

that is nonresidential is used for that purpose, and in which nondramatic musical works are performed publicly.”;

(2) by inserting after the definition of “fixed” the following:

“The ‘gross square feet of space’ of an establishment means the entire interior space of that establishment, and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.”;

(3) by inserting after the definition of “perform” the following:

“A ‘performing rights society’ is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc.”; and

(4) by inserting after the definition of “pictorial, graphic and sculptural works” the following:

“A ‘proprietor’ is an individual, corporation, partnership, or other entity, as the case may be, that owns an establishment, or a food service or drinking establishment, except that no owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, provider of online services or network access or the operator of facilities therefor, telecommunications company, or any other such audio or audiovisual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, shall under any circumstances be deemed to be a proprietor.”.

#### SEC. 206. CONSTRUCTION OF TITLE.

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be issued or agreed to after such date.

#### SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this Act.

### INTERNET TAX FREEDOM ACT

MCCAIN (AND WYDEN)  
AMENDMENT NO. 3783

Mr. MCCAIN (for himself and Mr. WYDEN) proposed an amendment to the bill, S. 442, *supra*; as follows:

On line 5, strike “3” and insert “4”.

### ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

GRASSLEY (AND DURBIN)  
AMENDMENT NO. 3784

Mr. MCCAIN (for Mr. GRASSLEY for himself and Mr. DURBIN) proposed an amendment to the bill (H.R. 3528) to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes; as follows:

Page 6, line 17, strike “2071(b)” and substitute “2071(a)”.

Page 8, line 1, strike “SEC. 5” and substitute “SEC. 6”.

Page 9, line 12, strike “action” and substitute “program.”

Page 9, line 13, strike “section 906” and substitute “Title IX.”

Page 9, lines 14 and 15, strike “100-102” and substitute “100-702.”

Page 9, line 15, strike “as in effect prior to the date of its repeal” and substitute “as amended by Section 1 of Public Law 105-53.”

Page 13, line 10, after “arbitrators” insert “and other neutral.”

### CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

#### CAMPBELL AMENDMENT NO. 3785

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed to the bill (S. 1905) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; as follows:

On page 23, strike all of subsection 5(b) on lines 1 through 3, and redesignate subsection (c) on line 4 as subsection (b).

### FALL RIVER WATER USERS DISTRICT RURAL WATER SYSTEM ACT OF 1998

DASCHLE (AND JOHNSON)  
AMENDMENT NO. 3786

Mr. MCCAIN (for Mr. DASCHLE for himself and Mr. JOHNSON) proposed an amendment to the bill (S. 744) to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a non-profit corporation, in the planning and construction of the water supply system, and for other purposes, as follows:

On page 2, line 3, strike “1997” and insert “1998.”

On page 6, line 3, strike “has” and insert “and plan for a water conservation program here.”

On page 9, line 2, strike “80” and insert “70.”

On page 9, line 11, strike “20” and insert “30.”

### PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

DASCHLE (AND JOHNSON)  
AMENDMENT NO. 3787

Mr. MCCAIN (for Mr. DASCHLE for himself and Mr. JOHNSON) proposed an amendment to the bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; as follows:

On page 2, line 3, strike “1997” and insert “1998.”

On page 6, line 1, strike “has” and insert “and a plan for a water conservation program have.”

### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 7, 1998, to conduct a hearing of the following nominee: Ira G. Peppercorn, of Indiana, to be Director of the Office of Multifamily Housing Assistance Restructuring.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. MCCAIN. Mr. PRESIDENT. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing to receive testimony from Isadore Rosenthal, nominated by the President to be a Member of the Chemical Safety and Hazard Investigation Board; and William Clifford Smith, nominated by the President to be a Member of the Mississippi River Commission, Wednesday, October 7, 9:30 a.m., Hearing Room (SD-406).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 7, 1998 at 10:00 a. to hold a hearing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, October 7, 1998, at 10:00 a.m. for a hearing on the nominations of Dana Covington to be Commissioner, Postal Rate Commission, and Ed Gleiman to be Commissioner, Postal Rate Commission.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 7, 1998 at 9:30 a.m. to conduct a hearing on H.R. 1833, to amend the Indian Self-Determination and Education Assistance Act to provide for further Self-Governance for Indian tribes. The hearing will be held in room 485 of the Russell Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to