

that we raised in the committee amendments. The reason for raising those issues and the reason for the committee amendments are very simple. They simply allow for the settlement that the railroads and the Attorney General have agreed to, the department has signed off on, that would require the 75/25 split on their payment of taxes. If you don't do that, if you don't spell it out as we do in the committee statement, really, the only thing that you do, and this is just a choice, you can flip a coin and do it any way you want, you can adopt Senator Warner's amendment which restores us to the current way that it's done or you can choose to take the committee's approach. The committee's approach would lock the railroads in. There would not be any question with regard to the valuation so the 75/25 split would be maintained. They would, I think, with...they have stated this that they would basically continue with the agreement that they have signed off on. There would not be any problem. If you choose to adopt Senator Warner's amendment, very likely the railroads would continue to honor their amendment as long as they like the valuation that they got. The minute they don't like the valuation breakdown, the minute it goes beyond or outside the 75/25 split that was in the settlement, then you're going to see the railroads back in court. I mean, if it varies a percentage point or two, probably not. But I would argue that if there is a drastic change in the formula with regard to the valuation and how it is split out, you will see litigation on this issue in 1990 for the taxes that are due and owed at that point and in '91. They will come back to court. And the reason they don't want this...and the reason they have said they don't want this is because if it's not there, they don't have to pay. They basically are free from their settlement, I would argue, and I think that they know that full well, that if you're not going to put this in, don't put anything in and we'll see you in court. That is the other side of the approach. Now, they very likely may agree to the settlement and the gentlemen that they are will pay up in '90 and '91 no matter what valuation breakdown we give them with regard to their taxes. I don't know but it clearly is just do you want to lock them in or don't you? And if you don't, it's up in the air but I don't think you do anything except have possible litigation to deal with again and it does not matter to me. The committee adopted the amendment because we felt that it was one specific performance issue that we could put into the bill that required the settlement to be honored on the part of the railroad. It clearly is just a choice that the body has to deal with one way or another.