

Mr. UDALL. My judgment would be that this is only one aspect. I think regulation of interstate commerce, under the commerce clause, would be another because, after all, most all of the products that are produced are moving in interstate commerce.

My lawyers would probably be citing that to you if I asked them for an opinion.

Senator HANSEN. I want to be sure I understand you. Your statement is that if the products produced from a mining operation moved in interstate commerce then it would be your feeling that you would have the right to control or to regulate the mining on privately owned land?

Mr. UDALL. Yes, the analogy would be with the Federal Fair Labor Standards Act and the other acts where you regulate labor conditions on private property in a local situation where the products move in interstate commerce. I think you have that aspect that is also present.

Senator HANSEN. I think, if I understand you, you suggested a possible new source of authority or the right to regulate and that would be if, in the judgment of the Department, the mining operation involved fair labor standards or failed to measure up to fair labor standards. Do I understand you correctly?

Mr. UDALL. No, I am saying the analogy in terms of where you would find Federal authority is that I think that you would have an analogous situation here, where regulation would be proper under the commerce clause with regard to the details of how the activity was carried out.

In the case of labor you are concerned with labor conditions. In this instance you are concerned with the effect on the other resources of the Nation of an activity that is carried out on private land, and thus we are back to water and the other resources.

Senator HANSEN. In some parts of the West, and with particular reference to my State of Wyoming, I happen to know as I am sure you do that private industry has been active. It has committed money to experimental work in order to find out what sort of treatment might most efficiently reclaim the largest amount of land.

Would this bill, in your judgment, permit some flexibility insofar as private industry is concerned in suggesting what types of treatment might be accorded public land and private land as well?

Mr. UDALL. Certainly, Senator, I think this is where we get down to point really of what is best for a particular region and I would think that there should be plenty of room for discussion as to the various techniques.

We saw in one of the pictures here where they were using one of these sprays, spraying seeds and fertilizer together, and I think that we would find the industries that are taking an interest are doing such things, and the soil conservation people in the Department of Agriculture and my people probably would readily agree. There should be plenty of room for consultation and discussion on what is best.

Senator HANSEN. Does this bill seek to establish some authority for the imposition of regulations or guidelines which would call upon the mining industry to propose, before their activities begin, the sort of reclamation treatment that they might bring about?