



# United States Report

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Sustainable Governance  
Indicators 2016

## Executive Summary

The period from November 2014 to November 2015 in the United States was marked by continuing progress in recovering from the 2008 – 2009 economic crisis. By November 2015, the unemployment rate had fallen to 5%. However, many discouraged workers have left the labor force, the proportion of low-paid and part-time jobs has risen, and incomes have been stagnant for a decade. Throughout the review period, the public generally held a rather dim view of the economy, reflecting the lack of perceptible gains for most people.

With Congress and the president incapacitated by polarized, divided-government gridlock, there were no major breakthroughs in domestic or economic policy. By 2015, President Obama's health care program, the Affordable Care Act (ACA), had overcome the serious administrative and technical failures that had marred its opening in 2013. Evidence regarding the success of the program is thus far mixed.

The president and Congress made no progress on immigration reform – that is, in developing a policy to sharply reduce illegal immigration, especially from Mexico, and also to deal with the roughly 11 million undocumented residents (“illegal aliens”) already in the country. When Congress failed to enact an immigration-reform bill, Obama made good on a pledge to act unilaterally to protect millions of undocumented residents against deportation. In 2015, a Circuit Court of Appeals ruled his sweeping action unconstitutional, and the administration indicated that it would pursue an appeal to the Supreme Court. Congress also failed to deal with the issues raised by surveillance policy, particularly those associated with the 2013 – 2014 revelations about the National Security Agency's vast, largely unauthorized domestic eavesdropping programs.

Congressional Republicans unsuccessfully attempted to block U.S. endorsement of the multinational nuclear deal with Iran. The United States became increasingly engaged in 2015 in a war with the Islamic State in Iraq and Syria (ISIS), eventually committing a small number of troops as advisers.

In late 2015, the terms of the Trans-Pacific Partnership trade agreement were released, with congressional endorsement in doubt.

The United States has encountered a resumption of conflict over race, in large part prompted by anger over multiple episodes of apparent or alleged police violence and abuse against blacks.

Mostly thanks to past policymaking accomplishments, the United States receives moderate-to-good ratings in most areas of policy, with strengths in keeping taxes low, maintaining employment, promoting innovation, and imposing reasonable controls on financial services industries; with improved performance on environmental issues, especially climate change; and inferior performance on social inclusion, integration of new immigrants, elementary education, and fiscal sustainability. In some of Rep. John Boehner's last negotiating efforts as speaker of the House, Congress and the administration agreed on budget deals in 2015 that will keep the government open and ensure necessary increases in the debt limit, while making small contributions to controlling long-term entitlements spending.

On most SGI indicators regarding the quality of democracy, the United States continues to receive positive marks. U.S. citizens enjoy the right of free participation in vigorously contested elections that are governed by generally fair procedures. However, as before in the 2012 and 2014 elections, Republican governors and legislatures in several states imposed new electoral laws in 2015 that – with the ostensible purpose of preventing (virtually nonexistent) election fraud – made voting more difficult for many blacks and other minorities. The U.S. Supreme Court narrowed the authority of the federal government to supervise election practices in Southern states that have histories of racial discrimination with regard to voting access.

With respect to SGI indicators assessing capacity for good governance, the United States receives satisfactory scores. Specific strong points include congressional staff resources, Congress's ability to scrutinize executive performance, and the executive's internal coordination and direction – all features emphasized in a separation-of-powers system, and reflecting differences from the requirements of parliamentary systems. Governance suffers in the United States for reasons that do not show up clearly in most areas of this project's democracy- and governance-scoring system – namely, because of the gridlock that results from polarized parties and divided government. With respect to the SGI criteria, the main manifestation of this gridlock is a low level of ability to implement government goals. The U.S. government's current difficulties in achieving constructive policy change are widely regarded as very serious.

## Key Challenges

The United States is in a period of exceptionally difficult challenges, with genuine uncertainty about its capacity to meet them and to avoid a period of secular decline. With regard to economic management, the U.S. needs to maintain some economic stimulus in the near term in order to sustain the long, slow recovery from the recession. Over the long term, it needs to bring projected revenue and expenditure more nearly into balance.

Informed observers also maintain that the U.S. government should act on a number of other compelling problems, including immigration policy, public-school reform and climate change. Meanwhile, there is increasing concern over the lack of growth in middle-class and working-class incomes, and the increasingly severe inequalities in income and wealth. In a state of political exhaustion from the longest wars in U.S. history, it needs to deal with the threats of Islamic terrorism, instability in the Middle East and a refugee crisis, while also protecting domestic security. However, none of these policy challenges can be met if the United States fails to overcome the ideologically polarized partisan gridlock in Congress.

This gridlock arises on virtually all matters on which liberals and conservatives have substantial differences and on which Congress must adopt legislation for constructive action to occur. The president can act unilaterally on a significant but ill-defined range of issues, subject to possible judicial review. On issues that require legislation, however, the severe ideological differences between the Democratic and Republican parties in Washington has transformed the U.S. political system. Gridlock is inevitable as long as there is divided government, with at least one house of Congress controlled by the party opposed to the president. Even under unified party control, gridlock is likely on many issues, as a result of the routine use of the filibuster in the Senate. In October 2015, the Tea Party faction essentially forced the resignation of Speaker of the House John Boehner, because they regarded him as too willing to compromise with President Obama and the Senate Democrats. The prospects for effective governmental performance over the next few years are highly uncertain.

In the long run, there are two general strategies for correcting the tendency toward gridlock: First, reformers could find ways to elect more moderates to public office, especially Congress. Reformed redistricting processes for House seats would have only modest effects, as the comparable polarization of the

Senate demonstrates. The adoption of nonpartisan nomination processes, such as the top-two system recently established in California, could favor moderate candidates.

Second, the United States could reform policymaking institutions to make them function more effectively with ideologically polarized political parties. The Senate could reform the filibuster rule, so that passing a bill through the Senate would not routinely require 60 (of 100) votes. However, there is no way to consistently avoid divided party control of the presidency and Congress without drastic, clearly infeasible, constitutional amendments. The only apparent means of making governing institutions more workable is thus expansion of the president's unilateral power by his own peremptory action. The United States can expect more constitutional controversy over such expansion of presidential power.

# Policy Performance

## I. Economic Policies

### Economy

Economic Policy  
Score: 9

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 had generally low taxes, less regulation, lower levels of unionization, and greater openness to foreign trade. Although its pro-business policies have had some social costs, including the rapid growth of income inequality, the country has enjoyed superior levels of growth, capital formation and competitiveness over the past two decades.

Obama's economic policy was formed in response to the 2008 financial and economic crisis. During the period under review, the administration continued an expansionary fiscal policy to stimulate the economy. As a result, the U.S. economy has been recovering. GDP increased at an annualized rate of 3.9% in the second quarter and 2.1% in the third quarter of 2015. This increase in real GDP mainly reflected a rise in consumer spending. Spending on nondurable and durable goods increased. Spending on services also increased, notably on health care.

After several years of costly brinkmanship, successful negotiations between the Obama administration and congressional Republicans in 2015 avoided government shutdowns, authorized necessary debt-limit increases, and incorporated modest Republican-proposed cuts in the long-term growth of "entitlements" spending (e.g., Social Security, Medicare, and Medicaid). Austerity policies in combination with revenue growth reduced the federal budget deficit to 2.5% of GDP in fiscal 2015. The long-term debt picture still

has adverse implications for monetary stability, and undermines business confidence. Nevertheless, investors have not lost their enthusiasm for U.S. government bonds.

Citation:

Bureau of Economic Analysis, GDP Growth Rate Revised Up, November 24, 2015, <http://www.bea.gov/newsreleases/national/gdp/gdphighlights.pdf>

### Labor Markets

Labor Market  
Policy  
Score: 8

The United States continues to have one of the least regulated and least unionized labor markets in the OECD, with less than 7% of private-sector workers and only 36% of public-sector workers holding union membership. Although barriers to unionization promote employment, the U.S. government otherwise plays a minimal role in promoting labor mobility or providing support for training and placement.

Conditions with regard to employment statistics improved in the last years. There were 10.9 million more jobs in June 2015 than in June 2009. Overall, job growth has been particularly robust in recent years with an average growth of about 243,000 jobs per month. However, job growth in this recovery continues to trail behind previous economic expansions. June 2015 marked the 10th consecutive month that the headline unemployment rate was below 6%; indeed, the rate decreased to a record low of 5.3%. However, unemployment rates are far higher among racial minorities and in central cities. The Obama administration, as well as numerous city and state governments, have sought to increase minimum wages and expand their application to more workers. In June 2015, long-term unemployment too hit a record low, hitting less than one-third of its post-recession peak.

Yet even if the labor market has experienced significant gains in employment in this recovery, growth has been slow by historical standards. Part of the reason is because the recovery has come with comparatively stronger employment growth within low-wage industries.

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Center for American Progress, The State of the U.S. Labor market: Pre August 2015 Jobs Release, <https://www.americanprogress.org/issues/economy/news/2015/08/06/118877/the-state-of-the-u-s-labor-market-pre-august-2015-jobs-release/>

### Taxes

Tax Policy  
Score: 5

The U.S. tax system does not produce enough revenue to eliminate the deficit, tax policy is highly responsive to special interests (resulting in extreme complexity and differing treatment of different categories of income) and the redistributive effect of the tax system is very low. The tax system has performed poorly with respect to equity, both horizontally and vertically.

Certain industries, such as the oil industry, receive special benefits worth billions of dollars. Additionally, certain kinds of consumption are favored; for example, a mortgage-interest tax deduction favors homeowners over renters. 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.

In the 2012 year-end negotiations to prevent the so-called fiscal-cliff tax increases and spending cuts, Congress and the president agreed on limited increases in revenues. Increased revenues came mainly from raising the top rate to 39.6%. Still, with increased revenues expected from the economic recovery, the Congressional Budget Office estimated that the budget deficit would decline to 2.5% of GDP in 2015, down from 8.7% in 2011. Despite 60% public support for a major overhaul of the tax code, tax reform has not been on the political agenda in 2015.

### Budgets

Budgetary Policy  
Score: 4

The condition of budget policy in the United States is complex and raises different concerns depending on the time perspective of the assessment. In the depths of the 2008 – 2009 recession, the budget deficit, enlarged by the fiscal stimulus, reached \$1.4 trillion, or 9.9% of GDP. While the deficit shrunk to a projected 2.5% of GDP in 2015, recovery has been too slow to stimulate vigorous economic growth. At the same time, long-term deficits are by all accounts seriously beyond acceptable levels. As the Congressional Budget Office testified in 2013, “Under current law, federal debt appears to be on an unsustainable path.” The primary cause of this condition, in addition to the severe limits on revenues, is the growth of the elderly population and the generous terms of the Medicare and Social Security programs.

In short, U.S. budget policy has provided too little current stimulus to promote robust growth; has failed to balance revenues and spending over a 10- to 20-year period; and has nevertheless underfunded most government services – from infrastructure and border security to environmental regulation and R&D. In comparison to recent years, budget policymaking in 2015 showed some significant improvements, resulting partly from (perhaps temporarily) more accommodating Republican leadership. The current deficit was reduced, some modest reductions in the future growth of Medicare and Social Security were achieved, and authorization for required increases in the debt limit was assured until 2017.



## Research and Innovation

R&I Policy  
Score: 8

The United States has traditionally invested heavily in research and development, but the recession and the country's problematic budget politics have compromised this support. U.S. innovative capacity is a product of funding from a mix of private and public institutions. Certain public institutions stand out, particularly the National Science Foundation, the several federal laboratories, the National Institute of Health, and research institutions attached to federal agencies. In addition, there is a vast array of federally supported military research, which often has spillover benefits. In recent years, total U.S. R&D stood at roughly \$400 billion, or 2.75% of GDP, of which about one-third (.3 billion) was direct federal R&D funding. President Obama set a goal of raising total R&D spending to 3% of GDP. But these ambitious plans have fallen by the wayside. The recent demands for spending cuts and the across-the-board sequester cuts have resulted in stagnating federal R&D spending, including in the area of basic science. U.S. government R&D spending has declined as a share of GDP and in comparison both to spending by other countries and by the private sector. Critics have particularly noted the modesty of government funding for energy research, which is critical to the goal of reducing carbon emissions. As of November 2015, Congress had made significant progress in efforts to pass an Innovation Act designed to prevent "patent trolls" from extracting economically unwarranted payments from innovative companies.

## Global Financial System

Stabilizing  
Global Financial  
Markets  
Score: 8

The United States has 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 recent financial crisis necessitated a multilateral approach and the promotion of a robust financial-policy architecture. The Obama administration took the initiative in transforming the G-20 into a new enlarged "steering group" for global financial policy. This reconfiguration could not have become reality without strong U.S. engagement. However, the United States encounters significant resistance in international forums regarding its efforts to establish effective financial regulation.

With respect to the national regulatory framework, U.S. regulatory bodies are in the process of developing the rules required by the Dodd-Frank Act. In

general, the United States is expected to integrate the international standards from the FSB and the BCSC into the Dodd-Frank rules, with some modifications. U.S. regulators generally prefer stronger rules than international standards require. However, lobbying by the powerful financial-services industry has weakened the U.S. standards. In 2015, the Republican-dominated Congress pushed legislation to impose more control over enforcement efforts by the Securities and Exchange Commission. In contrast, Democrats have called for criminal penalties for individual executives who commit serious violations of financial-services regulations.

## II. Social Policies

### Education

Education Policy  
Score: 7

The performance of primary and secondary education in the United States has long been disappointing. High-school graduation rates, although showing some improvement between 1996 and 2006, remain low, at about 70%, in an education system that largely lacks vocational alternatives to high school. High-school students' performance in science, math and reading is below that seen in most wealthy OECD countries. Yet the educational system is generously funded. Its shortcomings are the result of several factors, including the impact of unionization and collective bargaining on assessment practices and teacher performance; deficiencies in the home environments of many children in low-income, minority neighborhoods; severe inequalities in school quality between wealthy and low-income areas; and a lack of accountability for outcomes in a fragmented system.

Traditionally, elementary and secondary education were run by local school boards, state boards, and state education departments, with minimal intervention by the federal government. Proposed reforms often encounter intense opposition from teachers' unions. Some promising programs, such as vouchers and charter school, introduce more freedom and opportunity in the educational system, yet they do not reach most children.

Federal involvement has become more extensive and ambitious during the Obama administration. Under Obama, the federal Race to the Top Program has strongly promoted test-based national-performance expectations reflecting new standards called the Common Core. This imposition of federal standards is currently a focus of political controversy, with Republican presidential candidates generally denouncing it.

As college and university costs have increased, financial aid for low-income students has failed to keep up with tuition and living expenses. The effects of family economic status on students' prospects for entering and graduating from a postsecondary educational program have become severe, with students from the top income quintile now at least three times as likely to graduate as those from the lowest quintile.

### Social Inclusion

Social Inclusion  
Policy  
Score: 6

The United States has long had high levels of economic inequality, and these levels have been increasing. In recent years, there has been persistent poverty along with exceptionally large gains for the top 1% and especially the top 0.1% of the income scale. The United States ranks in the top (i.e., worst) 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. In 2005, the richest 1% of Americans claimed 19% of the nation's income, the highest such share since the beginning of the Great Depression in 1929. Compared to other developed countries, the United States has the highest poverty rate among single mothers (both before and after transfers), the smallest effect of transfers on that poverty rate, the highest poverty rate for individuals over 60 years old, and the highest overall level of economic inequality (Gini index). Poverty rates increased as a result of the recession in 2008, and are especially high among blacks and Hispanics.

A number of Obama-administration initiatives benefit low-income families. The Affordable Care Act expands Medicaid health coverage to an enlarged share of the low-income population. Many elements of the 2009 stimulus package tried to address the hardship caused by the recession. In general, Obama's major social-policy initiatives have been implemented on a temporary basis. His administration's social-policy approach has relied heavily on tax-policy instruments that benefit working-poor households and help the non-working poor to a lesser degree.

Deficit politics and Republican resistance to social spending led to cuts in the food-stamp program as a part of the 2014 farm bill. Twenty-three Republican-led states have declined to expand Medicaid health care for the poor as provided for under Obama's health care reform. On the other hand, Obama's promotion of minimum-wage increases has led to such increases in several states and a few cities. Nevertheless, the number of children living in poverty has risen, with 1.3 million children homeless. In 2015, the administration initiated a \$200 million pilot program to improve employment prospects among food-stamp recipients. But for the most part, divided party control of government has continued to prevent significant action on social inclusion.

## Health

Health Policy  
Score: 7

In March 2010, Congress enacted the Patient Protection and Affordable Care Act (ACA). The main goals of the legislation were to lower costs in the health care sector and extend health care coverage to more people. The design of the ACA is essentially to fill gaps in the patchwork of financing arrangements that are embodied in the existing health care system. Specifically, it provides a mandate for employers of a given size to provide coverage for employees; it requires individuals not otherwise covered to obtain coverage, providing subsidies for individuals who otherwise could not afford coverage; it expands the state-administered Medicaid program for low-income citizens, raising the income ceiling for eligibility; it requires health insurers to extend coverage of an insured family's children through the age of 25; and it prohibits insurers from denying coverage on the basis of pre-existing medical conditions.

Health care reform was a highly controversial topic before and during the policy's passage, and remains a contested political issue. Republicans in the House have voted well over 50 times to repeal "Obamacare." Public opinion has been fairly evenly divided on approval versus disapproval of the bill. Some state governments headed by Republican governors have so far declined to provide the expanded Medicaid coverage to low-income families, even though the federal government would pay 90% of the cost. The Supreme Court has upheld the ACA against two potentially catastrophic challenges, rendering in one case a 5-4 decision validating the law's individual mandate to obtain insurance.

As of 2015, the program's results continue to provoke controversy. An April 2015 Urban Institute analysis indicated that the share of adults aged 18 to 64 without health coverage declined from 18.1% in 2013 to 10.1% in 2015. The number of uninsured adults fell by 15 million between September 2013 and March 2015, a decline of 42.5%. At the same time, growth in health care spending fell from 9.9% in 2008 to 6.8% in 2015. However, the numbers enrolled through the ACA's federal and state marketplaces declined during 2015.

## 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. The Family and Medical Leave Act of 1993 requires employers with at least 50 workers to allow 12 weeks of unpaid leave for child care. This measure has not proven highly effective, partly because of narrow eligibility criteria.

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. The Obama administration increased support provided through the Child Care and Development Fund (CCDF), a block grant going to state governments, by \$2 billion. As of 2011, tax benefits for families with children included a dependent-related exemption, a child tax credit, an earned-income tax credit, and a child- and dependent-care tax credit, as well as two tuition-related tax benefits for postsecondary education. As a result, effective child-care costs as a percentage of income were lower in the United States than in most OECD countries, and for low-income single mothers, much lower.

From 2011 to 2015, the Obama administration has called for expanded family leave policies and more generous support for child care, but Republican opposition has effectively blocked legislative action. The United States has been slipping behind other advanced economies with regard to the percentage of women in the labor force, falling from seventh to 20th place in the OECD by 2015.

### Pensions

Pension Policy  
Score: 7

The Social Security retirement system is one leg of the pension system, complementing a private system of company-based saving plans (so-called 401k plans) that receive tax subsidies, and a variety of private retirement accounts. Social Security is funded by mandatory employee and employer contributions, totaling 12.4% of wages, on wages up to \$117,000 per year. The wage replacement rate of the public system is on average 45%, below the OECD average, though with higher rates 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 has hit the asset base of pension funds, resulting in current or expected future failures to make full payments by many private employers. The Social Security funding shortfall has been politically intractable, with Democrats blocking benefit cuts (including reductions of scheduled benefit increases) and Republicans blocking increases in the payroll tax. Along with Medicare, the related health-care program for the aged, the Social Security retirement program is at the center of the country's long-term fiscal difficulties. The U.S. government has not succeeded in addressing the long-term financing problems of the Social Security retirement program during the period of ideological stalemate that has lasted since the 2010 midterm elections.

With respect to the three goals of pension systems, the U.S. pension system is partially successful in reducing poverty among the elderly. (The poverty rate among the elderly is high by OECD standards, but not as high as the general U.S. poverty rate.) The system is hard to assess with respect to intergenerational equity. 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.

### Integration

Integration Policy  
Score: 7

On the basis of data provided by the Migrant Integration Policy Index, the United States was ranked ninth out of 31 analyzed countries with regard to overall integration policy, but 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 apply for visas for their families, and during the review period, no one in the United States had the right to apply for a visa to sponsor a foreign homosexual partner. Several states are taking the lead on integration policy. Despite efforts, complex integration laws, limited visa availability, high fees and long backlogs make it challenging for immigrants to integrate.

A large fraction of the immigration to the United States has consisted of illegal immigrants, most of whom have crossed the border from Mexico and who may live, work and pay 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. These illegal immigrants have in effect been tolerated (and 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 sanctions. Despite congressional inaction, a few immigrants will benefit from better opportunities to participate in the society. A significant minority of undocumented immigrants have been provided with slightly improved opportunities on the U.S. labor market through the administration's Deferred Action for Childhood Arrivals (DACA) and executive action programs. More generally, immigrants should benefit from

more work-related English and training programs approved by Congress. Another important policy change allows same-sex couples to sponsor spouses for immigration status in the same manner as heterosexual couples.

### Safe Living

Safe Living  
Conditions  
Score: 4

The United States invests massively in efforts to protect citizens against security risks such as crime and terrorism. In the years after 9/11, 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. In 2013 and 2014, the Snowden leaks revealed massive, largely unauthorized NSA surveillance of Americans' telephone and Internet communications. Although little evidence has been provided regarding the concrete achievements of this surveillance program, policymakers had not moved to impose major limitations on surveillance authority by November 2015.

The government has had less success dealing with two other kinds of violence. First, 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, deranged individuals (without political or religious motives) have repeatedly used semi-automatic weapons with large ammunition clips to kill large numbers of people. Under pressure from the National Rifle Association and its mass membership, Congress has failed to pass legislation imposing background checks for the purchase of a gun or limiting the size of ammunition magazines.

In addition, the fatal shooting of an unarmed black teenager by a police officer in a St. Louis suburb drew attention to a possibly growing phenomenon of excessive police violence, especially against blacks. The Black Lives Matter protest movement gained momentum during 2015, highlighting the insecurity of racial minorities vulnerable to harassment or violence by local police departments. In parallel, policymakers in a number of states have moved to reduce the quantity and length of prison sentences imposed for nonviolent crimes. Law-enforcement sources have suggested that the additional scrutiny of police practices has inhibited police effectiveness and led to increases in crime in certain areas.

### Global Inequalities

Global Social  
Policy  
Score: 7

The United States is an important player in global social policy because it provides a large share of the world's development assistance. Relative to the

size of its economy, however, its efforts lag behind those of most OECD democracies. 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 with 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.

Presidents Bush and Obama have both made major efforts to reorient U.S. foreign aid. The Bush administration accomplished a transformation of aid policy by reducing the emphasis on military spending, increasing health-related assistance (especially, and effectively, for AIDS prevention and treatment through the President’s Emergency Plan for AIDS Relief, or PEPFAR), and focusing economic assistance on countries with stable democratic political systems and a commitment to long-term pro-business development strategies. In September 2015, the United States committed to supporting the United Nations’ Sustainable Development Goals. The U.S. has spent about \$4.5 billion on humanitarian aid in the Syrian civil war, and President Obama asked Congress to accept about 150,000 refugees over a two-year period as a part of the 2015 refugee crisis.

### III. Environmental Policies

#### Environment

Environmental  
Policy  
Score: 6

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, including water resources, wetlands, endangered species, and protection of forests. In some areas, 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.

In his 2008 and 2012 election campaigns, President Obama promised to make effective action on climate change a major priority. In 2009 – 2010 he pushed for a major cap-and-trade bill, but the measure failed in the Senate. Nevertheless, a number of constructive developments have occurred. The Environmental Protection Agency (EPA) has imposed several major measures,



including increased fuel-economy standards for cars and light trucks, and carbon standards for new coal plants. In 2014, the EPA proposed regulations that would require reductions in power plants' carbon emissions of 30% by 2030, in effect, largely phasing out coal-fired power plants. Despite the failure to enact a cap-and-trade policy, the United States is on pace to cut carbon emissions by an estimated 16.3% by 2020, consistent with international expectations. In November 2015, President Obama announced that the United States was rejecting the proposed Keystone XL Pipeline that would have carried bitumen produced from tar sands in Alberta, Canada, for processing into oil in Texas. Because producing oil from tar sands has high energy costs, environmentalists criticized the project as undermining the effort to reduce carbon emissions.

### Global Environmental Protection

Global  
Environmental  
Policy  
Score: 6

From the late 1960s to the early 1990s, the United States exercised leadership on a wide range of international environmental issues. The European Union was often a reluctant participant, although it eventually ratified all the significant international agreements during the period. 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. Like most other countries, the United States has failed to achieve the GHG reductions it called for.

The Obama administration has sharply reversed Bush's policy direction on environmental issues for the executive branch, especially with regard to climate change. Limited support from Congress and the public have constrained U.S. positions in international negotiations. Nevertheless, the U.S. rejoined the United Nations process on climate change at Copenhagen in 2007 and Cancun in 2010. In 2013, the United States reached an important bilateral agreement with China to limit the use of hydrofluorocarbons. In November 2014, it committed to reducing total U.S. carbon emissions by 26% to 28% in comparison with 2005 levels. Even though the United States lacks a comprehensive national carbon-pricing policy, President Obama intended to play a leading role in the U.N. conference on climate change in December 2015.

## Quality of Democracy

### Electoral Processes

Candidacy  
Procedures  
Score: 10

Procedures for registering parties and candidates are fair and nondiscriminatory. State governments determine the requirements for ballot access, so the details vary across states. All states, however, 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 addition to the dominant Democratic and Republican parties, several minor parties or independent candidates are often included. In some cases, the ballot-access requirements may be a burden for smaller parties or independent candidates. But the single-member-district, plurality-election system essentially precludes victory by such participants anyway. Candidates who get a late start, or who lack organization or financial support, may fail to qualify. In general, ballot access has not been controversial, and no major problems regarding ballot access have been reported in recent elections.

Media Access  
Score: 7

In a formal and legal sense, media access is fair, although the U.S. media exhibit some significant biases. There are only modest publicly funded media: the Public Broadcasting System (PBS, for television); National Public Radio (NPR); and C-SPAN. Most media organizations are privately owned, for-profit enterprises. Private media organizations are formally independent of the political parties and the government and at least nominally have independent editorial policies. Nevertheless, media content reflects several biases. In election campaigns, media coverage of candidates and parties generally reflects the strength and popularity of the competing campaigns, with more favorable coverage going to the leading candidate, regardless of party. Finally, in 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. The overwhelming volume of paid advertising certainly reduces the benefit of the major parties' relatively free and equal

access to news coverage. In the 2016 Republican presidential-nomination campaign, media organizations (e.g., Fox News and CNN) used national poll standings to decide which of up to 17 candidates would be invited to participate in televised debates. Although the selection was unbiased, the debate format (with a lead group of candidates appearing together on stage) essentially dictated the exclusion of the candidates who were least popular in the initial states.

Voting and  
Registrations  
Rights  
Score: 7

Voter registration is subject to regulation by the federal government, but it is administered by the states. Most discriminatory practices have been eliminated through federal regulation and enforcement over the last 50 years. Convicted felons are ineligible to vote in many states; non-citizen residents are not permitted to vote, although permanent residents are encouraged to become citizens.

Between 2011 and 2014, Republican-controlled legislatures in at least 24 states have enacted or considered measures that have made it harder for some groups to vote – mostly by upgrading the identification requirements for voter registration, or by reducing opportunities for mail-in and early voting. As of 2015, the constitutional validity of these vote-suppressing measures has not been settled. Federal courts have struck down or delayed implementation of several state measures, but also have declined to delay others. Measures that on their face are defensible requirements of general application, with a plausible rationale of preventing voter fraud, may ultimately be upheld even though evidence of significant fraud has been nonexistent. In 2013, the U.S. Supreme Court struck down a 2006 congressional 25-year extension of the section of the Voting Rights Act that required specified states or counties with a history of discrimination to pre-clear changes in voting laws with the U.S. Justice Department. In its ruling, the court noted that the discriminatory history had in many areas occurred some 50 years earlier. The Justice Department can still challenge discriminatory practices in court, but cannot prevent their initial adoption. During 2015, registration procedures have been highly controversial, with bills to restrict registration or (less often) to facilitate it under consideration in most states.

Party Financing  
Score: 6

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) made the system of contributions to candidate campaigns and political parties very transparent and strictly regulated. Although private contributions to parties and candidates are subject to effective oversight, so-called independent expenditures – in which supporters spend funds for candidates' benefit, usually by sponsoring campaign advertisements, without coordinating with them – have been subject to fewer, and steadily diminishing, constraints. More significantly, 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, the 2010 and 2012 elections saw the rise of so-called Super PACs – political action committees able both to make unlimited contributions on behalf of parties or candidates, and to receive unlimited contributions from individuals, corporations, unions or other entities. Neither the contributor nor the candidate or party can be held accountable. In the 2014 *McCutcheon* case, the Supreme Court went further, striking down the limit (then set at \$123,200) on aggregate contributions by an individual directly to political parties or candidates (as opposed to independent groups).

In 2015, the Republican campaign for the 2016 presidential nominations was funded in large part by extremely wealthy individuals, some of whom donated tens of millions of dollars their preferred candidates.

Popular Decision-Making  
Score: 8

Popular decision-making mechanisms in the United States do not exist at the federal level, but are strong for some state and local governments. The federal government does not have any provision for citizen initiatives or referendums. Twenty-four of the 50 state governments and many local ones provide rules for some forms of direct democracy. Ballot measures provide citizens the opportunity to discuss and vote on policy issues at the local level and state level. In around 30 states, petitions can force special elections in which voters are asked to remove or retain a slate of local elected officials. In several states, a recall with sufficient signatures can launch a by-election for any reason. Some states or cities have adopted measures granting or restricting rights for gays, legalizing marijuana, imposing or removing limits on taxes, and other provisions. In recent years, the state of California has been gradually undoing many policies originally adopted through citizen initiatives, such as mandatory prison sentencing, tax limitations and mandated spending, that were widely blamed as having calamitous effects on the state's finances.

### Access to Information

Media Freedom  
Score: 9

The United States maintains an unusually rigorous version of media freedom, based on the language of the First Amendment to the U.S. Constitution. In general, government interference in the media sector has been nearly non-existent. News organizations are rarely subject to damage suits, even for clearly false accusations against government officials. They are rarely enjoined against publishing information because of court policies virtually prohibiting “prior restraint.”

On the other hand, the U.S. does not have a “shield law” protecting the confidentiality of journalists' sources. A combination of developments has placed journalists under new pressure, a condition which has persisted during

2014 and 2015. The most serious problems stem from tensions between press freedom and U.S. national-security and counterterrorism efforts. Problems have included government surveillance of journalists, government attempts to compel reporters to reveal the sources of leaked information, and Obama-administration policies that severely limit interactions between journalists and officials.

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 for news gathering. There are strong television-news networks on both the left (MSNBC) and the right (Fox News) of the political spectrum. Within the private media, an unprecedented consolidation has occurred in recent years. The number of independent television-station owners has dropped by 40% since 1995. During the same period, the number of commercial radio stations has dropped by 36%. Just five big media corporations control nearly 75% of primetime viewing. In addition, there has been a steady decline of competition in the print media, especially with regard to local newspapers; few cities today have more than one newspaper.

The main challenge with respect to pluralism is the decline in financial resources available for actual news gathering and reporting, as opposed to commentary. As an unfortunate consequence, an increasing proportion of news coverage consists of statements made directly by politicians or public officials, often without filtering or analysis by reporters. The rapidly increasing use of mobile phones as a principal means of accessing news reduces the depth of the reporting people receive.

Access to  
Government  
Information  
Score: 9

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, 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.

The White House says it has reduced FOIA request backlogs and denied fewer requests than the preceding administration. Moreover, the Obama administration has generally responded to requests from Congress for internal documents, making fewer claims of “executive privilege.” Nevertheless, news organizations have complained about frequent delays of many months in responses to FOIA requests. In 2013 – 2014, the Obama administration denied or delayed a record number of such requests, in many cases on national-security grounds. In 2015, Congress debated a Freedom of Information Oversight bill that would tighten FOIA procedures and standards.

### Civil Rights and Political Liberties

Civil Rights  
Score: 6

The emphasis on protections 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, widely reviled by civil-liberties advocates, has taken a more balanced approach than is generally recognized, although some surveillance and investigative procedures have opened the way for abuse. The more significant compromises of privacy protections resulted from actions of the Bush administration, notably the ordering of widespread wiretapping and Internet surveillance by the National Security Agency, which was entirely without statutory authority. The Obama administration has not produced a sweeping change to these actions, however. Congress also authorized parts of the National Security Agency's (NSA) wiretapping program, at least as it pertains to foreign suspects.

The Obama administration has actually pushed anti-terrorism policies into new territory. For example, it has argued that the president has the right, in limited circumstances, to use drones to attack and kill U.S. citizens without trial. It has also invoked rules of war to hold detainees at Guantanamo indefinitely. Although the U.S. government's strong protections of civil liberties remain in place for most investigative and criminal purposes, the relaxation of established constraints in the case of anti-terrorism investigations may ultimately affect thousands of U.S. citizens who become targets of investigation for one reason or another. Furthermore, it has produced precedents that could lead to the further erosion of established protections. In 2015, police review boards were strengthened in some cities, and a bipartisan group in Congress made progress in promoting a sentencing-reform bill that would reduce excessive sentences for nonviolent offenses.

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 neo-Nazis. Religious freedoms are protected even for religious fringe groups. In contrast with most developed democracies, the right to freedom of speech has even invalidated laws proscribing hate speech.

In one significant limitation to political rights, convicted felons are barred from voting in nearly all states, although usually not permanently. 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).

In 2015, there was increasing media and political attention to the practice on many university campuses of imposing restrictions on speech deemed to offend one or more groups – primarily blacks, gays or women. According to the nonpartisan Foundation for Individual Rights in Education, a large majority of campuses have speech codes with provisions that have been ruled unconstitutional by federal courts. The U.S. Department of Education’s (DOE) has interpreted anti-discrimination laws as requiring prevention of “offensive” speech. The House Judiciary Committee, controlled by Republicans, has challenged the DOE interpretations and warned campuses to ensure that their speech codes do not violate constitutional rights. Some major universities, including Princeton University and the University of Chicago, have adopted new policy statements strongly reaffirming their commitment to free speech on campus.

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 to 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, homosexuals. The Obama administration has made progress with regard to gender equality. As of 2015, 17 states and more than 200 cities prohibit discrimination on the basis of gender or sexual orientation with respect to housing, employment and public accommodations.

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 Hispanic students in admissions, while upholding state policies that barred race or ethnicity as considerations in admission. In general, liberals and conservatives disagree as to whether the persistence of unfavorable outcomes for blacks in educational achievement, employment status, income, incarceration and other areas is a consequence of ongoing discrimination despite existing legal protections.

The period of the Obama administration has been one of extraordinarily rapid progress in the rights accorded to homosexuals. Laws prohibiting homosexual activity have been ruled unconstitutional. Most jurisdictions now prohibit employment discrimination against homosexuals. Same-sex marriage has advanced through a cascade of court decisions, legislative enactments and referenda, and in 2015 the majority-conservative Supreme Court, in a sweeping constitutional ruling, legalized same-sex marriage in all 50 states.

Of course, these extensive policy measures do not prevent discriminatory conduct altogether. In November 2015, students at the University of Missouri protested the university's lack of response to allegedly frequent episodes of racial harassment and discrimination.

### Rule of Law

Legal Certainty  
Score: 7

There is little arbitrary exercise of authority in the United States, but the legal process does not necessarily provide a great deal of certainty either. 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, such as supplanting the authority of elective policymaking institutions, reducing administrative discretion, causing delay in decision-making, and increasing reliance on courts and judges to design policies and/or administrative arrangements. On 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 will not know their obligations under the new regulation for at least several years.

In recent years, certain constitutional issues have increased uncertainty across a range of issues. Citing Congress's failure to resolve major issues, President Obama has acted unilaterally, taking an expansive view of executive discretion, in a variety of areas. In November 2015, a federal appeals court nullified Obama's executive action on the issue of immigration and the administration is seeking review by the Supreme Court.

Judicial Review  
Score: 8

The United States was the originator of expansive, efficacious 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, although the Court does appear to avoid offending large majorities of the citizenry or officeholders too often or too severely. However, judicial review does not simply ensure that legislative and executive decisions comply with "law." The direction of judicial decisions depends heavily on the ideological tendency of the courts at the given time. The federal courts have robust authority and independence but lack structures or practices to ensure moderation or stability in constitutional doctrine.

During the review period, the Supreme Court was sharply divided, with a 5-4 or larger conservative majority on most issues, while still providing narrow majorities for liberal decisions on some issues. Either way, the Court's decisions clearly go far beyond any well-established legal principles, and in effect impose the constitutional views or policy preferences of the court majority. A series of decisions on campaign finance, culminating in the



notorious 2010 Citizens United decision, has rendered campaign-finance regulation almost without substantive effect. The Court has gradually undone much of the liberalization of abortion policy that the Court itself initiated in its famous 1973 Roe v Wade decision. The Court's 2015 decision requiring states to permit same-sex marriage set aside more than 200 years of U.S. public policy.

Appointment of  
Justices  
Score: 8

Federal judges, including Supreme Court justices, are appointed for life by the president, with advice and consent (endorsement by a majority vote) by the Senate. Although judges are likely to reflect the political views of the presidents who appointed them, they are not obliged to remain faithful to the legal or ideological positions for which the president selected them. Over the last 30 years, however, judicial appointments have become highly politicized. With the severe polarization of Congress in the 2000s, the Senate opposition party has been increasingly willing to hold up confirmations for federal judgeships at all levels. After taking over control of the Senate, Republicans confirmed only six federal judges at all levels from January to October 2015, thus increasing the number of open judgeships from 43 to 67, and causing increasing difficulties dealing with cases.

In many states, judges are elected (under a variety of specific arrangements) and raise funds from private contributors for reelection campaigns. Although this practice may compromise judges' independence with respect to contributors, it does not generally reduce their independence from the legislative or executive branches.

Corruption  
Prevention  
Score: 9

The U.S. federal government has elaborate and extensive mechanisms for auditing financial transactions, investigating potential abuses, and prosecuting criminal misconduct. The Federal Bureau of Investigation (FBI) has an ongoing, major focus on official corruption. Auditing of federal-spending programs occurs through congressional oversight as well as through 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. With all of the controls, executive-branch officials are effectively deterred from using their authority for private gain, and prosecutions for such offenses are rare. Still, incidents of financial corruption occasionally emerge both in the congressional and state-government spheres.

# Governance

## I. Executive Capacity

### Strategic Capacity

Strategic  
Planning  
Score: 8

The U.S. government has multiple units that analyze policy issues, and that make long-term projections as part of the assessment of current options. The Executive Office of the President has multiple staffs and analytic agencies. 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. Policymakers may enact policies that incorporate a long-term schedule of changes. The main barrier to coherent long-term planning is the constitutional separation of powers between the legislative and executive branches, along with frequent elections. By design, no individual or cohesive group controls policy for a long enough period to formulate and implement long-term plans.

Scholarly Advice  
Score: 7

U.S. policymaking incorporates scholarly and expert advice in an informal and unsystematic 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. The Obama administration made extensive use of the scholarly talent pool in its first term, but less so in its second term. Most think tanks do little original research, specializing instead in drawing on existing knowledge to produce partisan, ideologically oriented commentary and recommendations on policy issues. None of this analysis has the official or authoritative status that might derive from an official expert panel. The lack of formal, representative panels that make authoritative consensus assessments of research findings probably permits policy analysis to be more partisan and tendentious than it would be otherwise. On some issues, notably climate change, many legislators are highly willing to reject well-established scientific findings. In short, the flow of policy-relevant research is voluminous, but the policymaking process is relatively open to severely biased or unreliable analysis.

### Interministerial Coordination

GO Expertise  
Score: 10

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 or particular congressional committees sometimes compete with the president to shape policymaking in executive agencies. In response to these challenges, presidents have gradually built up a large executive-office establishment designed to help assert presidential control over the departments and agencies, and to enable the independence of presidential policy decisions. 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.

Indeed, White House may not allow the departments and agencies to play a major substantive role in drafting bills. In recent presidencies, it has increasingly dominated executive-branch policymaking. President Obama has gone even further than previous presidents, appointing a number of high-level presidential advisors, or so-called czars, to oversee executive-branch policymaking in specific areas.

GO Gatekeeping  
Score: 10

The comparable issue for the U.S. system concerns the ability of White House staff to control the presentation of issues, proposals, policy papers and decision memoranda to the White House or cabinet-based presidential-advisory committees. In fact, the president and his or her staff assign the responsibility for coordinating decision processes on major issues, and may choose to emphasize White House or cabinet responsibility in varying degrees as he or she organizes the White House and establishes advisory arrangements. In recent presidencies, a strong and consistent trend has favored White House control. In the Obama administration, for example, the White House controls policy management and thus the presentation of decision materials almost completely, with cabinet officials in subordinate roles.

Line Ministries  
Score: 10

In the U.S. system, this item would examine how the executive departments and agencies involve the president and the White House in their work. In fact, however, president and the White House are dominant within the executive branch, and can therefore prioritize issues they see as important to the president's agenda. This tends to happen in two general ways. If a department or agency is seeking significant legislation, then the White House is essentially in charge of policy development. It may allow a cabinet official to have major influence or even appoint him or her to chair a committee tasked with formulating options for the president, or it may relegate the relevant cabinet

officials to secondary roles.

If the agency is developing an important administrative regulation or other policy that does not require legislation, then the administration's generally numerous political appointees in the agency will respond to White House direction. If the matter is judged important for the president, the relevant White House experts may make the main decisions.

Cabinet  
Committees  
Score: 8

The question for the U.S. system is whether, on major issues, White House advisory processes prepare issues thoroughly for the president, and on lesser issues with interagency implications, 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, based largely on the personnel involved. Typically, important decisions are "staffed out" through an organized committee process. However, the ad hoc character of organization (compared with a parliamentary cabinet secretariat), along with the typically short-term service of political appointees – resulting in what one scholar has called "a government of strangers" – renders the quality of these advisory processes unreliable.

Ministerial  
Bureaucracy  
Score: 8

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. The overall or average performance has not been systematically evaluated, however.

Informal  
Coordination  
Score: 9

The U.S. government is highly prone to informal coordination, relying on personal networks, constituency relationships and other means. As with more 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.

### Evidence-based Instruments

RIA Application  
Score: 10

The U.S. government provides 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, it 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 analysis of proposed bills, including cost estimates over a 10-year period.

The Congressional Research Service also conducted several notable studies on climate change. The CBO study on health care focused primarily on issues of budgetary impact, but it did touch on many other issues, including coverage. The U.S. government is highly ambitious with respect to the volume and coverage of impact assessment.

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. Under Republican presidents, the process was frequently directed toward containing or curtailing environmental and work-safety regulations put out by the Environmental Protection Agency and the Occupational Health and Safety Agency. Under Obama, the process is more biased toward issuing new regulations. Indeed, a 2011 study of regulatory impact assessments by the George W. Bush and Obama administrations demonstrates the biasing effect of political priorities. The Obama administration has issued new rules at a rate 40% higher than either Clinton or Bush. But while Obama's regulators report costs triple those of Bush's, they report benefits eight times higher.

In any case, the differences in overall results between administrations suggests that many or most proposed regulations would receive opposite assessments from the Bush and Obama administrations, rendering the value of the assessments questionable at best. Regulatory assessment will thus be of limited value until the government adopts clearer standards and best practices for the conduct of the analyses, presumably under the auspices of a nonpartisan institution such as the Congressional Budget Office.

Sustainability  
Check  
Score: 8

There is no standard, separate check required for "sustainability" as such. Assessments are expected to consider the important costs and benefits relevant to the particular project or policy.

### Societal Consultation

Negotiating  
Public Support  
Score: 8

The U.S. political system is outstanding in 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. 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. Societal responses are elicited in a variety of ways. The White House maintains direct relationships with some interest groups. Congressional committees hold hearings on most legislative initiatives and on general policy issues. Furthermore, the president, party leaders and major interest groups use media-based strategies to mobilize public opinion, often using targeting strategies to reach sympathetic groups. In sum, the U.S. government is exceptionally 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.

### Policy Communication

Coherent  
Communication  
Score: 9

With politically appointed leadership in every agency, executive agencies and departments carefully coordinate their messages with the White House communications strategy. Agency press releases and statements on politically salient matters are often specifically cleared with the White House. During 2012 and 2013, a minor scandal developed over the administration's formulation of a public response to a terrorist attack on U.S. diplomatic offices in Benghazi, Libya. Eventually, the White House released 100 pages of e-mails detailing discussions between the State Department, the Central Intelligence Agency (CIA) and the White House. In the end, it appeared that most of the revisions were prompted by the State Department and the CIA rather than the White House, and were motivated more by concerns for accuracy than political effect. Regardless, the episode indicated the extensive involvement of the White House in public communications.

### Implementation

Government  
Efficiency  
Score: 5

Policy implementation in the separation-of-powers system is conditioned by the potentially conflicting goals of the legislative and executive branches, especially when they are controlled by different political parties (so-called divided government). In the current highly polarized state of the political parties, cooperation between the branches can be virtually nonexistent. From 2011 to 2015, with a Democratic president, Republicans controlling one or both houses of Congress, and an aggressive far-right ("Tea Party") Republican faction that was often able to block action, the U.S. government has had profound difficulty in accomplishing any policy goals.

In 2015, with the Republican congressional leadership eager to avoid further blame for disruption and deadlock, the president and Congress had some notable successes in reaching agreement, for instance forging a bipartisan budget agreement and authorizing necessary debt-limit increases for the duration of the Obama presidency. However, the Tea Party Republicans were

so incensed by their party's compromises with the Democrats that Republican Speaker of the House John Boehner felt compelled to resign his position in October 2015.

As for implementing legislation, the U.S. government has shown poor implementation performance on several matters. Most importantly, the rollout of the Affordable Care Act website was disastrous, delaying sign-ups for millions of potential clients for many months. A number of states led by Republican governors have declined to participate in the ACA's expansion of Medicaid, which provides coverage to low-income individuals. Other administrative calamities have concerned the Veterans' Administration hospitals, the Internal Revenue Service, the Secret Service (protective services), and the National Security Agency.

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, both in terms of agency missions and individual careers. 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.

Monitoring  
Ministries  
Score: 9

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.

In 2015, agents of the Secret Service responsible for protecting the White House and the president were discovered asleep on the job after working shifts that required severe sleep deprivation. Separately, the National Security Agency has been exposed in recent years as having violated the legal terms of its surveillance authority, even eavesdropping on the phone calls of German Chancellor Angela Merkel.

Monitoring  
Agencies,  
Bureaucracies  
Score: 8

There are no semi-autonomous agencies in the U.S. administrative system. Independent regulatory commissions 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 their activities, despite lacking formal authority to impose changes. Federal departments have central units

attached to the relevant secretary's office that monitor the activities of subordinate agencies.

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 often used to complain 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 Obama health care reform seeks to expand coverage of low-income individuals by raising the income ceiling for eligibility for Medicaid, a program administered and largely funded by the states. According to the law, the federal government will pay 90% of the cost of the expanded coverage if states pay 10% of the cost of health coverage for the new beneficiaries. However, many states with Republican leadership have thus far opted out of the Medicaid expansion.

Constitutional  
Discretion  
Score: 8

Whether the federal government permits the states to exercise their constitutional authority without undue interference is one of the central 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. In 2012, the Supreme Court, supporting the Obama administration, invalidated most of an Arizona law that provided for aggressive state-level investigation and prosecution of illegal aliens. When ruling on the constitutionality of Obama's health care reform, the Court's conservative majority pronounced the act as not sustainable under the constitution's Commerce Clause, but nevertheless upheld most of the law's provisions as an acceptable exercise of the government's taxing power.

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 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. On the other hand, states exercise broad discretion in setting standards of eligibility for Medicaid coverage or with regard to unemployment insurance. The Obama administration has granted waivers that allow individual states to relax work requirements for welfare recipients (under Temporary Assistance for Needy Families).

### Adaptability

Domestic  
Adaptability  
Score: 8

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.

The Obama administration has continued to develop new institutional structures to adapt to policy challenges. The United States has been less prone to adapt domestic-policymaking structures to the requirements of the international-trade regime, in some cases resisting compliance with fully adjudicated obligations under the WTO and the North American Free Trade Agreement. Given the domestic political orientation of most members, Congress has placed low priority on compliance with international-trade agreements and regimes.

International  
Coordination  
Score: 8

The United States sometimes leads international efforts to pursue collective goods – sometimes, indeed, effectively controlling those efforts – while sometimes preferring unilateral approaches that withhold support from international forums. 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.

President Obama's strategy in the Middle East, for example, has been hampered by conflict with Congress over support for Israel. Most often, the United States not only collaborates in reform initiatives promoted by international forums, but actively works to shape their agenda. The United

States is also an effective participant in the G-7/8 process. The most notable change under the Obama administration has been the move toward participation in broader international forums such as the G-20 that include emerging-market countries such as China, Brazil and India. This trend is also visible in the Major Economies Forum for Climate Change. Altogether, this signals a departure from the focus on Europe and the transatlantic arena, and may also imply a reduced reliance on NATO.

### Organizational Reform

Self-monitoring  
Score: 7

On 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 is subject to change by executive decision or ordinary legislative majority, and they are evaluated only in extreme circumstances.

Yet from 2011 to 2015, just such extreme circumstances have emerged. A series of self-induced crises in economic policy, driven by fundamental conflicts over long-term budget policy, has led commentators to question some of the seemingly fixed and intractable features of the political system. The unprecedented levels of partisan conflict in the legislative process, the increasingly routine resort to filibusters in the Senate, and the tendency toward partisan deadlock and inaction have particularly alarmed analysts, not to mention the public. In 2015, the extreme-conservative Tea Party faction among House Republicans raised questions about the power of the speaker of the House to control the agenda.

Institutional  
Reform  
Score: 4

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 changes in Senate procedures themselves

are normally subject to the same procedures. Fifth, as was the case during 2015, the president and Congress often represent different political parties with competing institutional interests, and one party is highly inclined to obstruct the other.

## II. Executive Accountability

### Citizens' Participatory Competence

Policy  
Knowledge  
Score: 5

The U.S. public is generally severely uninformed, not only by the standards of academic elites, but also according to empirical data. While comparing citizens' level of governmental knowledge across political systems is an imperfect science, as one knowledgeable observer recently put it: "The political ignorance of the American voter is one of the best-documented findings in political science."

Two examples illustrate this: In spring 2013, nearly 90% of the public favored legislation requiring background checks for the purchase of guns. Republicans in Congress blocked Democratic proposals for such a measure. Yet, when asked whose approach to gun control they preferred, the public split almost evenly between President Obama and congressional Republicans. At the same time, about 40% of the public believed that Obama's health care reform had in fact been repealed. Republican politicians have been promising to repeal it, but with Democratic control of the presidency and the Senate, it has never been a realistic prospect. Political scientists debate the issue of whether and how a generally uninformed public can discharge the tasks of citizenship effectively. A 2014 Ipsos MORI cross-national survey found U.S. citizens to show the second-highest level of inaccuracy among 14 countries with regard to factual knowledge about a variety of social issues.

### Legislative Actors' Resources

Parliamentary  
Resources  
Score: 10

The resources of the U.S. Congress substantially surpass those of any other national legislature. First of all, there are three large congressional agencies that perform research and analysis: the Congressional Budget Office (CBO); the Congressional Research Service (CRS); and the Government Accountability Office (GAO). The CBO, a nonpartisan 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.

The magnitude of Congress's resources reflects three features: One, Congress is constitutionally independent of the executive, and thus seeks to avoid depending on it entirely for information and analysis. Secondly, Congress's own structure has traditionally been decentralized, with much of the legislative work done in committee. And thirdly, individual members are politically independent of the parties, and use staff both for participating in policymaking and for providing electorally beneficial services to constituents. Although Congress has cut staff personnel in recent years, relying more heavily on ideologically oriented think tanks when examining policy questions, its levels of staffing remain unmatched in the world.

Obtaining  
Documents  
Score: 10

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. However, 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. In 2013, the White House supplied congressional investigators with more than 100 pages of email messages that had been exchanged between the White House, the State Department and the CIA, in a controversy over allegedly misleading White House statements about the terrorist attack in Benghazi, Libya. 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 these cases, Congress can obtain almost any information that exists. Within very broad limits, Congress can also ask departments and agencies to gather data or perform studies when it finds existing information to be insufficient.

Summoning  
Ministers  
Score: 10

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. The resulting burdens on high-level executives become considerable, with congressional appearances and the required preparation taking up a significant share of executives' time. Congress uses testimony from executive officials

Summoning Experts Score: 10	<p>both in evaluating proposals for new legislation and in “oversight,” that is, in reviewing and evaluating the administration’s performance.</p>
Task Area Congruence Score: 9	<p>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.</p>
Task Area Congruence Score: 9	<p>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.</p>
Audit Office Score: 10	<p>The General Accountability Office (GAO) is the independent nonpartisan 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. The GAO also undertakes research under the authority of the Comptroller General. 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.</p>
Ombuds Office Score: 6	<p>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</p>

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 – a valuable commodity with the country's candidate-centered (as opposed to party-centered) elections.

### 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 the majority of major news outlets, nor the outlets used by the largest 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.

The most damaging trend for public understanding is the decline of journalistic standards. Some media – most notoriously the conservative Fox News cable TV-news network – exhibit pervasive ideological biases that are not confined to identifiable commentary or opinion segments, but also affect news reporting. Their broadcasts amount to outright polemical campaigning for or against certain political positions and their advocates.

### Parties and Interest Associations

Intra-party  
Democracy  
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 office holders (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 it is mostly a campaign document for the

presidential candidate. 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 by the individual states, thus putting these decisions directly in the hands of ordinary party voters.

Association  
Competence  
(Business)  
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 associations themselves range from peak associations such as the Business Roundtable to trade associations of major industries such as the American Trucking Association and groups representing narrow industry segments. 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.

Association  
Competence  
(Others)  
Score: 7

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 American Conservative 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.

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