

(Nightline, 4/1/99) suggested otherwise—"We run away because of NATO bombing, not because of Serbs"—all other sources in this group either defended or did not comment on NATO's military involvement in the conflict.

Those most likely to criticize NATO—Yugoslavian government officials, Serbians and Serbian-Americans—accounted for only 6 percent of sources on the NewsHour and 9 percent on Nightline. Overall, only two of these sources appeared as live interviewees: Yugoslav Foreign Ministry spokesperson Nebojsa Vujovic (Nightline, 4/6/99) and Yugoslav Ambassador to the United Nations Vladislav Jovanovic (NewsHour, 4/1/99). This group's comments contrasted radically with statements made by members of other source groups, e.g., calling NATO's bombing "unjustified aggression" (Nightline, 4/6/99), and charging that NATO is "killing Serbian kids." (NewsHour, 4/2/99).

On Nightline, no American sources other than Serbian-Americans criticized NATO's airstrikes. On the NewsHour, there were seven non-Serbian American critics (4 percent of all sources); these included schoolchildren, teachers and college newspaper editors, in addition to a few journalists. Three out of the seven American sources who criticized the NATO bombing appeared as live interviewees, while the rest spoke on taped segments.

Officials from non-NATO national governments other than Yugoslavia, such as Russia's and Macedonia's, accounted for only 2 percent of total sources (3 percent on the NewsHour, 0 percent on Nightline) and added only four more critical voices overall. Only twice did a government official from these countries appear as a live interviewee (NewsHour, 3/30/99, 4/7/99).

Eleven percent of sources came from American and European journalists: 7 percent on Nightline, 13 percent on the NewsHour. This group also claimed 17 percent of all live interviews on Nightline and 40 percent on the NewsHour. In discussions with these sources, which tended to focus on the U.S. government's success in justifying its mission to the public, independent political analysis was often replaced by suggestions for how the U.S. government could cultivate more public support for the bombing.

Three independent Serbian journalists also appeared—two on the NewsHour and one on Nightline—but they did not add any voices to the anti-bombing camp. Instead, they spoke about the Serbian government's censorship of the independent media. Of a total of 34 journalists used as sources on both shows, only four opposed the NATO airstrikes. Three of these four appeared as live interviewees, and all four appeared on the NewsHour.

Academic experts—mainly think tank scholars and professors—made up only 2 percent of sources on the NewsHour and 5 percent on Nightline. (Experts who are former government or military officials were counted in the former government or military categories; these accounted for five sources.) On the NewsHour, the only think tank spokesperson who appeared was from the military-oriented Rand Corporation, while Nightline's two were both from the centrist Brookings Institution. Just two experts appeared in live interviews on the NewsHour, and no expert source was interviewed live on Nightline. While these percentages reflect a dearth of scholarly opinion in both shows, even the experts who were consulted didn't add much diversity to the discussion; none spoke critically of NATO's actions.

On a Nightline episode in early April that criticized Serbian media (4/1/99), Ted Koppel declared: "The truth is more easily suppressed in an authoritarian country and

more likely to emerge in a free country like ours." But given the obvious under-representation of NATO critics on elite American news shows, independent reporting seems to also be a foreign concept to U.S. media.

INTRODUCTION OF THE FEDERALISM ACT OF 1999

HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. MCINTOSH. Mr. Speaker, today, I rise to introduce the "Federalism Act of 1999," a bipartisan bill to promote and preserve the integrity and effectiveness of our federalist system of government, and to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs. As James Madison wrote in Federalist No. 45, "The powers delegated . . . to the Federal government are defined and limited. Those which are to remain in the State governments are numerous and indefinite."

In May 1998, President Clinton issued Executive Order (E.O.) 13083, which revoked President Reagan's 1987 Federalism E.O. 12612 and President Clinton's own 1993 Federalism E.O. 12875. The Reagan Order provided many protections for State and local governments and reflected great deference to State and local governments. It also set in place operating principles and a required discipline for the Executive Branch agencies to follow for all decisionmaking affecting State and local governments. The Reagan Order was premised on a recognition of the competence of State and local governments and their readiness to assume more responsibility. In August 1998, after a hearing before the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, which I chair, and the outcry of the seven major national organizations that represent State and local elected officials, President Clinton indefinitely suspended his E.O. 13083 and agreed to work with these national organizations on any substitute Order.

The "Federalism Act of 1999" is being introduced in response to a request for permanent legislation by the leadership of these seven major national organizations. It is a product of several months' work by a bipartisan group of Members together with those national organizations and their leadership to ensure that the legislation includes provisions most needed and desired by them to promote and preserve Federalism. The absence of clear congressional intent regarding preemption of State and local authority has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence of scope of preemption to be determined by litigation in the Federal judiciary.

The "Federalism Act of 1999" has a companion bipartisan bill on the Senate side, S. 1214, the "Federalism Accountability Act of 1999," which was introduced last week. Both bills share nearly identical purposes: (1) to promote and preserve the integrity and effectiveness of our federalist system of government, (2) to set forth principles governing the interpretation of congressional intent regarding preemption of State and local government au-

thority by Federal laws and rules, (3) to recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs, and (4) to establish a reporting requirement to monitor the incidence of Federal statutory, regulatory, and judicial preemption.

The "Federalism Act of 1999" establishes new discipline on both the Legislative Branch and the Executive Branch before either imposes requirements that preempt State and local authority or have other impacts on State and local governments. The "Federalism Act of 1999" requires that the report accompanying any bill identify each section of the bill that constitutes an express preemption of State or local government authority and the reasons for each such preemption, and include a Federalism Impact Assessment (FIA) including the costs on State and local governments. Likewise, the bill requires Executive Branch agencies to include a FIA in each proposed, interim final, and final rule publication. The FIA must identify any provision that is a preemption of State or local government authority and the express statutory provision authorizing such preemption, the regulatory alternatives considered, and other impacts and the costs on State and local governments.

The bill establishes new rules of construction relating to preemption. These include that no new Federal statute or new Federal rule shall preempt any State or local government law or regulation unless the statute expressly states that such preemption is intended. Any ambiguity shall be construed in favor of preserving the authority of State and local governments.

Besides instituting this new discipline for the Legislative and Executive Branches and providing new rules of construction for the Judiciary, the bill includes other provisions to recognize the special competence of and partnership with State and local governments. The bill provides deference to State management practices for financial management, property, and procurement involving certain Federal grant funds. The bill also requires Executive Branch agencies, for State-administered Federal grant programs, to cooperatively determine program performance measures under the Government Performance and Results Act with State and local elected officials and the seven major national organizations that represent them.

The McIntosh-Moran-Portman-McCarthy-Castle-Condit-Davis bill is a product of work with the seven major State and local interest groups: the National Governors' Association, National Conference of State Legislatures, Council of State Governments, U.S. Conference of Mayors, National League of Cities, National Association of Counties, and the International City/County Management Association.

INTRODUCTION OF THE FEDERALISM ACT OF 1999

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my colleagues DAVID MCINTOSH, TOM DAVIS, KAREN MCCARTHY, MICHAEL CASTLE and GARY CONDIT, in cosponsoring the Federalism Act of 1999.

This legislation is a logical and necessary extension of the Unfunded Mandate Reform Act that Congress passed in 1995. The Unfunded Mandate Reform Act and the Federalism Act we are introducing today, seek to protect and enhance our federalism system of government. The process and discipline we set forth in the Federalism Act will make federal decision makers more sensitive to state and local concerns and prerogatives. Passage of this legislation will mark a milestone in improvements in our federalism system of government.

Having served in local government, I know first-hand how even the most well-intentioned federal laws and regulations can disrupt state and local programs and initiatives. Like the landmark National Environmental Policy Act, this legislation establishes a process that includes a federalism impact assessment on both the Congress and the executive branch to ensure that we make more informed and rational decisions on new federal laws and regulations that may affect state and local governments.

I will be the first to admit that much of the legislation Congress considers includes some type of federal preemption. I support strong national standards for clean air and water, fair labor standards and public health. Others in Congress may seek to federalize our criminal justice system. All are legitimate prerogatives of the U.S. Congress and under the Supremacy Clause.

I do not suggest we return to the days of the Articles of Confederation or endorse State Rights' advocates for a limited federal government. What I do suggest is that we establish a procedure to ensure that Congress is both well-informed and accountable for major actions that preempt state and local governments. We also need to set forth a process that provides the courts with greater clarity on congressional intent when legal disputes arise between federal and state law.

I know this legislation is not perfect. I look forward to working with my colleagues to ensure that this legislation defines the scope of judicial review and limits the potential for nuisance lawsuits as well as safeguards the rights of Congress to respond promptly to important national initiatives.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mrs. CLAYTON. Mr. Speaker, on rollcall No. 191, H.R. 1401—final passage, “to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 to 2001, and for other purposes,” I was absent from the above-referenced vote because I was in North Carolina attending the funeral services for the father of my district office director. Had I been present, I would have voted “yea.”

TRIBUTE TO THE LATE WILLIAM
“BILL” PAVLIS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1999

Mr. DUNCAN. Mr. Speaker, our Nation has recently lost a great public servant. On Sunday, May 9th of this year, William “Bill” Pavlis passed away. Bill Pavlis was born in West Virginia and moved to Knoxville, Tennessee, where he lived for 60 years. He attended the old Knoxville High School and then went on to be one of our community’s best citizens.

Bill Pavlis was one of the most respected leaders in the Knoxville area. In 1972, he started a very successful specialty food distribution company in Knoxville.

In 1980, Bill Pavlis entered public service as one of the very first members of the newly created Knox County Commission. He spent six years on that body and even served as its Chairman.

In 1990, he was appointed to the Knoxville City Council to serve the remainder of the term of Councilman Milton Roberts.

Mr. Speaker, Bill Pavlis was a great friend to all that knew him. He was always available to the citizens he represented.

Above all, Bill Pavlis was a true family man. Bill and his beloved wife of 49 years, Jamie, raised a wonderful family. His sons, William A. Pavlis, Frank N. Pavlis, George S. Pavlis, and daughter, Christina Pavlis, comprise one of the finest families in East Tennessee.

Mr. Speaker, I am privileged to have known such a fine man. I have included a copy of a Resolution adopted by the Knox County Commission, as well as a statement from Commissioner Leo Cooper and an editorial from the Knoxville News-Sentinel that honor the memory of William “Bill” Pavlis. I would like to call these to the attention of my colleagues and other readers of the RECORD.

RESOLUTION

Whereas, former businessman, Knox County Commissioner and Knoxville City Councilman William “Bill” Pavlis recently passed away at the age of seventy (70), after many years of service and leadership in the Knox County Community; and

Whereas, Bill Pavlis was a native of Logan, West Virginia, where his parents had emigrated from Greece. He was to live in Knoxville for sixty (60) years, where he met his wife of forty-nine (49) years, Jamie, at Knoxville High School, where he was a football player. He founded a specialty food distribution business, A&B Distributing Company, Inc., in 1972, and the business has thrived since; and

Whereas, Bill Pavlis was a notable leader in the community. He served as one of the first nineteen (19) Knox County Commissioners upon his election in 1980. In his six (6) years on this body, he served as Commission Chairman and as Finance Committee Chairman. During his entire tenure of service on the Knox County Commission, he missed only one (1) meeting. He is said to have been proudest, however, of his six years (6) as a member of the Knox County Pension Trust Fund Committee and of his chairmanship of the employees insurance committee. Mr. Pavlis also served as a Knoxville City Councilman, and was considered a strong and popular candidate for mayor; and

Whereas, Commissioner Pavlis, with a reputation of straightforwardness and honesty,

also participated in countless civic and spiritual organizations and events. He attended two (2) churches, the Episcopal Church of the Good Shepherd, with his wife Jamie, and the St. George Greek Orthodox Church. As a resident of Fountain City, where he was deeply loved, he contributed toward the construction of a gazebo in Fountain City Park. Always there to help, he often provided assistance to his employees at A&B Distributing; and

Whereas, Bill Pavlis leaves behind a wonderful family, itself carrying on the legacy of community service exemplified by the Commissioner. His wife Jamie was the first woman appointed to the Knox County Jury Commission. He also leaves behind four children, Christina “Tina” Pavlis, William A. Pavlis, Frank “Nick” Pavlis, also a Knoxville City Councilman, and George “Sam” Pavlis. Now therefore be it

Resolved by the Commission of Knox County as follows:

The Knox County Commission wishes to express its condolences to the family and many friends of William “Bill” Pavlis, upon the passing of its fellow Commissioner and great friend.

Be it further resolved, That if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

Be it further resolved, That this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

STATEMENT OF COMMISSIONER LEO COOPER
HONORING FORMER COMMISSIONER WILLIAM
P. “BILL” PAVLIS

There are no words to truly express the profound sense of loss an entire community feels at the passing of Bill Pavlis.

Bill Pavlis was a man of enormous accomplishments; Bill was successful in virtually every endeavor he undertook in his lifetime. Bill founded and operated a successful business; married an exceptionally lovely woman and raised a beautiful family. Bill was elected to the Knox County Commission and chosen by his colleagues to Chair that body. Bill Pavlis was appointed to serve on the Knoxville City Council, having the distinction of being one of the few individuals ever to serve on both the city and county legislative bodies.

Bill Pavlis lived to see the affection of an entire community and the tradition of public service in the election of his son Nick as City Councilman At Large. One could truthfully say Bill Pavlis was a very lucky man, but I believe his friends were the luckier to have known him and had his friendship.

HE SERVED THE PUBLIC

Knoxville lost one of its finest public servants with the death on Sunday of William “Bill” Pavlis at 70.

Pavlis, who served terms on both the Knox County Commission and the Knoxville City Council, was known as someone who brought people together to work out solutions to problems—a characteristic soundly noted by Mayor Victor Ashe.

Pavlis’ parents emigrated from Greece to West Virginia, and Bill Pavlis was born in Logan, W.Va. He lived in Knoxville for 60 years, starting a specialty food distribution company, A&B Distributing Co. Inc., in 1972.

Pavlis was one of the first 19 members elected in 1980 to serve on the new County Commission, the local government entity that replaced the old county court. His six years on that body included a term as finance committee chairman and alter as commission chairman.