

(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.