

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

meet during the session of the Senate on Wednesday, October 7, 1998 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Judicial Nominations."

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 meet during the session of the Senate on Wednesday, October 7, 1998 immediately following the 2:00 Hearing in room 226 of the Senate Hart Office Building to hold a hearing on: "A Review of the Radiation Exposure Compensation Act."

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

SPECIAL COMMITTEE ON THE YEAR 2000
TECHNOLOGY PROBLEM

Mr. McCAIN. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 7, 1998, at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. McCAIN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia to meet on Wednesday, October 7, 1998, at 2:00 p.m. for a hearing on "Are Military Adultery Standards Changing: What Are the Implications?"

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

ADDITIONAL STATEMENTS

TRIBUTE TO KIMBEL E. OELKE

• Mr. SARBANES. Mr. President, I rise today to honor the memory of Kimbel E. Oelke, publisher of the Dundalk Eagle—a homespun and pioneering publication committed to covering the local news stories that directly affect the daily lives of the citizens of the greater Dundalk area. Once sold for 10 cents to 500 subscribers and written entirely by Mr. Oelke at its founding in 1969, the Dundalk Eagle is now circulated to 24,000 people by a staff of twenty.

Oelke's commitment to the community extended beyond his distribution of the newspaper to include his participation in the creation of the Dundalk Library, the Dundalk Chamber of Commerce, the Dundalk Association of Businesses and the Greater Dundalk Sports Hall of Fame.

From the age of seven when he first moved to Baltimore, Oelke had journalistic ambitions. I think all would agree that the realization of his dream has not only enriched the lives of thousands of his readers, but conveyed a sense of community too often missing

in our modern era. Kimbel Oelke's commitment to community journalism will leave a legacy of service for future generations both in and out of Dundalk.

I extend my most sincere sympathies to his wife Mary, their three sons and seven daughters, and to all the family and friends of Kimbel Oelke. Mr. President, I ask that two articles celebrating Kimbel Oelke's life be printed in the RECORD.

The articles follow:

[From the Sun, Aug. 4, 1998]

KIMBEL E. OELKE, 80, LONGTIME PUBLISHER OF
DUNDALK EAGLE AND COMMUNITY BOOSTER
(By Fred Rasmussen)

Kimbel E. Oelke, publisher of the Dundalk Eagle, died Sunday of a heart attack while attending Mass at St. Rita Roman Catholic Church in Dundalk. He was 80.

Mr. Oelke, a well-known figure in eastern Baltimore County, was a seasoned newspaper reporter and editor when the unthinkable happened one day.

He woke up one morning and noticed his name missing from the mastheads of Dundalk's Community Press and the Eastern Beacon, where he had worked for 31 years.

He had complained when the newspapers began expanding and turning away from local news coverage, and the owner, Stromberg Publications, demoted him to advertising manager of the *Essex Times*, another of the chain's newspapers.

Disgruntled, he quit. He was in his early 50s and had a wife and 11 children to support.

He and his wife took a gamble. They took their savings and started their own newspaper.

The Dundalk Eagle, a tabloid, arrived on May 15, 1969. Its slogan was "Of The People, By The People, For The People."

In a front-page editorial, Mr. Oelke wrote, "I am firmly convinced that there is a need for a paper in the greater Dundalk area continually cognizant of the needs and desires of the people and the local businesses."

The paper sold for 10 cents a copy and subscriptions were \$1 a year. It has grown from 500 subscribers to a paid circulation of 24,000 and a staff of 20.

For many years, Mr. Oelke wrote most of the newspaper copy and was a familiar figure in courtrooms, police stations and firehouses. Tipsters kept his phones ringing.

The paper was homespun and covered Dundalk and its environs in great detail. Mr. Oelke's appetite for Dundalk minutiae was insatiable.

One of the Mr. Oelke's space-saving tricks, which gave his newspaper a particularly distinguishing if not unusual look, was his use of ampersands—"&"—instead of the word "and" in copy.

"The Eagle is more family-like than at most places," said Wayne Laufert, who was hired as a reporter in 1986 and was named editor in 1996.

"That's due to the personalities of Mr. and Mrs. O. Most of us think of them as grandparents. They treated a group of 20 or more people to Christmas dinner every year and hosted summer parties where we ate crabs and played softball."

Mr. Laufert described Mr. Oelke as "a very warm person" who had "difficulty saying 'no' to people. He was very accommodating and it was one of his most endearing qualities."

Deborah I. Cornely of Dundalk, a daughter and the paper's managing editor, said, "He was the kind of man who was very humble. He never bragged about his accomplishments, but most of all tried to give everyone an even break."

Deeply involved in the community, Mr. Oelke led the efforts to establish the Dundalk Library, the Dundalk Chamber of Commerce, the Dundalk Association of Businesses and the Greater Dundalk Sports Hall of Fame.

Mr. Oelke, a soft-spoken man who had a penchant for green eyeshades and big King Edward cigars, was born in Louisville, Ky. When he was seven, his family moved to Dundalk, when his father was transferred there by American Standard, the maker of plumbing fixtures.

The 1935 graduate of Sparrows Point High School once dreamed of becoming a major-league baseball player, but his hitting failed him. In 1938, he became sports editor of the Community Press.

"When I was in high school, I had two ambitions: To be a baseball player and to be a newsman," he told the Dundalk Eagle on the newspaper's 25th anniversary.

After serving with the Navy in the Pacific during World War II, he returned to the Press and was promoted to editor.

Studying at night, he earned a law degree from the University of Baltimore Law School.

Services will be held at 8:30 p.m. today at the Duda-Ruck Funeral Home of Dundalk, 7922 Wise Ave.

He is survived by his wife, the former Mary Georgina Jarboe, whom he married in 1946; three sons, Timothy Oelke of New Freedom, Pa., James A. Oelke of Corpus Christi and Andrew P. Oelke of Seattle; seven other daughters, Kim E. Boone of Dundalk, Barbara E. Oelke of Monkton, Elizabeth A. Oelke of Fawn Grove, Pa., Mary Jane Oelke of White Marsh, Suzanne C. Oelke of Seattle, Amy K. Christensen of Upperco and Kerry A. Raszewski of Monkton; a sister, Virginia Becker of Dundalk; 16 grandchildren; and four great-grandchildren.

[From the Dundalk Eagle, Aug. 13, 1998]

FAMILY, FRIENDS BID LAST GOODBYE TO
KIMBEL OELKE

(By Terri Narrell Mause)

The St. Rita Catholic Church parish priest explained that God has a purpose for each person's life, and praised Kimbel Oelke for fulfilling what he was "called to do."

But it was three of Oelke's daughters who painted the most vivid picture of the newspaper publisher during the Mass of Christian burial for their father Aug. 5. The Mass was led by the Rev. William Rimmel of St. Rita's, assisted by the Rev. Joseph Cornely, who works with Trinity Missions in California, and Deacon Albert Chesnavage.

Oelke, the founder and publisher of The Dundalk Eagle, died Aug. 2 while attending St. Rita's with his wife. He was 80 years old.

In emotional and eloquent testimonials, the three women recalled their father as a man devoted to his family and dedicated to bringing out the best in others.

Deborah Cornely, Oelke's second daughter and managing editor of The Eagle, told the story of how her father taught her to ride a bike.

Oelke transformed the bicycle into a simulated airplane, complete with painted wings and a tail, finishing it the evening before the then-4-year-old was to ride it in Dundalk's 4th of July parade.

"The only problem was that I'd never ridden a two-wheeler before," Cornely said in her eulogy.

So on that evening, her father removed the training wheels from the bike, steadied it as she climbed aboard and assured her she could do it.

After she had ridden some distance, confident her father was still holding on, she looked back to see him, "standing all smiles & applause, way back at my point of departure."