

Mr. SCHWENGEL. I would like to ask a question at this point.

You made application to the Commission for the service that was under discussion here. Did you make application to the Secretary? Did you talk to him about it?

Mr. DAWSON. The application was made to the Secretary as well.

Mr. SCHWENGEL. Did you get any response to this?

Mr. DAWSON. Mr. Davis, can you answer that?

Mr. DAVIS. Yes, sir.

The Secretary, through the Director of National Parks, put out a prospectus and invited certain people to bid. D.C. Transit was not the successful bidder; Universal was.

Mr. GRAY. You did bid, though?

Mr. DAVIS. We did bid, that is correct; but we were not awarded the contract.

Mr. SCHWENGEL. Universal was granted the right to serve by the Secretary? Then the debate ensued on where it should be—

Mr. DAVIS. The Secretary gave Universal a contract.

Mr. SCHWENGEL. Yes. But you had a chance and you did go to the Secretary's office?

Mr. DAVIS. We were invited to participate and did participate. We were not the successful parties.

Mr. GRAY. Have you any idea how much lower the other bid was from you, percentagewise?

Mr. DAVIS. No, sir; that was not made public to us. But the Commission said they took other factors into consideration.

Mr. GRAY. You do not know whether there was solely a dollar or cent consideration or could it be they felt these people were going to provide buses with more glass, equipment—more attractive, and so forth?

Mr. DAVIS. To be of aid to you, sir, in the prospectus, they suggested the price, the tour, and the type of equipment. I know D.C. Transit did file with the Secretary of the Interior drawings of buses, plans of buses, routes, and prices, all in accordance with the suggestions and the guidelines laid down in the prospectus by the Secretary of the Interior. So those factors were not really the underlying factors which led to the determination of the successful party.

Mr. GRAY. General Dawson, you are a very eminent lawyer. What is your opinion concerning the right of Congress to change this compact and circumvent, if we so choose, the necessity of going to the Commission, either by you or by some other concessionaire?

Do you concede we have the authority to allow the Secretary to enter into a contract with a private concessionaire, whomever that private concessionaire may be?

Mr. DAWSON. Mr. Chairman, let me say that the Compact Act in 1960 suspended application of all Federal laws up to that time. Presumably that suspension will be in effect as long as the compact is in existence.

As Mr. Denney pointed out, there is the provision in the contract for withdrawal, and if the Congress exercised that right, it would be perfectly in accord with my view of good conscience.

I do not think that legally or morally the Congress can take unilateral action to void any obligation that it has under this compact.

Mr. DENNEY. Mr. Chairman.

Mr. GRAY. Yes.