



United States Report

Daniel Béland, Christian Lammert,
Martin Thunert (Coordinator)

Sustainable Governance
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Executive Summary

In terms of the SGI, the United States continues to receive high scores in some areas of long-term strength, including economic policy, labor market efficiency and innovation. Compared to the situation prevailing during the Trump years, the United States performed better in 2021 in policy areas addressing social inclusion, the integration of new immigrants, elementary education, family policy, environmental protection, and fiscal sustainability.

With respect to the quality of democracy, the United States continues to exhibit some strengths when it comes to ensuring generally equal political rights, fairness in candidate and party access to the ballot, and relatively balanced news media coverage. Although both parties are more or less on par in terms of campaign funding resources, accountability with respect to campaign funding has suffered as a result of growing contributions from extremely wealthy individuals. The Trump years damaged U.S. democracy in key ways and the first year of the Biden administration proved reassuring, as the Democratic president moved away from the most toxic tactics of the Trump presidency.

The COVID-19 crisis has dominated U.S. politics since March 2020. During the last year of Trump's presidency, the federal response to the pandemic proved both divisive and confusing, as President Trump made often obscuring and untrue statements about the nature of the public health threats, while launching overtly partisan attacks against Democrats in Congress and in the states, a situation that exacerbated coordination problems stemming from federalism. In this context, racial divisions also proved central as the COVID-19 crisis stressed once again the deep inequalities reflected in both the public health situation and the healthcare system. These divisions marked the 2020 presidential campaign, during which COVID-19 became a major issue. In the end, President Trump lost but his refusal to concede and his baseless claims of massive electoral fraud undermined U.S. democracy and the ongoing response to the pandemic.

On the international front, President Trump's nationalistic approach to pandemic mitigation seriously weakened cooperation with the rest of the world. This is particularly the case of his decision to have the United States withdraw from the World Health Organization (WHO) in the middle of a

global pandemic. By blaming China and the WHO for the crisis, President Trump attempted to deflect blame for the deeply flawed response of his administration to COVID-19.

The first year of the Biden presidency marked a major shift in political discourse and public policy clearly apparent in the ongoing federal response to the pandemic, which is more straightforward and predictable now than under President Trump. As for President Biden's progressive policy agenda, it faces obstacles in Congress despite the fact that both chambers of Congress are now under Democratic control. This is the case in part because the tiny Democratic majority in the Senate gives veto power to a small number of moderate Democrats who have stood in the way of major reforms such as the Built Back Better Act, which has still not been enacted. Under the Biden presidency, the institutional weight of checks and balances remains as strong as in the recent past, including during the Obama administration, from which Biden and his team are constantly drawing lessons.

Key Challenges

From a sustainable-governance perspective, the United States faces numerous challenges. It has largely failed to address them, however, for more than a decade. Divided party control of the presidency and Congress produced gridlock in the legislative process. And even with unified government in the first two years of the Trump administration, Congress proved extremely unproductive, mainly because of intra-party differences within the Republican party. After the 2018 midterm elections in which the Democrats took control of the House of Representatives, gridlock continued under a divided government and amid the constant interruptions and distractions of various scandals involving members of Trump's administration and his associates, and the Trump impeachment itself. Yet, in 2020, the pandemic led Congress to enact bold stimulus legislation, a situation that continued in 2022 under the Biden administration and a now Democratic-controlled Congress.

The sustainable-governance challenges that U.S. policymakers have largely overlooked include excessive long-term budget deficits, increased economic inequality, the loss of well-paying middle-class and working-class jobs, as well as problems with costs and provider shortages in healthcare insurance markets. Racial tensions have grown, and the opioid crisis has brought an explosion in addiction and deaths due to overdose. Rather than address climate change, the Trump administration promoted climate denialism and reversed existing policies to reduce greenhouse gas emissions. The United States has a

refugee crisis at its southern border, which the Trump administration managed with both intentional cruelty and incompetence. On these two fronts, the Biden administration has explicitly moved away from Trump's policies. This is especially the case regarding climate change, as the United States reintegrated the Paris Accord and adopted new policies to tackle climate change.

Trump proved more destructive and dangerous as president than even his most severe critics had predicted. His chronic misconduct has resulting in an array of serious scandals, a damning report by Special Counsel Robert Mueller, and his impeachment by the House of Representatives. Numerous commentators from the orbit of the pre-Trump Republican party have called for his removal from office or for his defeat in the next election. But his intense, cult-like support among the Republican voter base has deterred Republican officeholders, most importantly the Senate majority, from removing him from office or otherwise holding him to account. His often autocratic style of governance is a stress test for the institutions of checks and balances in the United States.

Trump politicized at the very least the top layers of the Justice Department, and to lesser degrees the State Department, the intelligence community and other agencies. He appointed numerous (sometimes unqualified) loyalists as federal judges. He often ignored or attempted to undermine the constitutional prerogatives of Congress in oversight, investigation and policymaking. With respect to elections, Trump and the Republican Senate blocked legislation to strengthen defenses against Russian or other foreign interference in the electoral process, despite official intelligence findings of ongoing Russian efforts to interfere. Partly to counter strong adverse demographic trends, Republicans in many states adopted measures that are designed to suppress voting by racial and ethnic minorities and lower-income people, most of whom generally vote for Democratic candidates.

Despite all of this, the 2020 federal elections proved to be free and fair and the advent of the Biden administration was good news for democracy. At the same time, the fact that Trump and other Republicans have failed to recognize his clear defeat is a worrying sign for U.S. democracy exacerbated by the attack on the U.S. Capitol of January 6, 2021. More generally, the same remark applies to hyper-partisanship, the rise of far-right populism, and the political manipulation of social media. In other words, the defeat of Trump is not the end of serious worries about the long-term future of U.S. democracy.

Party Polarization

Party polarization has been the driving force behind political gridlock and the growing incapacity of the U.S. government to fulfill its function in recent years. Polarization and its harmful effects derive in large part from specific features of American political institutions.

Independent roll-call decisions by individual members of Congress have made it possible to develop highly diagnostic data regarding the ideological position of each member of the Senate and the House of Representatives. For most of the country's history, centrist-oriented legislators from both parties have tended to vote within the parameters of the substantial ideological overlap found between the two parties.

For more than a century after the Civil War of the 1860s, this overlap derived in large part from Southerners' traditional allegiance to the Democratic party – itself a product of Republican leadership of the Union during the Civil War. In the last quarter of the 20th century, Southerners began to abandon the Democrats, and the ideological divisions between the two parties became increasingly palpable. Other developments, such as an increasingly fragmented and ideologically distinct news media landscape, Congressional reforms that strengthened the role of party factions (particularly in the House of Representatives) and gerrymandering have accelerated polarization processes. Data on individual congressional members' voting records shows that the most recent Congresses have been the most severely polarized in more than a century. Most of the movement toward the ideological extremes has occurred within the Republican party.

Polarization causes gridlock in three distinct ways. First, and most obviously, if the president and at least one house of Congress are controlled by different parties, they are very much inclined to engage in conflict. Second, even with unified party control, the minority party can often block policy change using the Senate filibuster. Third, during the first two years of the Trump presidency, with unified Republican control, both parties were unwilling to work with each other in developing legislation, yet the Republicans themselves were sufficiently divided between mainstream and extreme conservative wings. The five most recent Congresses, from 2011 to the present, have been the least productive of any Congresses in the modern era. In order to pass any substantive legislation, the majority party needs to use special legislative procedure like reconciliation to get anything done. (Score: 3)

Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 8

The United States has maintained economic policies that have effectively promoted international competitiveness and economic growth. Compared with other developed democracies, the United States has generally featured low tax rates, less regulation, lower levels of unionization and greater openness to foreign trade. The country has enjoyed superior levels of growth, capital formation and competitiveness. The country's economic situation deteriorated very rapidly in the early spring of 2020, as the COVID-19 pandemic hit the United States. Yet, this dramatic and sudden economic downturn did not last and the economy recovered swiftly to reach a stunning projected GDP growth of nearly 7% in 2022. Simultaneously, starting in spring 2021, high inflation became a major issue in the United States.

During Trump's first two years in office, Congress passed a major tax reform that included a tax cut for corporations and high-income individuals. Along with increases in defense spending and Trump's rejection of spending cuts for middle-class social benefits (Medicare and Social Security), the tax cut created a sharp increase in the already unsustainable long-term federal budget deficit. In the aftermath of the pandemic, massive emergency public spending contributed to a further increase in the size of the federal deficit, which reached a record of \$1.7 trillion during the first half of 2021.

During 2018, as the Federal Reserve (also known as "the Fed") began to raise interest rates, Trump repeatedly questioned the Fed's expertise and accused it of doing harm to the economy. The Fed lowered interest rates during 2019, accounting for signs of slowdown in the world economy. In the aftermath of the COVID-19 pandemic, the Fed further lowered its interest rates to virtually zero while moving forward with a bold quantitative easing campaign.

The Biden-Administration implemented the American Rescue Plan Act in 2021 to get the economy going again. The \$1.9 trillion package included \$1,400 check per adult, an expanded child tax credit, extended unemployment benefits, and expanded eligibility for healthcare benefits. Biden second major economic legislation, the Infrastructure Investment and Jobs Act was signed into law in November 2021. His Build Back Better Act, which would expand major welfare and child support programs passed the House in November but failed to pass the Senate in December 2021. Biden’s economic policy proposal is designed to strengthen the role of the state in the economy.

Jeff Stein, Trump’s quest to shatter GOP economics reached its culmination in 2019, Washington Post, Dec. 27, 2019.

Labor Markets

Labor Market
Policy
Score: 8

The United States has one of the least regulated and least unionized labor markets in the OECD. Some states even have “right-to-work” laws that prevent unions from requiring membership as a condition for employment. The low levels of unionization, which in principle lowers the price of labor, should generally promote employment.

The U.S. government plays a minimal role in promoting labor mobility or providing support for training and placement. With the exception of temporary social policy measures enacted during the COVID-19 pandemic, federal policies regarding labor and employment have not undergone any major change. Trends at the local and state government levels have gone in different directions. Whereas several cities and states with left-leaning governments have sharply increased minimum wages, other states have adopted “right-to-work” laws (e.g., Michigan) or have imposed constraints on public employees’ unions (e.g., Wisconsin).

In 2019, before the pandemic, unemployment continued to decline, reaching 3.7%, which was the lowest officially registered rate since 1969. In addition, the tightening labor market produced gains in average wages. In April 2020, the COVID-19 crisis favored a very sudden increase in the unemployment rate, which rose by about 10 points in one month to move above the 14% mark. Fortunately, starting in May 2020, the unemployment rate began to fall, gradually yet steadily, to 6% in March 2021 and 4.6% in October of the same year. But the labor forces participation rate is still below the rate of pre-pandemic times and more than 2.7 million Americans can be considered as long-term unemployed, a unusually high number for the United States.

Citation:

Patricia Cohen, After a Decade of Hiring, Plenty of Jobs but raises are tiny, New York Times, Jan. 20, 2020

Taxes

Tax Policy
Score: 5

The U.S. tax system does not produce enough revenue to eliminate the deficit and provide sufficient resources to fulfill major obligations in the long run. Tax policy is highly responsive to special interests and the redistributive effect of the tax system is very low. As a result, the tax system might promote the country's competitive status internationally but faces serious problems in terms of ensuring horizontal and vertical equity. Many high-income earners pay an effective tax rate that, after deductions, is lower than the rate for middle-class earners. The United States derives a large share of revenue from corporate taxes, a fact that has encouraged some firms to move operations abroad. Despite these shortcomings, the U.S. tax system performs well with respect to competitiveness, since the overall tax burden ranks near the bottom of the OECD rankings.

The Trump administration's ostensible major objectives were to reduce corporate tax rates, reduce rates paid by high-income taxpayers, eliminate the inheritance tax, reduce taxes for middle income taxpayers, and make up for the losses of revenue by eliminating certain credits and deductions. Although Democrats pledged to repeal Trump's tax reform law, which "was estimated to cost nearly \$2 trillion over a decade," in early 2021 the new Biden administration made it clear it only sought "a partial rollback of the law, with their focus on provisions that help corporations and the very rich." (Tankersley, 2021) Months later, in the fall, it became increasingly clear most of the Trump tax reform would remain largely untouched (Zeballos-Roig, 2021).

Tankersley, Jim. 2021. "Biden Wants to Raise Taxes, Yet Many Trump Tax Cuts Are Staying," *New York Times*, April 5. <https://www.nytimes.com/2021/01/22/business/economy/biden-trump-tax-law.html>

Zeballos-Roig, Joseph. 2021. "The Trump tax law is poised to be a big winner of Biden's \$1.75 trillion social spending bill," *Business Insider*, November 10. <https://www.businessinsider.com/trumps-tax-law-sinema-big-winner-bidens-social-spending-bill-2021-11>

Budgets

Budgetary Policy
Score: 3

Budget policy in the United States is a complex issue and raises different concerns regarding short- or long-term deficits respectively. In 2019, the federal budget deficit nearly hit \$1 trillion, and economists are raising growing concerns about the sustainability of the country's fiscal plan. In the aftermath of the COVID-19 pandemic and the emergency spending it triggered, the federal budget deficit increased suddenly, reaching a record \$3.1 trillion in 2020, before declining only slightly to \$2.8 billion in 2021.

Overall, both the pandemic and the Trump administration's tax cuts have exacerbated the country's long-term fiscal challenges. As for President Biden's administration, for the 2022 fiscal year he has proposed "a \$6 trillion budget (...) that would take the United States to its highest sustained levels of federal spending since World War II as he looks to fund a sweeping economic agenda that includes large new investments in education, transportation and fighting climate change." (Tankersley, 2021) If implemented, his proposal would mean "deficits running above \$1.3 trillion throughout the next decade" (Tankersley, 2021).

Tankersley, Jim. "Biden to Propose \$6 Trillion Budget to Make U.S. More Competitive," New York Times, June 17. <https://www.nytimes.com/2021/05/27/business/economy/biden-plan.html>

Research, Innovation and Infrastructure

R&I Policy
Score: 8

The United States has traditionally invested heavily in research and development, but the effects of the Great Recession and the country's problematic budget politics have compromised this support. Certain public institutions stand out, particularly the National Science Foundation, the National Institute of Health, the country's federal laboratories and various research institutions that are attached to federal agencies. In addition, there is a vast array of federally supported military research, which often has spillover benefits.

The Trump administration afforded research and innovation, apart from defense, a low priority. It cut federal R&D spending, except for Department of Defense R&D, which was projected to increase by 15%. Trump cut scientific and engineering personnel in environmental and resource-related agencies and withdrew support for alternative energy development. In part to compensate for this situation, the Biden administration has proposed major increases in non-defense R&D spending, coupled with small cuts in defense R&D.

Joel Achenbach et al., Trumps budget seeks cuts in science funding, Washington Post, March 11. 2019.

Global Financial System

Stabilizing
Global Financial
System
Score: 7

Traditionally, the United States had generally promoted prudent financial services regulation at the international level. This includes participation in international reform efforts at the G-20, in the Financial Stability Board (FSB), and in the Basel Committee on Banking Supervision (BCSC). U.S. negotiators played a major role in developing the Basel III capital rules adopted in June

2011, as well as the liquidity rules adopted in January 2013. The global nature of the 2008 financial crisis necessitated a multilateral approach and the promotion of a robust financial-policy architecture.

With respect to the national regulatory framework, U.S. regulatory bodies had been developing rules required by the 2010 Dodd-Frank Act. U.S. regulators generally preferred stronger rules than international standards required (e.g., on the regulation of derivatives). However, lobbying by the powerful financial services industry had weakened U.S. standards. In a major change of direction, the Trump administration and Republican Congress partially repealed the Dodd-Frank Act; the repeal gutted the Volcker rule (prohibiting banks from making certain investments for their own accounts). The administration abandoned support for the development or implementation of international standards. On the domestic side, it largely abandoned enforcement activity of the Consumer Financial Protection Board. The result was a resumption of some of the risky, potentially destabilizing banking practices. President Biden has pledged to improve financial regulation in part through a revitalization of the Consumer Financial Protection Bureau (CFPB), a federal agency created under President Obama but seriously weakened by the Trump administration

Citation:

<https://www.wsj.com/articles/curtains-for-global-financial-regulation-1492037557>

II. Social Policies

Education

Education Policy
Score: 7

The performance of primary and secondary education in the United States has long been disappointing. Historically low high school graduation rates significantly improved over the last two decades, reaching a record high of 82% in 2016, but this is a low rate for a wealthy country. The education system largely lacks vocational alternatives to high school education. High school students' performance in science, math and reading remains below most wealthy OECD countries. Yet the educational system is generously funded. Its shortcomings are the result of several factors, including the impact of deficiencies in the home environments of many children in low-income/minority neighborhoods, severe inequalities in school quality between wealthy and low-income areas, a lack of accountability for outcomes in the fragmented system, and effective resistance to school reforms by powerful teachers' unions.

As college and university costs have increased, financial aid for low-income students has failed to keep up. As a result, students from the top income quintile are now at least three times as likely to graduate as those from the lowest quintile. Trump cut budgets for college loan programs and relaxed accreditation requirements for the often-predatory for-profit higher education sector. In the aftermath of the COVID-19 pandemic, a pause on student loans was enacted. This pause continued during the first year of the Biden administration.

In March 2021, Dr. Miguel Cardona became President Biden's Education Secretary and the new Democratic administration made it clear its goal was to overturn many of Trump's education policies, particularly in areas such as anti-discrimination measures targeting racial and sexual minorities as well as students with disabilities (Waters, 2021). More generally, education equity within a better-funded public education system became a major aspect of the Build Back Better agenda of this Biden administration.

Citation:

<http://nymag.com/daily/intelligencer/2017/09/charter-schools-losing-the-narrative-but-winning-the-data.html>

Waters, Laura. 2021. "Biden Pledged to Overturn Trump's Education Policies. So, How's It Going?" Education Post, June 30.

<https://educationpost.org/biden-pledged-to-overturn-trumps-education-policies-so-hows-it-going/>

Social Inclusion

Social Inclusion
Policy
Score: 6

The United States has long featured high levels of economic inequality that have continued to increase. In recent years, poverty has remained persistent and been accompanied by exceptionally large income gains among the top 1% and, in particular, the top 0.1% of earners. The United States ranks in the top five among the 41 OECD countries with regard to the proportion of the population (17.3%) that receives less than 50% of the median income. Overall income inequality (after taxes and transfers) hit a record high in 2019, according to the Census Bureau.

President Trump and the Republican Congress have introduced major cuts to programs targeting the poor – including healthcare, food stamps, student loans and disability payments. They have also sought to exclude undocumented immigrants from receiving the Child Tax Credit (CTC) or the Earned Income Tax Credit (EITC). They have sought to eliminate the expanded low-income health coverage that was introduced by Obamacare. In 2019, the Trump administration signed the Reducing Poverty in American Act, an executive order that expanded work requirements in the social welfare net, especially in the Supplemental Nutrition Assistance Program (SNAP).

In the aftermath of the COVID-19 pandemic, emergency legislation expanded temporary both EITC and SNAP benefits. In March 2021, the American Rescue Plan also led to an unprecedented yet temporary increase in the CTC, which many Democrats hope could later become permanent. The expansion of CTC rapidly appeared as a major tool to fight poverty in the United States that is likely to significantly reduce poverty over time (Béland, Dinan, Rocco and Waddan, forthcoming).

Citation:

Daniel Béland, Shannon Dinan, Philip Rocco and Alex Waddan. Forthcoming. “COVID-19, Poverty Reduction, and Partisanship in Canada and the United States,” *Policy and Society*.

Health

Health Policy
Score: 6

For many years, the U.S. healthcare system has provided the best care in the world, though highly inefficiently, to most of its residents, that is, those with health insurance coverage. It has provided significantly inferior care to the large numbers without coverage, in particular, people with relatively low incomes or those who are ineligible under the means-tested Medicaid program. In 2010, Congress enacted the Patient Protection and Affordable Care Act (ACA, often called “Obamacare”), mainly to extend healthcare coverage to more people. The ACA was essentially designed to fill gaps in the existing healthcare system’s patchwork of financing arrangements.

In 2017, the Republican tax bill effectively abolished the individual mandate (a requirement for otherwise uncovered individuals to purchase health insurance), which is central to making the ACA financially viable. In addition, Republican officials in 19 states filed a lawsuit seeking to invalidate the ACA (despite the prior Supreme Court ruling), and the Trump administration authorized “short-term” insurance plans that included sharply reduced coverage. The elimination of the individual mandate has increased the numbers of those not covered by health insurance and increased the cost of premiums for those who are covered.

The COVID-19 pandemic stressed the massive inequalities at the center of the U.S. healthcare system. Immediately after becoming President, Biden signed many executive orders meant to reverse some of the Trump-era policies on healthcare meant to weaken the ACA. Signed in March 2021, the American Rescue Plan also featured temporary increases in premium tax credits and other measures that should improve access to healthcare coverage. The administration would like these policies, which are only in effect until the end of 2022, to become permanent, which would have a positive impact on healthcare provision in the United States.

Citation:

Kaiser Family Foundation, The Affordable Care Act's Little-noticed Success: Cutting the Uninsured Rate, 2016, <http://kff.org/uninsured/perspective/the-affordable-care-acts-little-noticed-success-cutting-the-uninsured-rate/>

Families

Family Policy
Score: 7

The United States ranks near the bottom of the developed world on many measures of direct governmental and regulatory support for working mothers. This is the case partly because of the lack of federal paid parental leaves and limited access to affordable, subsidized childcare in many states. Nevertheless, the United States provides significant support for families with children, largely through tax benefits. The policies have the greatest effect for poor families, especially single mothers, partly because of low governmental tolerance for welfare dependency.

Before the beginning of the COVID-19 pandemic, the Trump administration's main actions affecting low-income families consisted of strengthening work requirements in cash assistance, food stamps and low-income healthcare programs. In the aftermath of the pandemic, the United States witnessed an expansion of family benefits. For instance, in March 2021, President Biden signed into law the American Rescue Plan, which featured a major expansion of the federal Child Tax Credit for one year. Later in the year, as part of the Build Back Better debate, Democrats sought but ultimately failed to prolong this temporary expansion of the Child Tax Credit for a second year.

Responding to the arrival of two Trump-appointed conservative Supreme Court justices, several state governments have taken steps to dramatically restrict or even abolish access to abortion. The hope of these governments is that the Supreme Court will overturn *Roe v Wade*, the 1973 decision that established the right to abortion, and therefore uphold their efforts to restrict abortion. In some states, access to abortion has become nearly nonexistent.

Pensions

Pension Policy
Score: 7

The Social Security retirement program is the United States' main public pension system that complements various employer-based pension plans, tax-subsidized retirement saving plans (401k plans) and private retirement accounts. Social Security is funded by mandatory employee and employer contributions, totaling 12.4% of wages, on wages up to approximately \$120,000 per year. The wage-replacement rate of the public system is on average 45%, which is below the OECD average, though the rate is higher for

people with lower incomes. Benefits from company-based and private accounts raise the wage-replacement rate to 80%. However, 78 million Americans have no access to company-based retirement plans. In addition, the financial crisis of 2008 hit the asset base of pension funds, which has resulted in many private employers proving unable to make full payments. A long-term Social Security funding shortfall has been politically intractable, with Democrats blocking benefit cuts (or reductions of scheduled benefit increases) and Republicans blocking increases in the payroll tax.

With respect to the three goals of pension systems (i.e., poverty prevention, intergenerational equity and fiscal sustainability), the U.S. pension system is partially successful in reducing poverty among the elderly. Historically, each succeeding retirement cohort has received generous subsidies from current workers, but the growth of the elderly population threatens coming retirement cohorts with potential losses of expected benefits. The system is currently at risk with respect to financial sustainability.

So far, Democrats and Republicans alike have proved unwilling to raise taxes and/or cut benefits in order to address the long-term funding deficiencies of the Social Security program. These funding deficiencies are increasingly problematic and will require larger, more painful adjustments with every year in which the government fails to act. The economic downturn created by the COVID-19 pandemic had a negative impact on the Social Security trust fund. Finally, during the pandemic, Social Security and Supplemental Security Income beneficiaries became eligible to emergency Economic Impact Payments.

Integration

Integration Policy
Score: 6

Prior to the Trump presidency, the United States was ranked ninth out of 31 assessed countries and first with respect to anti-discrimination laws and protection. The United States also ranked high on the access-to-citizenship scale, because it encourages immigrants to become citizens. Legal immigrants enjoy good (but often low-paid) employment opportunities and educational opportunities. However, the United States does less well with regard to family reunification. Many legal permanent residents cannot obtain visas for other family members.

A large share of immigration to the United States has consisted of illegal immigrants, most of whom have crossed the border from Mexico and often have lived, worked and paid taxes in the United States for their entire adult lives without ever becoming legal residents. These illegal immigrants account for nearly one-third of the immigrant population, numbering 12 million to 15

million individuals or 3% to 4% of the country's overall population. They have in effect been tolerated (or even virtually invited by the ease of illegal entry) for their economic contributions, often as agricultural workers or in low-paying service occupations. Children of illegal immigrants attend public schools, and businesses that employ illegal immigrants have not been subject to effective penalization. There have been several bipartisan efforts to enact major immigration reforms but such efforts have not succeeded.

Events taking place starting in 2016 profoundly increased the insecurities faced by large numbers of immigrants. President Trump's election campaign was based on his opposition to immigration, especially from Mexico, the Middle East or other Muslim countries. Trump carried out a wide-ranging, aggressive attack on immigration – targeting illegal immigration in particular. Though his actions were often overturned in federal courts, Trump sought to ban the otherwise legal entry of individuals from a number of mostly Muslim-majority countries and to end the Deferred Action for Childhood Arrivals (DACA) program (which protects adults who were brought into the country illegally as children from deportation). In addition, he declared his intention to abolish birthright citizenship (despite his lack of constitutional power to do so). Trump insisted on his demands to build a wall on the Mexican border. In what became an international human-rights scandal, his administration separated thousands of children from their parents who had entered the country, most often legally, in search of asylum. Trump also threatened to withdraw permanent resident status from immigrants who draw on public assistance.

Immediately after entering the White House, President Biden began to reverse Trump's immigration policies, notably by reaffirming DACA protections, halting the construction of the wall on the U.S.-Mexico border, and ending the travel ban on people from mostly Muslim-majority countries. Yet, the new administration did maintain some of the travel restrictions first enacted in 2020 as a response to the COVID-19 pandemic.

Citation:

Migration Policy Institute (December 2017), *Immigration under Trump: A Review of Policy Shifts in the Year Since the Election*, <https://www.migrationpolicy.org/research/immigration-under-trump-review-policy-shifts> (accessed December 2017)

Safe Living

Internal Security
Policy
Score: 5

The United States invests massively in efforts to protect citizens against security risks such as crime and terrorism. In the years after the September 11, 2001 terrorist attacks, the United States built an extraordinarily large security establishment centered in the Department of Homeland Security, the Federal

Bureau of Investigation, the Central Intelligence Agency and the National Security Agency.

The government has had less success dealing with two other kinds of violence. First, a number of large cities are plagued by homicides, primarily in inner-city black and Latino neighborhoods. New Orleans, St. Louis, Baltimore, Detroit and Chicago all number among the world's 50 cities with the highest homicide rates. Second, there are repeated instances of individuals conducting large-scale violent attacks on civilians in public spaces, killing large numbers of people. Hate crimes have increased, with Jewish and Muslim persons frequently targeted.

Under pressure from the National Rifle Association and its massive membership, Congress has failed to pass legislation tightening weapon regulations. In 2018, a massive national protest – led by students from a Florida high school that had suffered an attack – increased the pressure on lawmakers to introduce tighter restrictions on the sale and acquisition of guns and other weapons. Yet, amidst strong Republican opposition, federal gun control initiatives have stalled. Yet, in the absence of legislative progress, the Biden administration has unveiled a new strategy to reduce gun crime in the United States, notably by providing “funding for community violence intervention, or CVI, programs that have been shown to break cycles of violence by connecting high-risk individuals to wraparound social services” (Ward, 2021).

The issue of violence in predominantly black communities has remained highly controversial and the recent emergence of the Black Lives Matter movement has moved the issue of police abuse toward Black people onto the agenda. Whereas some studies have suggested that when apprehending a suspect, police are no more likely to use lethal force against blacks than whites, these studies have been criticized for methodologies involving conceptual bias. There are several other studies, however, showing that black men are much more likely than white men to be affected by police brutality. In terms of actual casualties and loss of life, the frequency of inner-city violence, which involves mostly black perpetrators and black victims, is by far the greatest failure to provide safe living conditions (see 2016 FBI data “Crime in the United States”).

Citation:

<https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/expanded-homicide-data-table-3.xls>

Ward, Myah. 2021. “Gun control legislation isn’t going to happen. Here’s what Biden’s doing instead,” Politico, November 5. <https://www.politico.com/news/2021/11/05/biden-gun-violence-legislation-519625>

Global Social
Policy
Score: 7

Global Inequalities

Although the United States' efforts have lagged behind those of other OECD countries, it provides a large share of the world's development assistance. For most of the postwar era, U.S. foreign aid has had four features that have reduced its impact on economic development and welfare in poor countries: It has been modest in amount relative to national income; it has been heavily skewed toward military assistance; it has not always been coordinated with assistance from international organizations; and – at least with regard to food assistance – it has often been designed to benefit U.S. agricultural, shipping and commercial interests along with aid recipients.

Reversing this direction, Trump cut foreign aid budgets. To support Israel, he also barred aid to Palestine. In deference to anti-abortion demands, he barred international organizations that either promote or perform abortions from involvement in distributing economic aid. At the end of 2018, the Trump administration changed its course again.

With the Build Act and other activities, the administration looked again to foreign aid policy as an instrument of soft power in competing with Russia and China. In late spring 2021, as part of his first budget plan, President Biden called for a major boost in foreign aid, including more than 10 billion dollars for global health initiatives related partly to the COVID-19 pandemic.

III. Environmental Policies

Environmental
Policy
Score: 6

Environment

The United States has had ambitious environmental programs since the early 1970s. By the 1990s, major enactments covered the entire range of significant environmental concerns. In some areas of environmental pollution, such as hazardous-waste management and new sources of air pollution, environmental controls have imposed excessive costs. The issue of climate change, however, requires the implementation of costly controls for the sake of benefits that will occur years or even decades in the future and that will affect the rest of the world as much as the United States itself.

The Trump administration proved to be a disaster for environmental policy. Trump embraced an extreme version of climate-change denial and withdrew the United States from the Paris Climate Agreement. He sought to reverse

actions taken by the Obama administration and he torpedoed ambitious environmental policy goals. Simultaneously, Trump appointed hardliner opponents of environmental regulation from industry to top environmental positions. Under his leadership, the Environmental Protection Agency (EPA) ordered the cancellation of numerous Obama-era environmental regulations. The Trump administration also decimated the EPA's staff of individuals with a research and expert background, leaving the agency less likely to enforce many regulations that remained on the books.

The Biden administration reversed key environmental decisions made during the Trump years. This means that the Biden administration has adapted environmental policies similar to those of the Obama administration. For instance, on the first day of the Biden presidency, the United States rejoined the Paris Climate Agreement. In early 2021, President Biden also signed many executive orders to undo Trump environmental policies while strengthening environmental protection measures and the fight against climate change. Large investments in green technologies and public transportation have also featured prominently in the Infrastructure Investment and Jobs Act, which President Biden signed in November 2021.

Finally, regarding resource use and environmental protection issues, the Biden administration cancelled the federal permit for the controversial Keystone XL pipeline while imposing a moratorium on oil leases in Alaska's Arctic National Wildlife Refuge.

Global Environmental Protection

Global
Environmental
Policy
Score: 5

From the late 1960s to the early 1990s, the United States exercised leadership on a wide range of international environmental issues. However, the 1997 Kyoto Protocol on greenhouse gases (GHGs) was a turning point, as the Clinton administration signed the protocol, committing the United States to a schedule of emission reductions, but later abandoned an evidently doomed effort to win Senate ratification. In 2001, the Bush administration formally withdrew the United States' endorsement of the protocol.

During the 2016 presidential campaign, Donald Trump denied the reality of human-driven climate change and vowed to abandon costly policies designed to control greenhouse gases. As president, Trump withdrew the United States from the international climate-change regime and canceled U.S. contributions to support conversion to clean energy by low-income countries.

The advent of the Biden administration in early 2021 marked yet another reversal in the U.S. stance regarding global environmental protection. The Democratic president signaled the return of the United States to the

international climate-change regime and the deployment of an approach to global climate change mitigation similar to the one prevalent during the Obama years. On the global stage, the Biden administration is committed to double by 2024 the funds allocated to developing countries to help them fight climate change.

Robust Democracy

Electoral Processes

Candidacy
Procedures
Score: 9

With rare exceptions, procedures for registering parties and candidates are fair and nondiscriminatory. State governments determine the requirements for ballot access. All states require a party or candidate to collect signatures on a petition and to file the petition by a specified deadline. Parties and candidates who meet the requirements are included on the ballots. In some cases, the ballot-access requirements may be a burden for smaller parties or independent candidates. Ballot access is organized by the states and the requirements differ between the states. They all require a specific amount of signatures to get on the ballot.

In 2021, three states changed their Ballot Access requirements (New Jersey, New York and Virginia). In all three states, the requirements to ballot access were reduced. In New Jersey, the files can now be sent in electronically while New York has lowered the petition signature requirements for unaffiliated candidates, and Virginia lowered its signature requirements for statewide petitions.

Media Access
Score: 6

In a broad sense, media access is fair, although the U.S. media exhibit some significant biases. Publicly funded media have access to relatively modest budgets, most of which is financed through community support. Most media organizations are privately owned, for-profit enterprises, independent of the government and political parties. Some media, such as the MSNBC cable news network, have a strong liberal and Democratic party bias. Others, most notably Fox News Channel, have a fervent conservative and/or Republican bias.

It is important to note that during election campaigns, media messages are often dominated by paid advertising. Such advertising can reflect massive imbalances in the fundraising capabilities of the opposing candidates or parties, with a modest, inconsistent advantage for the Republicans.

Citizens more often access political campaign information through social media (i.e., Facebook and Twitter) as often as through traditional news

sources, even though social media have proved to be highly effective in efforts to spread misinformation. Despite ongoing political pressures, social media companies such as Facebook and Twitter have long been reluctant to act in order to fight the spread of disinformation. Yet, especially in the aftermath of the COVID-19 pandemic, they have been forced to take more actions to address this increasingly prominent issue.

Still, the unprecedented biases and distortions found within right-wing media outlets and the vulnerability of social media to misinformation suggest that citizens no longer enjoy uncompromised access to reliable information.

Citation:

<https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/>

Voting and
Registration
Rights
Score: 5

American elections are administered by the states but subject to regulation by the federal government in order to protect citizens' rights and other issues. In many states, convicted felons are not eligible to vote. Non-citizen residents are not permitted to vote, although permanent residents are encouraged to become citizens. Various forms of racial discrimination against blacks were widespread in many of the southern states before the Voting Rights Act of 1965. Thanks to the Justice Department's aggressive enforcement of the act, racial discrimination in the administration of elections was largely eliminated by the 1990s. But in 2013, the United States Supreme Court held it is unconstitutional to use the coverage formula of the Voting Rights Act, thereby abolishing the control function of the Justice Department in case of electoral reforms in southern states.

As a result, Republican officials in many states have engaged in or attempted to engage in overt efforts to reduce the numbers of black (and sometimes Latino) voters. Often under the pretext of preventing voter fraud, Republican-controlled legislatures in over half of the states have enacted or considered measures that have made it harder for some groups to vote. Federal courts have struck down or delayed the implementation of several such state laws but have also declined to delay others. In recent federal election cycles, registration procedures were subject to considerable controversy, as heavy-handed voter suppression efforts were observed in many Republican states. Some Republican-controlled states reduced the number of polling places, resulting in several-hour waits in minority and low-income areas. The Trump Justice Department did not challenge such voting restrictions but, during the Trump years, federal courts, responding to appeals brought on by other parties, blocked several of these restrictions. Still, the Republican party has adopted as a standard party strategy the suppression of low-income and minority votes by any legal means. Democrats at the state level and in Congress as well as the Biden administration have criticized and mobilized against this strategy. Yet,

as of late January 2022, the lack of a significant Democratic majority in the Senate stalled the enactment of major federal voting rights legislation.

Party Financing
Score: 5

At the federal level, campaign-finance law is enacted by Congress and enforced by the Federal Election Commission (FEC). The Federal Election Campaign Act of 1974 and the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold Act) established a regulated and transparent system to monitor contributions to candidate campaigns and political parties. However, so-called independent expenditures have been subject to fewer and diminishing constraints. In the 2010 Supreme Court ruling *Citizens United v. Federal Election Commission*, the court rejected any limits on private advertising in election campaigns.

As a result, recent elections have seen the rise of so-called Super PACs – political action committees able both to make unlimited expenditures on behalf of parties or candidates – without being allowed to coordinate with candidates’ campaigns – and to receive unlimited contributions from individuals, corporations, unions or other entities.

Candidates of both parties, though especially Republicans, have relied increasingly on independent expenditures originating from extremely wealthy individuals or large businesses. In some cases, the donations are laundered through intermediary organizations to avoid publicity regarding their source.

Toward the beginning of the Biden administration, campaign finance remained a major source of concern, especially the enduring financial role of corporations within the political system, which has only increased since the 2010 Supreme Court ruling *Citizens United v. Federal Election Commission*.

Popular Decision-
Making
Score: 8

Popular decision-making mechanisms do not exist in the United States at the federal level. But 24 of the 50 state governments and many local governments provide for some form of direct democracy – with ballot measures giving citizens the opportunity to discuss and vote on public policy and/or constitutional issues. In around 30 states, petitions can force special elections in which voters decide whether to remove or retain one or more challenged elected officials. In several states, a recall with sufficient signatures can launch a by-election for any reason. States or cities have adopted measures granting or restricting rights for the LGBTQ community, legalizing marijuana, mandating certain expenditures, limiting taxes, setting mandatory criminal sentences and other provisions.

Access to Information

Media Freedom
Score: 7

The United States has long upheld an unusually rigorous version of media freedom, based on the categorical language of the First Amendment to the constitution. In general, government interference in the media sector has been nearly nonexistent. The United States does not have a national “shield law,” barring punishment for a journalist’s refusal to reveal sources to law-enforcement officials, but most states offer such protection.

Both in his presidential campaign and as president, Trump threatened news organizations in various ways for their critical coverage of him, which he dismisses as “fake news.” He persistently attacked the mainstream media, falsely accusing them of corruption and dishonesty, referring to them as “enemies of people.” Yet, the vast majority of the news media were not intimidated by Trump’s attacks or threats, which became increasingly ceaseless over time. Although President Biden has moved away from the negative rhetoric of his predecessor about news organizations, many Republicans remain convinced most of these organizations are biased against them.

Media Pluralism
Score: 8

The media market is characterized by pluralism in the electronic and broadcast sectors. Publicly funded television and radio networks provide high-quality programming but have modest resources with which to gather news. There are strong television-news networks on both the left (MSNBC) and the right (Fox News) of the political spectrum, in addition to the centrist CNN. There has been an unprecedented consolidation of ownership of local media outlets in recent years. A mere five major media corporations control nearly 75% of primetime viewing. Nevertheless, people in most places have access to at least six different national television news networks, several local tv-shows in addition to multiple radio stations and the vast array of internet sources. The American media landscape offers a great deal of pluralism if and when people actually choose to consume it.

Because of declining readership, there has been a steady decline of competition in the print media; few major cities today have more than one newspaper. The main challenge with respect to media pluralism is the decline in financial resources available for actual news-gathering and reporting, as opposed to commentary.

Access to
Government
Information
Score: 7

The Freedom of Information Act (FOIA) allows citizens a high degree of access to documents and files held by federal agencies. Various categories of information are exempt from public access, such as information related to

national defense, personnel rules and practices, and ongoing criminal investigations. Administrators have considerable discretion in permitting access, as citizens and researchers have difficulty knowing when relevant information has been withheld.

In 2019, a larger issue of access to information arose in that the White House declared, in the context of the House's various investigations into presidential misconduct, that the administration would not cooperate with the House inquiry and thus would neither provide any requested documents nor permit executive branch witnesses to testify. The unprecedented blanket defiance of legitimate congressional demands for information and testimony also deprived the media and the public of the access it would have had to most of that information. In December 2019, the House of Representatives, on a party-line vote, impeached president Trump, in part for his "obstruction of Congress." Despite this, key congressional demands for information remained a contentious issue until the very end of the Trump presidency and even beyond, especially in the aftermath of the January 6, 2021 attack on the Capitol, which led to the second impeachment of Donald Trump by the House later that month. And this continues to date (of this writing) with the House's investigation of the January 6 attack on the Capitol.

Citation:

<https://www.newyorker.com/news/ryan-lizza/how-trump-broke-the-office-of-government-ethics>

Civil Rights and Political Liberties

Civil Rights
Score: 7

The traditional legal protection from intrusion by the state has been compromised significantly as a result of the anti-terrorism measures following the attacks of 9/11. The Patriot Act has taken a more balanced approach than is generally recognized, even though some surveillance and investigative procedures have opened the way for abuse. The more significant compromises of privacy protections have resulted from actions taken by the Bush administration, which include the National Security Agency being able to order widespread wiretapping and internet surveillance, entirely without statutory authority.

In December 2018, Congress passed a bipartisan bill, the First Step Act, under discussion for several years that reduced excessive sentences for many nonviolent offenses, such as minor drug offenses. The burden of such sentences had fallen heavily on blacks and Latinos. During the COVID-19 pandemic, the First Step Act played a direct role in the many requests by federal inmates for their compassionate (health-related) release.

The Biden Administration and the Justice Department's Civil Rights Division have launched several major investigations. For example, investigations into three major police departments. Furthermore, the Justice Department also has launched an investigation into Georgia's prison system for alleged civil rights legislation. This all indicates a clear departure from the policies of the Trump Administration.

Citation:

<http://www.nber.org/papers/w22399>

<https://scholar.harvard.edu/jfeldman/blog/roland-fryer-wrong-there-racial-bias-shootings-police>

Political Liberties
Score: 9

The United States generally has a strong record of protecting political liberties. The protections cover all of the recognized political freedoms of speech, association, voting, and pursuit of public office, and extend even to extreme groups such as Communists and neo-Nazis. Religious freedoms are protected even for religious fringe groups. In contrast with most developed democracies, the United States' constitutional free-speech doctrine does not permit laws banning hate speech.

In one significant limitation to political rights, convicted felons are barred from voting in nearly all states, although usually not permanently. Florida passed legislature to restore voting rights for felons in 2018. Additionally, while the government allows protest demonstrations for all kinds of causes, even when they may become disruptive or disorderly, local police have sometimes confined demonstrators to locations far removed from the target events (e.g., during G-8, G-20 and WTO meetings).

Non-discrimination
Score: 9

The U.S. federal and state governments have enacted many laws prohibiting discrimination. At the federal level, enforcement is centered in a Civil Rights Division within the Justice Department and an independent Equal Employment Opportunity Commission. While the origins of these policies are found in the civil rights movement of the 1960s, the framework of protection has been extended from racial minorities to women, the aged and disabled, and in some state and local contexts, LGBTQ+.

The federal government has not actively pushed affirmative-action policies, such as preferential treatment for disadvantaged groups, since the Clinton administration. The U.S. Supreme Court has imposed restrictions on state-university practices that favored black or Latino students in admissions, while upholding state policies that barred race or ethnicity as considerations in admission. In general, liberals and conservatives disagree on how much the persistence of unfavorable outcomes for African Americans in educational achievement, employment status, income, incarceration and other areas is a consequence of ongoing discrimination despite existing legal protections.

The Biden Administration took decisive action on a number of issues of importance to the LGBTQ+ community, including clarifying the scope of sex discrimination protection in federal law and renouncing the ban on open service by transgender people currently in the military, and those wishing to serve. Furthermore, several Executive Orders expand LGBTQ+ nondiscrimination protections.

Rule of Law

Legal Certainty
Score: 6

There is little arbitrary exercise of authority in the United States, but the legal process does not necessarily provide a great deal of certainty. Some uncertainty arises as a consequence of the country's adversarial legal system. Policy implementation is one area that suffers. Adversarial tendencies have several negative effects. These include supplanting the authority of elective policymaking institutions, reducing administrative discretion, causing delays in decision-making, and increasing reliance on courts and judges to design policies and/or administrative arrangements. When it comes to important issues, a government agency will undertake a lengthy, highly formalized hearing before issuing a decision. The resulting action will be appealed (often by multiple affected parties) to at least one level of the federal courts, and firms may not know their obligations under the new regulation for several years.

President Trump was impeached twice by the House of Representatives: the first time in December 2019, for obstruction of Congress and the abuse of power, and again in January 2021, barely a week before the end of his presidency, for incitement of insurrection in the aftermath of the January 6 attack on the U.S. Capitol. In both cases, however, the Republican-controlled Senate acquitted President Trump. Yet, in July 2021, the U.S. House Select Committee on the January 6 Attack began its work. This Committee is discussing "whether to recommend that the Justice Department open a criminal investigation into the former president" (Hamburger et al. 2021).

The Biden Administration came into office on a promise to strengthen democratic institutions again and has taken several critical steps to revitalize norms that have been violated by the Trump Administration. Biden issued an Executive Order requiring an ethics pledge from all executive branch appointees. Biden also returned to pre-Trump norms by voluntarily disclosing his tax returns. In addition, Biden issued a memorandum laying out standards and procedures to prevent the politicization of scientific research at government agencies. More recently, the White House Counsel's Office and the Department of Justice issued policies limiting contacts between the two, ending a problematic relationship between the two institutions under the Trump Administration.

Citation:

<https://www.degruyter.com/view/j/for.2017.15.issue-3/for-2017-0037/for-2017-0037.xml>

Milkis and Jacobs

Hamburger, Tom, Jacqueline Alemany, Josh Dawsey and Matt Zaposky. 2021. "Thompson says Jan. 6 committee focused on Trump's hours of silence during attack, weighing criminal referrals," The Washington Post, December 23. https://www.washingtonpost.com/politics/january-6-thompson-trump/2021/12/23/36318a92-6384-11ec-a7e8-3a8455b71fad_story.html

Judicial Review
Score: 9

The United States was the originator of expansive judicial review of legislative and executive decisions in democratic government. The Supreme Court's authority to overrule legislative or executive decisions at the state or federal level is virtually never questioned. In the U.S., however, judicial decisions often depend heavily on the ideological tendency of the courts at the given time. The U.S. federal courts have robust authority and independence but lack the structures or practices to ensure moderation or stability in constitutional doctrine.

In late September 2020, after the passing of Justice Ruth Bader Ginsburg, President Trump nominated Amy Coney Barrett to the Supreme Court. Her confirmation the following month durably tilted the Supreme Court to the right. In late January 2022, Joe Biden announced he planned to nominate a yet unnamed black woman to the Supreme Court, but the presence of 50 Republicans in the Senate appeared as a potential obstacle for her confirmation.

In April 2021, Biden issued an Executive Order forming the Presidential Commission on the Supreme Court, presenting major reform proposals for the Supreme Court. In its final report, the Commission identifies considerable bipartisan support for implementing an 18-year term-limit for the justices. But there was no agreement on whether Congress should expand the court beyond its current nine seats, a proposal that was supported by the progressive wing of the Democratic party.

Appointment of
Justices
Score: 7

Federal judges, including Supreme Court justices, are appointed for life by the president and must be confirmed by a majority vote in the Senate. Historically, they have generally reflected the political and legal views of the presidents who appointed them. Over the last 30 years, however, judicial appointments have become more politicized, with conflicts over Senate confirmation eventually becoming almost strictly partisan.

During his tenure, President Trump appointed and the Senate confirmed three Supreme Court justices. In 2021, during his first year in office, President Biden saw "more judges confirmed to the federal bench than any first-year president since Ronald Reagan, and experts say a growing list of judicial

vacancies could allow him to appoint even more in 2022” (Raymond, 2021). After Justice Breyer announced his retirement, Biden promised to nominate an African American woman to the Supreme Court.

Given the fact that federal judges are appointed for life, the courts’ independence from current elected officials is well protected. However, federal judges increasingly reflect the ideological preferences of the president who appointed them often decades earlier. Within the Senate, voting on the confirmation of Supreme Court judges is a purely partisan manner.

Citation:

Raymond, Nate. 2021. “Biden finishes 2021 with most confirmed judicial picks since Reagan,” Reuters, December 28. <https://www.reuters.com/legal/government/biden-finishes-2021-with-most-confirmed-judicial-picks-since-reagan-2021-12-28/>

Corruption
Prevention
Score: 7

The U.S. federal government has long had elaborate and extensive mechanisms for auditing financial transactions, investigating potential abuses and prosecuting criminal misconduct. The FBI has an ongoing, major focus on official corruption. Auditing of federal spending programs occurs through congressional oversight as well as independent control agencies such as the General Accountability Office (GAO) – which reports to Congress, rather than to the executive branch. The GAO also oversees federal public procurement. Thanks to all of these controls, executive branch officials have been effectively deterred from using their authority for private gain and prosecutions for such offenses have been rare.

Trump demonstrated a lack of respect for laws, constitutional provisions and established practices in order to profit personally from the presidency. His hotels received millions of dollars in payments from foreign governments (in apparent violation of the Constitution’s “emolument’s clause”), American military personnel, and his own travel and security staff. In 2019, uncontroverted testimony emerged showing that Trump used the threat of withholding \$400 million of military aid from Ukraine to coerce Ukraine to investigate then former Democratic Vice President Joe Biden.

In this context, it is not surprising that fighting corruption became a major theme of Joe Biden’s 2020 presidential run. Once in the White House, President Biden pushed for the adoption of new anti-corruption measures with an eye on national security. These efforts must be understood as part of a broader attempt to repair the reputational and policy damage caused by the Trump administration in that area. So far, much of the Ant-Corruption Strategy remains aspirational and requires legislative and regulatory action to be implemented.

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic Planning
Score: 8

The U.S. government has a number of units that analyze policy issues and make long-term projections as part of the assessment of current options. The Executive Office of the President has multiple staffs and agencies tasked with analyzing various policy issues. On the legislative side, the Congressional Budget Office analyzes the 10-year fiscal impact of all bills with budget implications. Expertise about long-term considerations is available in abundance, in the agencies, Congress and the White House.

In most areas of government and policy, President Trump had virtually no interest in long-range planning, professional expertise or even organized, careful deliberation. The advent of the Biden administration led to a return to more traditional policymaking within the White House. Professional expertise has once again taken front stage and economists are playing a central role in decision-making. The Biden Administration is looking to capitalize on the strategic planning process required for agencies to advance their goals. Strategic plans with goals and performance measures for fiscal years 2022 through 2026 are due from agencies in February 2022. Agencies are also required by the Office of Management and Budget to align their goals with the Biden Administration’s top priorities like equity, pandemic response, recovery and climate.

Expert Advice
Score: 6

U.S. policymaking incorporates scholarly and expert advice in an informal and highly decentralized manner. Along with university-based experts and analytic agency staffs, there are a few hundred think tanks – non-governmental organizations that specialize in policy research and commentary.

During the first year of the pandemic, President Trump spread misinformation about COVID-19 and his administration “undermined, suppressed and

censored government scientists working to study the virus and reduce its harm” (Tollefson, 2020). During the 2020 presidential campaign, Joe Biden pledged to restore the integrity of expert advice within the federal government, something he started to put into practice during his first year in the White House, which witnessed a major shift in presidential discourse and behavior surrounding the ongoing COVID-19 pandemic.

Citation:
Tollefson, Jeff. 2020. “How Trump damaged science – and why it could take decades to recover,” *Nature*, October 7. <https://www.nature.com/articles/d41586-020-02800-9>

Interministerial Coordination

GO Expertise
Score: 9

The closest comparison to a government office or prime minister’s office in the U.S. system is the White House staff, along with other units of the Executive Office of the President (e.g., the Council of Economic Advisers, the Office of Management and Budget, and the National Security Council).

Because of the separation of powers, Congress sometimes compete with the president to shape policymaking in executive agencies. In response to these challenges, presidents have gradually established a large executive apparatus designed to help assert presidential control over the departments and agencies. The total professional staff in the presidential bureaucracy vastly exceeds that of a parliamentary system’s GO or PMO, with roughly 2,500 professionals and a budget of \$300 million to \$400 million.

The Trump White House was by all accounts vastly inferior in expertise and organization to that of any prior modern president. Trump did not seriously attempted to maintain orderly processes or to rely on experienced or expert judgment. The Biden administration reversed these tendencies and favored a return to the expert-informed policymaking prevalent during the Obama years.

Line Ministries
Score: 10

In the U.S. system, this item relates to how the executive departments and agencies involve the president and the White House staff in their work. Under long-established practice, however, the president and the White House staff are in fact dominant within the executive branch and can therefore prioritize issues they see as important to the president’s agenda. In the Trump administration, agency policy development was heavily shaped by Trump’s desire to cut regulations and to reverse actions taken by the Obama administration. There was little policy development shaped by long-term agency missions or priorities. As soon as he entered the White House, President Biden took steps to rebuild federal departments and agencies by hiring a large number of senior officials to compensate for the “talent exodus” (Zhao and Lippman, 2021) witnessed during the Trump years.

Citation:

Zhao, Alex and Lippman, Daniel. 2021. "Biden races to hire senior staff at drained agencies," Politico, August 10. <https://www.politico.com/interactives/2021/biden-staffing-hiring-trump-turnover/>

Cabinet
Committees
Score: 8

The question for the U.S. system is whether, if the White House advisory processes prepare issues thoroughly for the president, and whether interagency committees prepare them thoroughly for decision by the relevant cabinet members. The U.S. system of advisory processes varies considerably, even within a single presidential administration, but is largely under control of the president's appointees in the White House. The process is to a great extent ad hoc, with organizational practices varying over time and from one issue area to another. Typically, important decisions are "staffed out" through an organized committee process. However, the ad hoc character of organization, along with the typically short-term service of political appointees renders the quality of these advisory processes unreliable.

President Trump's White House thoroughly neglected the role of managing an organized, systematic policy process. Decision processes were described as chaotic, even by insiders. The Biden administration has moved away from these chaotic processes with the goal of returning to the more orderly management style of the Obama administration, in which Biden served as vice-president.

Ministerial
Bureaucracy
Score: 6

In general, there is an expectation of interagency coordination at various levels of the bureaucracy. The quality of this coordination varies, and as with cabinet-level coordination, it is adversely affected by the short-term service of political appointees, which results in underdeveloped working relationships across agencies. President Trump failed to appoint or nominate people to occupy many of the important political-appointee positions in the agencies. In addition, permanent staff departed. President Biden is seeking to undo the damage made during the Trump administration through a bold hiring campaign, the largest in decades. This campaign should help rejuvenate an aging federal civil service.

Informal
Coordination
Score: 8

The U.S. government is highly prone to informal coordination, relying on personal networks, constituency relationships and other means. As with formal processes, the effectiveness of such coordination is adversely affected by underdeveloped working relationships resulting from the short-term service of political appointees. The overall or average performance of informal coordination mechanisms has not been systematically evaluated.

The Trump administration's lack of experienced personnel in key agency positions lead to an increased role for informal coordination. The executive branch under Trump was seen calamitous failures of coordination. Such

failures, however, largely reflected general problems of understaffing and lack of competent leadership in the departments and agencies during the Trump presidency. The Biden administration is currently addressing these challenges by hiring more staff and appointing component leaders across departments and agencies. The Biden administration is also adopting a managing style reminiscent of the Obama administration's, which was more orderly than the Trump administration's chaotic approach.

Digitalization for
Interministerial
Coordination
Score: 8

The U.S. government invests heavily in technology, although it is not a world leader in e-government. The multiple intelligence agencies are sometimes criticized as prone to hoarding intelligence information, rather than sharing it within the intelligence community. Reforms adopted in the aftermath of the 9/11 terrorist attacks have increased the sharing of information among the intelligence agencies.

Apart from intelligence issues, problems of coordination generally arise from political forces that promote agency autonomy and response to specialized constituencies, not from deficiencies in communication technology.

Over the last several years, the U.S. government has developed several collaborative digital services that can help federal agencies use data and technology to achieve their goals and cooperate more effectively. The Joint Venture Program (JVP), for example, assists agencies in developing and implementing innovative ways to collect, connect, access or use federal data and data services.

Evidence-based Instruments

RIA Application
Score: 7

In general, the U.S. government has provided for extensive analysis of major decisions, within both the legislative and executive branches, and for administrative or regulatory decisions as well as legislation. Regulatory impact assessment for agency regulations is supervised by the Office of Management and Budget (OMB). For significant regulations, OMB must approve impact assessments conducted by the agencies as a condition for issuing the regulations. In addition, the Government Accountability Office, which reports to Congress, conducts assessments on an ad hoc basis, mostly in response to requests by Congress. The Congressional Budget Office (CBO) conducts analyses of proposed bills, including cost estimates over a 10-year period. The Congressional Research Service has also conducted several notable studies on climate change.

The Trump administration largely abandoned impact analysis and other professional expertise. Agencies were under a strong presidential mandate to reduce regulations. The beginning of the Biden administration marked a

departure from Trump’s practices, and it featured an explicit attempt to return to evidence-based policymaking.

Quality of RIA
Process
Score: 8

Regulatory impact assessment is a highly political process, with a strong tendency for results to reflect the preferences and expectations of the agency or political official that controls the process. During preparation for an RIA, the U.S. Office for Information and Regulatory Affairs does not make the documents public or invite participation. So in comparison to European countries, the process becomes public at a later stage when the RIA is published for comment.

Trump administration regulatory officials demonstrated little concern about impact assessments. In canceling the Obama-era’s “net neutrality” regulations, the Federal Communications Commission relied on a large volume of citizen messages that it had already determined were produced by internet bots, rather than actual people.

Immediately after entering the White House, President Biden, with the help of Democrats in Congress, began to undo what his predecessor had done on the regulatory front. Simultaneously, President Biden “issued a memorandum calling for the Office of Management and Budget to undertake a process for modernizing regulatory review. The review is expected to include suggestions on how regulatory review processes can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.” (OECD, 2021).

Citation:

Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs, Issued on: January 30, 2017, <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-reducing-regulation-controlling-regulatory-costs/>

Federal Register January 10, 2020: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act

<https://www.federalregister.gov/documents/2020/01/10/2019-28106/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

<https://www.brookings.edu/blog/up-front/2022/01/20/an-overview-of-bidens-first-regulatory-year/>

OECD.

2021.

[https://www.oecd-ilibrary.org/sites/2e5af0c4-en](https://www.oecd-ilibrary.org/sites/2e5af0c4-en/index.html?itemId=/content/component/2e5af0c4-en)

Sustainability
Check
Score: 8

There has been no standard, separate check required for “sustainability” as such. Assessments have been expected to consider the important costs and benefits relevant to a particular project or policy. While environmental considerations figured prominently in some cases prior to 2016, environmental issues were aggressively dismissed by the Trump administration. Sustainability checks were either manipulated, ignored or simply did not take place. There were undoubtedly some areas of government – below the radar of Trump, his thin cadre of political appointees, and the business lobbyists that

have his attention – in which serious sustainability checks were taking place and guiding decisions. Unsurprisingly, the Biden administration has embraced a strong sustainability agenda that repudiates the Trump White House’s policies. Sustainability is now a key objective of the Biden administration, which is fostering an expansion of sustainability checks.

On December 8, 2021, President Biden issued an executive Order on Catalyzing Clean Energy Industries and Jobs through Federal Sustainability (EO), which sets out a range of ambitious goals to deliver an emission reduction pathway consistent with Bidens’ goal of reducing U.S. greenhouse gas emissions by 50-52% from 2055 levels by 2030 and limiting global warming to 1.5 degrees Celsius.

Quality of Ex
Post Evaluation
Score: 7

The United States has extensive and highly sophisticated capabilities for evaluating the impact of public policies – within government, in a large sector of think tanks and consulting firms, and in the extensive public policy-oriented academic community. In normal times, however, U.S. government is relatively inflexible, and slow to respond to evidence of the need for change. This is a widely recognized consequence of the separation-of-powers constitutional system, which was designed to inhibit policy change.

The lack of interest in information about the consequences of policies reached a new and quite extraordinary level during the Trump presidency. In some cases, the Republican leadership overrode congressional rules by refusing to wait for CBO analysis before voting on bills. Effective use of evaluation information was limited to issues that were not on presidential or partisan agendas.

Early on, the Biden administration broke away from the Trump administration’s practices when, on January 27, 2021, the new president signed the memorandum which created a Task Force on Scientific Integrity while promoting evidence-based policymaking, which relies extensively on policy evaluation, on the regulatory front and beyond. This memorandum is part of a broader push by the Biden administration to restore the importance of evidence and policy evaluation within the federal decision-making process.

Citation:
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>

Societal Consultation

Public
Consultation
Score: 7

The U.S. political system is noteworthy for the degree to which it elicits opinions and preferences from societal actors at all stages of the policy process and enables such actors to shape policy outcomes. These processes, however,

are informal, decentralized and not especially conducive to careful deliberation. In the U.S. system, the president and congressional leaders must build congressional support for each measure. Interest groups, ideological activists, experts and ordinary citizens have extensive opportunity to influence policymakers before decisions have been made. The White House maintains direct relationships with some interest groups. Congressional committees hold hearings on most legislative initiatives and on general policy issues. In sum, the U.S. government is highly open to influence by societal forces. This openness is not designed to ensure consensus and does not do so, although action without broad support is normally difficult.

The Trump administration focused more on behind-closed-door meetings with lobbyists and supporters and it did not seek to integrate a plurality of societal actors, a situation the Biden administration is seeking to change, with the explicit goal of engaging with more diverse constituencies.

Policy Communication

Coherent
Communication
Score: 8

Under normal conditions, politically appointed leadership in every agency means that executive agencies and departments will typically have coordinated their messages with those responsible for the White House communications strategy. Agency press releases and statements on politically salient matters are often cleared with the White House and will be planned for consistency with the president’s priorities and political strategy.

During the Trump presidency, the White House press office was heavily engaged in defending or obscuring Trump’s many false claims and inconsistent positions. The Washington Post has counted more than 30,000 false or misleading claims (including repetitions) during Trump’s four years in office.

The Biden administration has repudiated Trump’s communication and policymaking style and has embraced a return to a more traditional approach similar to the one witnessed during the Obama years. This attempt to “return to normalcy” in public communication is a central characteristic of the Biden administration.

Implementation

Government
Effectiveness
Score: 5

In comparison to parliamentary systems that anticipate the near-automatic legislative approval of government bills, policy implementation in the United States’ separation-of-powers system is presumed to depend on coalition building, negotiation and a relatively broad consensus. In the current, highly

polarized state of the major political parties, the ability to act depends heavily on whether partisan control of the presidency and Congress is unified (with the same party controlling the presidency, House and Senate) or divided.

The Trump administration implemented major policy initiatives by issuing executive orders and thereby avoiding the process of legislative change. Preoccupied by the Mueller investigation and divided party control, Congress passed no major legislation in 2019. Trump was by far the least productive of any modern president so far.

Things changed somewhat in 2020 and 2021, with the enactment of major COVID-19 stimulus legislation. In 2021, the Biden administration put forward an ambitious Build Back Better legislative agenda but these efforts have been stalled by a few moderate Democratic Senators, who acquired veto power due to the tiny Democratic majority in the Senate – and are unlikely to pass the bill through Congress before the 2022 midterm elections.

Ministerial
Compliance
Score: 10

The president has a high level of control over appointments such as agency and department heads. They serve at the president’s discretion and need the support of the White House for their success. Conflicts between the department heads and the White House occasionally emerge, but they are usually limited to a speech or remark that conflicts with presidential policy. As recent presidents have upgraded their ability to monitor agency activities and to draw major issues into the White House, conflicts between the agencies and the White House have largely disappeared. In some cases, agency heads ignored or discounted apparent orders from President Trump, which appeared to reflect his spontaneous, un-deliberated responses, often conveyed via Twitter rather than formal presidential documents. We do not consider these instances to constitute failures of compliance. So far, President Biden has clearly steered away from his predecessor’s widely criticized mercurial style.

Monitoring
Ministries
Score: 8

The president and the White House monitor activities in departments and agencies to widely varying degrees, depending on the centrality of the activities to the president’s political agenda. Agencies and programs that are not the focus of presidential policy initiatives and are not politically controversial may get little attention from the White House, and in fact may receive most of their political direction from Congress or the congressional committees with jurisdiction over the policy area. Recent years have seen a number of serious failures of administrative control.

Under the Trump administration, unprecedented severe staffing deficiencies in both the White House and the departments diminished the capacity for monitoring. The Biden White House is working toward rebuilding this capacity through a massive hiring campaign.

Monitoring
Agencies,
Bureaucracies
Score: 6

Federal departments have central units attached to the relevant secretary's office that monitor the activities of subordinate agencies. There are no semi-autonomous agencies in the U.S. administrative system. Independent regulatory commissions –including the Federal Reserve Board (both a regulatory agency and the central bank, responsible for monetary policy) – are headed by bipartisan commissions with fixed terms of office and are in some respects outside the executive branch. The White House and certain executive agencies such as the Antitrust Division of the Justice Department monitor the activities of regulatory agencies, despite lacking formal authority to impose changes. State-level agencies which administer federal programs are subject to highly inconsistent federal supervision. The losses of organizational capacity in the federal bureaucracy under Trump reduced the ability of departments to monitor agencies. The Biden administration is currently rebuilding this lost organizational capacity.

Task Funding
Score: 8

The United States has a federal system in which the 50 states are independent sovereign governments, although the federal constitution is “the supreme law of the land.” States have unrestricted power to raise their own revenue, although the federal government takes full advantage of their more productive sources, such as the income tax. There is no general presumption of uniform standards for public services. Rather, the federal government imposes standards or seeks to induce certain levels of performance in varying degrees on different issues.

State officials have often complained that federal mandates required substantial expenditures without providing the necessary funds. In 1995, the Republican Congress passed the Unfunded Mandates Reform Act. The act provides incentives for Congress and regulatory agencies to identify potential unfunded mandates in the legislative or rule-making process but does not prevent them from setting mandates. As a result, complaints from state officials have subsided. The Trump administration increased the states' discretion in the use of funds for food stamps, medical care for the poor (Medicaid), and cash assistance to the poor. Unsurprisingly, the Biden administration is moving in the opposite direction, for instance by rolling back Medicaid waivers that allowed states to impose work requirements.

Constitutional
Discretion
Score: 8

Whether the federal government permits the states to exercise their constitutional authority without undue interference is one of the central, long-term constitutional controversies in U.S. politics. In one sense, there is no such thing as the federal government depriving states of their constitutional discretion. Whatever decisions the federal government imposes on the states can be appealed to the federal courts. Given the availability of appeals, one can assume that states are able to exercise their constitutional jurisdiction as it is currently interpreted. On the other hand, multiple states have legalized medical and sometimes recreational use of marijuana. The Trump

administration sought to impose controls on states that maintained certain liberal policies. The advent of the Biden administration has put an end to such policies.

National Standards
Score: 5

Due to the dual nature of the U.S. federal system, the issue of national standards applies mostly to co-financed federal programs, where the federal government sometimes asserts its right to set and monitor compliance with these standards. The bulk of public services are delivered by local and state agencies with minimal intervention by the federal government. The question of enforcing federal standards arises in specific areas where federal policymakers have sought to impose such standards, sometimes to enforce citizens’ rights under the federal constitution, and other times for policy reasons. The Environmental Protection Agency, for example, requires states to meet air-quality standards under the Clean Air Act. Moreover, states exercise broad discretion in setting standards of eligibility for Medicaid coverage or with regard to unemployment insurance. A large variation in state government policies and standards of service is regarded as legitimate in most fields.

Effective Regulatory Enforcement
Score: 7

In general, the United States has invested quite heavily in regulatory enforcement. A substantial amount of investment reflects the frequent, substantial legal resistance to enforcement actions on the part of the targeted firms or other entities. U.S. regulatory agencies are highly subject to judicial review, and their enforcement actions are often appealed, raising the costs of enforcement and reducing its effectiveness. In general, however, enforcement efforts have been sufficiently energetic. As a result, the targeted firms generally take regulations seriously.

During the Trump presidency, however, many of the regulatory agencies were headed by appointees with extremely strong and direct ties to the regulated industries, or with strong ideological opposition to their agencies’ programs. The Biden administration is moving in the opposite direction of its predecessor. On January 20, 2021, President Biden signed an executive order that “directs all executive departments and agencies (agencies) to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.”

Citation:
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>

Adaptability

Domestic
Adaptability
Score: 7

The United States has developed institutional structures that are able to respond to its international obligations. Climate-change negotiations, for example, have been firmly institutionalized in the Office of Global Affairs in the State Department. Similarly, the creation of the Department of Homeland Security was a domestic structural response to the challenges of international terrorism. Whether the policies of these units and agencies have been successful or have facilitated multilateral cooperation has depended on the policy choices of each administration and the disposition of Congress.

International
Coordination
Score: 8

The United States has often led international efforts to pursue collective goods. Its institutional structures and political traditions – especially the role of presidential leadership – accommodate all of these approaches. But the United States often cannot act effectively unless a national consensus or single-party control of the government enables the president and Congress to agree on a strategy.

U.S. performance in this area is not significantly constrained by deficiencies of institutional capability. However, the Trump administration reduced its engagement in international forums and agreements. This included lecturing NATO members on their allegedly insufficient contributions, withdrawing from the Paris Climate Agreement, declining to join the Trans-Pacific Partnership trade agreement, and opting out of the World Health Organization in the middle of the COVID-19 pandemic. Once again, here the Biden administration is moving in the opposite direction of its predecessor, notably by cancelling some of its isolationist decisions. For instance, the Democratic president returned the United States to the Paris Climate Agreement while rejoining the World Health Organization.

Organizational Reform

Self-monitoring
Score: 7

On the one hand, presidential advisory and administrative arrangements in and around the White House are reconfigured in important respects by each president. As a result of this fluidity, presidents, their staffs and commentators discuss the effectiveness of the given arrangements of the president’s senior aides almost constantly. By contrast, most other organizational structures – including the basic separation-of-powers system; the structure of Congress; and the structure of departments and major agencies of the executive branch – are rigid. None of these units are subject to change by executive decision or ordinary legislative majority, and they are evaluated only in extreme circumstances.

Institutional
Reform
Score: 4

The executive structures of the Trump presidency proved to be exceptionally casual and unstable, with a president who appeared to have no appreciation for the benefits of systematic deliberation and the division of labor. In many important agencies, such as the Environmental Protection Agency (EPA), the State Department, and parts of the Department of Justice, mid-tier and lower-level professionals also left in large numbers. Through its expert-friendly appointment process, the Biden administration is seeking to repair the damage done by the Trump administration.

The U.S. government is exceptionally resistant to constructive institutional reform. There are several major sources of rigidity. First, the requirements for amending the Constitution to change core institutions are virtually impossible to meet. Second, statutory institutional change requires agreement between the president, the Senate and the House, all of which may have conflicting interests on institutional matters. Third, the committee system in Congress gives members significant personal career stakes in the existing division of jurisdictions, a barrier to change not only in congressional committees themselves but in the organization of the executive branch agencies that the committees oversee. Fourth, the Senate operates with a supermajority requirement (the requirement of 60 votes, a three-fifths majority, to invoke “cloture” and end a filibuster), and (except at the beginning of each Congress) changes in Senate procedures themselves are normally subject to the same procedures. Fifth, elected politicians, such as members of Congress, are rarely willing to alter the electoral arrangements and practices that enabled them to win office.

II. Executive Accountability

Citizens’ Participatory Competence

Political
Knowledge
Score: 6

With regards to how government works, and the complexity of the issues addressed by policies and policymaking, the U.S. public is generally quite uninformed. Comparing citizens’ levels of governmental knowledge across political systems is difficult. In recent years, observers have become most concerned about the strength of “partisan motivated reasoning” on the part of ordinary citizens. According to the 2019 Annenberg Constitution Day Civics Survey, only 39% of U.S. adults could correctly identify the three branches of government (executive, judicial and legislative). Two years later, according to the 2021 Annenberg Constitution Day Civics Survey, that figure was 54%, marking a major improvement over a relatively short period.

<https://www.annenbergpublicpolicycenter.org/americans-civics-knowledge-increases-2019-survey/>

Open
Government
Score: 9

In addition to data on the activities of government, the U.S. government publishes a vast amount of social, economic and other data. All major departments and agencies collect and publish important series of relevant data. The Budget of the United States Government describes all major programs, their funding and levels of activity, and each agency publishes a substantial annual report describing its operations and various measures of performance and outcomes.

The Trump administration discontinued the publication of various data series on matters that challenged administration priorities, ranging from climate change to mental health. Its actions were described as a “war on data.” The administration often cited national security as an argument for withholding information from the public or Congress.

President Biden repudiated the Trumps administration’s approach by calling for improved access to data. A signed memorandum states that agencies should “ensure governmental and non-governmental researchers can use Federal data to assess and evaluate the effectiveness and equitable delivery of policies and to suggest improvements.”

Citation:

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>

Legislative Actors’ Resources

Parliamentary
Resources
Score: 10

The staff resources of the U.S. Congress substantially surpass those of any other national legislature. First, there are three large congressional agencies that perform research and analysis: the Congressional Budget Office (CBO), Congressional Research Service and Government Accountability Office. The CBO, a non-partisan body, is the most credible source of budget analysis in the government. Secondly, each congressional committee has a sizable staff, divided between the majority and the minority parties. In addition, each member of Congress has personal staff, ranging from about 14 personnel, including at least one or two legislative specialists, for a member of the House, to more than 50, with several legislative specialists, for a senator from a large state.

Importantly, Congress cut staff personnel significantly in recent years. This reflects an increasing reliance on ideologically oriented think tanks for policy advice and centralization of control in the party leadership. The role of individual members and committees in policymaking has been diminished. Nevertheless, Congress’s staff levels remain unmatched globally.

Obtaining
Documents
Score: 8

The legislature's right to obtain government documents is well established in the U.S. system of government and congressional committees have subpoena power to request documents. This power is sometimes limited by claims of executive privilege – a constitutionally recognized entitlement that protects White House and agency internal communications in limited circumstances.

Although the executive branch often withholds classified information from general release to members of Congress, the members of the House and Senate Intelligence Committees have top-secret clearance enabling them access to sensitive secrets. In any case, for most issues, the information that Congress needs for policymaking or oversight of administration does not fall under any plausible claim of executive privilege or security restriction.

In a sharp departure from past practice, during the first two years of the Trump presidency, the Republican Congress largely refrained from conducting oversight or investigations into the conduct of the executive branch. After the mid-term elections, the struggle between Democrats in Congress increased the level of oversight and investigation into the administration that continued even after Trump left the White House, in the context of the House committee's investigation into the January 6 attack on the Capitol. In January 2022, the Supreme Court ordered the release of Trump-era presidential documents to the U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol.

During his 2020 presidential campaign Joe Biden pledged to dramatically increase government transparency. After entering the White House in January 2021, he started to take steps to promote greater transparency and document access. Yet, a year later, critics argued that, while significant progress had been made, President Biden had yet to fulfill his ambitious pledge to fully bring transparency back (Diakun, 2022).

Citation:

Diakun, Anna. 2022. "Biden promised transparency. Has he delivered?" CNN, January 21. <https://www.cnn.com/2022/01/21/opinions/biden-first-year-transparency-diakun/index.html>

Summoning
Ministers
Score: 8

Executive officials do not appear on the House or Senate floor. However, department secretaries and other high-level officials of the executive branch appear with great frequency and regularity, essentially on request, before legislative committees and subcommittees. In the context of an investigation, committees sometimes subpoena executive branch members to make an appearance. Most appearances are voluntary, however, motivated by the desire to maintain strong relationships with the congressional committee.

As with respect to documents, the Trump administration maintained an unprecedented, blanket refusal to allow executive branch officials to testify before House committees investigating presidential misconduct. Numerous lawsuits were underway, but the House also approved an article of impeachment alleging the obstruction of Congress. President Biden has promised much greater transparency than his predecessor, a pledge illustrated by the testimonies of key officials from his administration in front of the Senate Armed Services Committee in the aftermath of the fall of Kabul in August 2021.

Summoning
Experts
Score: 10

The invitation of outside experts to testify at committee hearings is an established, highly routine practice in the legislative process. Hearing transcripts are published, and testimony from a variety of qualified witnesses is expected in a competent committee process. Although congressional norms call for permitting both parties to select witnesses, some committee chairs in the current era severely limit the minority-party witnesses, resulting in a selection of witnesses strongly biased in favor of the majority-party position.

Task Area
Congruence
Score: 9

The structure of committees in the House and Senate largely reflects the structure of the executive branch. When deviations occur, the adverse effect on the ability of the House and Senate to monitor executive activities and performance is modest. But there are also effects on the burdens of oversight for the agencies. Agencies will sometimes face hearings and investigations from several committees from both chambers that have jurisdiction over an agency or program. Indeed, committees compete for the publicity that comes with investigating a highly salient topic. Because members of Congress develop large stakes in monitoring and influencing particular programs, the structure of the congressional committee system often is a serious barrier to reorganization of the executive branch. In financial regulatory reform, for example, committee jurisdiction stood in the way of organizational reform because the proposed abolition of the Office of Thrift Supervision would have resulted in a committee losing its jurisdiction.

Media

Media Reporting
Score: 6

For the interested citizen, it is easy to find a large volume of serious, high-quality reporting on government and policy, with balanced, reasonably objective treatment of issues – in print, on the internet or on television. But such qualities do not describe much more than half of major news outlets, nor the outlets used by large audiences. A majority of citizens obtain most of their news from television rather than newspapers or the internet, and the quality of the national news broadcasts has been declining. However, reputable news-reporting and news-analysis programs are available on radio and TV networks. The information quality of talk shows varies, ranging from “infotainment” to the serious discussion of policy issues with reputable experts.

During the 2020 presidential campaign, Facebook and other media companies faced more scrutiny than ever before but their slow response received generally low marks from media experts. For example, according to a recent report, “if Facebook had not waited until October to tweak its algorithms to stem false and toxic content amplified on the platform, the company could have prevented an estimated 10.1 billion views on the 100 most prominent pages that repeatedly shared misinformation on the platform ahead of the election.” (Bergengruen and Perrigo, 2021). In this context, the debate over the manipulation of social media for political influence is likely to continue in the years to come.

Citation:

Bergengruen, Vera and Billy Perrigo. 2021. “Facebook Acted Too Late to Tackle Misinformation on 2020 Election, Report Finds,” Time Magazine, March 23. <https://time.com/5949210/facebook-misinformation-2020-election-report/>

Parties and Interest Associations

Intra-party
Decision-Making
Score: 8

There are two major parties, the Democratic and Republican parties, operating at the local, state and federal levels in nearly all areas of the country. Unlike in parties in parliamentary systems, individual officeholders (for example, members of Congress) decide their own positions on policy issues, subject to informal influence from party leaders. Thus, party programs or platforms, amounting to collective statements of party policies, do not exist. A national party platform is written every fourth year at each party’s presidential nominating convention but is rarely referred to after the convention.

The occasion for intra-party democracy is therefore the nomination of party candidates for office. Party nominations are determined by primary elections and open caucuses conducted within each party in each state, thus putting these decisions directly in the hands of ordinary party members. The Trump nomination underscored the critical views of analysts about the dangers of relying on ordinary party members to select party nominees. Yet, former supporters of Senator Bernie Sanders’ unsuccessful pursuit of the 2016 Democratic presidential nomination successfully pressured the Democratic party to reduce the role of party leaders in the 2020 presidential nomination contest.

Association
Competence
(Employers &
Unions)
Score: 9

A vast number of business associations are active in the United States. This is a reflection of the size and complexity of the American economy and of a political culture that fosters participation, but also of the opportunities for lobbying influence in a decentralized political system. The larger, wealthier associations have large professional staffs and can produce credible policy

proposals with substantial supporting documentation. Given the large numbers of very small associations, it is not true that “most” business associations can present credible proposals. However, there are certainly several hundred business associations that can draft bills or amendments and present articulate, sophisticated arguments for their positions.

Labor union staff capacity has declined over several decades, as a result of the declining proportion of the workforce organized by unions (now about 11%). It is still sufficient to formulate relevant policy proposals in areas of interest. In general, labor unions are the principal interest organizations that represent the interests of low-income people. Thus, the decline in union capability is a potentially significant weakness of the U.S. political system.

Association
Competence
(Others)
Score: 8

Public-interest or civil society associations’ competence in proposing reasonable policy initiatives is unusually high in the United States. This high level of competence is in part due to associations’ ability to attract highly qualified professional staff, and in part due to their media and communication skills. This holds true for groups such as the Environmental Defense Fund, Common Cause and the National Taxpayers’ Union. From the standpoint of developing credible policies, these associations have the advantage of focusing on broad interests, rather than self-interested ones, as their central mission. However, they are subject to ideological biases and membership demands that tend to favor extreme views. Citizens’ groups do not receive public support for their policy development or representational activities.

Independent Supervisory Bodies

Audit Office
Score: 10

The General Accountability Office (GAO) is the independent non-partisan agency of the U.S. Congress charged with auditing activities. It is responsive to Congress alone. The GAO undertakes audits and investigations upon the request of congressional committees or subcommittees, or as mandated by public laws or committee reports. In addition to auditing agency operations, the GAO analyzes how well government programs and policies are meeting their objectives. It performs policy analyses and outlines options for congressional consideration. It also has a judicial function in deciding bid protests in federal procurement cases. In many ways, the GAO can be considered a policy-analysis arm of Congress.

Ombuds Office
Score: 6

Congress does not have an ombuds office, as such. Its members, who cultivate close ties with their state or district constituencies, effectively function as a collective ombuds office. Members of Congress each have several staff members who deal full-time with constituents’ requests for service. The total

number of staffers engaged in constituency service is at least in the range of 2,000 to 3,000 individuals. A weakness of this arrangement is that it is somewhat informal and the coordination and management of staffers is left up to the individual congressional office. Government agencies do not suggest that clients encountering difficulties contact their senator or representative for assistance, and the constituency-service staff does not develop specialized expertise, except for the most common categories of request. In addition, because the acquisition of experience is massively disaggregated, without any systematic collation of information from the 535 congressional offices, congressional staff are less able to identify general policy or administration problems than an actual ombuds office would be. Congress retains this inefficient organization for dealing with citizens' problems because it enables the legislators to gain individual political credit for providing services.

Data Protection
Authority
Score: 7

Numerous laws govern the handling of information by U.S. government agencies – in the interests of maintaining citizens' privacy, protecting proprietary information of businesses, preventing identity theft, and for other purposes. Overall, these regimes may be relatively strict. However, while there is no national data protection authority, the U.S. Federal Trade Commission (FTC) over the past several years has made itself America's de facto data protection authority through aggressive use of Section 5 of the FTC Act, which prohibits unfair or deceptive trade practices.

Many state attorneys generally have similar enforcement authority over unfair and deceptive business practices, including the failure to implement reasonable security measures and violations of consumer privacy rights that harm consumers in their states. In addition, a wide range of sector-specific regulators, particularly those in the healthcare, financial services, telecommunications and insurance sectors, have authority to issue and enforce privacy and security regulations, with respect to entities under their jurisdiction.

Citation:

see: International Association of Privacy Professionals (2019): The U.S. Doesn't Have a National Data Protection Authority? Think Again...

<https://iapp.org/news/a/america-doesnt-have-a-national-data-protection-authority-think-again/>

Address | Contact

Bertelsmann Stiftung

Carl-Bertelsmann-Straße 256
33311 Gütersloh
Germany
Phone +49 5241 81-0

Dr. Christof Schiller

Phone +49 30 275788-138
christof.schiller@bertelsmann-stiftung.de

Dr. Thorsten Hellmann

Phone +49 5241 81-81236
thorsten.hellmann@bertelsmann-stiftung.de

Pia Paulini

Phone +49 5241 81-81468
pia.paulini@bertelsmann-stiftung.de

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