

direct bearing on the general purpose of H.R. 12686 of authorizing the construction of a National Visitor Center and a parking facility adjacent thereto. This section seemingly is an attempt to circumvent a recent decision of the U.S. Court of Appeals for the District of Columbia and a recent Presidential memorandum, and a congressionally approved transportation compact. Additionally, this section will result in an infringement of D.C. Transit's congressionally approved franchise and deprive the company of sorely needed revenue.

In the *Washington Metropolitan Area Transit Commission, et al., v. Universal Interpretive Shuttle Corporation*, the court of appeals considered, among other things, the authority of the Secretary of the Interior under the act of May 26, 1930, cited in section 5. That act of 1930 authorizes the Secretary to contract for services to be provided the public in the national parks.

The Secretary had contracted with Universal for the provision of a for-hire shuttle service on the Mall, a part of the national park system under the Secretary's jurisdiction.

Mr. GRAY. I apologize for interrupting.

When you refer to Universal, you are referring to the concessionaire?

Mr. DAWSON. That is correct.

Mr. GRAY. Universal is the name of the company?

Mr. DAWSON. That is correct. The full name is Universal Interpretive Shuttle Corp.

Mr. GRAY. I wanted that to be clearly understood by the committee; "Universal" means the name of the company that the Secretary has entered into an agreement with for the interpretive shuttle service.

Mr. SCHWENGEL. And it was a private company, not a Government operation? It is a concessionaire completely outside of Government, free enterprise?

Mr. DAWSON. Mr. Schwengel, the Secretary's contention was it was a Government operation, and that was the basis of his brief filed with the court of appeals.

Mr. SCHWENGEL. Universal is a private enterprise company? They were providing the buses?

Mr. DAWSON. It is a private company. The Secretary's contention was it was a Government operation.

Mr. GRAY. I believe the company is in California.

Mr. DAWSON. It is a California-based company.

Mr. GRAY. Yes.

Mr. DAWSON. Now, the Mall is a part of the national park system under the Secretary's jurisdiction. It was contended by the Secretary that such operation does not require certification by the Washington Metropolitan Area Transit Commission pursuant to the requirements of the area compact approved by the Congress in 1960.

The Secretary's contention consisted of three premises: The first, that the compact does not apply to any national park areas under the Secretary's jurisdiction; the second, that the proposed service will actually be operated by the Federal Government, which is specifically excepted from the compact; and the third, that the Secretary has the statutory authority to operate a for-hire transportation service.

By a decision of June 30 his year, the court of appeals rejected such premises, holding that Universal's operation could not validly be