

It just would not make a lot of sense to have a bus which could hold 80 passengers haul 40 free and have another bus with 40 on it coming up here for hire. This would be an uneconomical thing to do. They should all ride on the same bus. The question is, How are we going to collect it? My thought was we could take a portion of the parking fee and pay for that particular part of the service that was going to be provided free.

So this is why it is such a unique situation and so complex that I am wondering if the provision of the compact would even be able to take care of this type of situation. And that is the thing we are fearful of, if we go ahead and authorize this Center—the railroad has put up \$19.5 million of their money to build this, then we get into a hassle such as the one now in court between your Commission and the Secretary of the Interior, and as a result we would be stymied and would have no transportation. That is the thing we are trying to avoid.

We are not trying to circumvent any of your authority whatsoever, but it is a unique situation and I think the public interest here must be served first. With all due respect to the compact and with all due respect to the Commission, the public interest I think is paramount and these other matters are secondary.

Mr. AVERY. Well, that really touches on the second point that I wanted to make, and that is if you enacted legislation along the lines you are discussing indicating that what you want is the Secretary to provide free transportation to the Capitol, and if the concessionaire then came to the Commission for the necessary authority to do that, frankly it is inconceivable to me that the Commission would ignore specific language enacted by the Congress expressing the desire to have this. So frankly I cannot—

Mr. GRAY. It is inconceivable? You have to admit you are in litigation now with the Secretary of the Interior and he quoted certain statutory authority that he had, and the Commission was not willing to accept that authority that he had, so it is just conceivable if you ignore the Secretary, you could ignore Congress if it was in a gray area. I am not saying you would do it deliberately; but if your authority was not clear, or our authority is not clear, then conceivably it could be a gray area that is subject to litigation.

Mr. AVERY. That is true if it were a gray area.

There was a disagreement between us and the Secretary, between his jurisdiction and our jurisdiction, and the court in fact ended up saying we are right, so that I am forced to agree if the matter were left gray, we might get into a dispute. But if you enact this language that made clear your intent, there would not be any gray area.

Mr. GRAY. That was the point I was getting at. Why would the Commission object if we wrote into the act exempting just this, and not the general transportation at all but just exempt this particular one from the Commission's jurisdiction, since it is a compact between the District, Maryland, and Virginia. The purpose, as I understand it—and I voted for it in 1960—was to give you the authority to coordinate transportation needs of all these areas. But I do not think that Congress intended in setting up this compact that we would not have jurisdiction here on our own Government property.

I yield to the gentleman from Texas, then I will get to you, Mr. Denney.