
Dingell. TAT

Dear Senator Johnston:

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