

## **Artifact Two**

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Second artifact is my research paper titled President Obama's Balance of Federalism and State Independence. This paper was completed in POLS650 Federalism: The American Governance Process. This paper examines some major policies such as the Affordable Care Act, Every Student Succeeds Act and immigration-related executive actions, evaluating how power is distributed between federal and state governments. The main argument is focused on President Obama and how his use of federal authority vs state independence by using federal funding and the incentives which encouraged state participation while avoiding the direct mandates.

This paper works to demonstrate my ability to evaluate the political elements that representative democracy has and compare those elements and how they function with different structures of governance. By looking at how federal policies are implemented at the state level the paper tries to show representation, accountability and decision-making authority operate in practice. This paper does not just describe the policy but tries to evaluate how these systems function and how different approaches to federalism can influence the effectiveness of governance.

To see how the policies were implemented I researched different politicians and positions in the government and identified their decision-making policies in their position. As stated, before I found how the federal government uses funding and incentives to guide state action while still allowing states to maintain control over the implementation. This showcases how representation and governance are not always equal across government systems and how different approaches can have different outcomes. Specifically, how stronger federal control, like

in the case of the Affordable Care Act, differs from more flexible approaches like how Every Student Succeeds Act.

When looking at self-evaluation I believe this paper shows a strong understanding of how representative democracy operates within a federal system. Among its strengths is the use of real-world and modern policies showing concepts like federalism and representation work in practice. I believe that not focusing on one particularly policy helps give a broader understanding of the argument showing how different policies are affected by the balance of power. I could spend on this by comparing it to more recent changes and how the policies have weathered three different terms of the executive branch since being implemented.

**President Obama's Balance of Federalism and State Independence**

Research Paper

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Political Science Graduate Program

POLS650 I001 Winter 2023

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When the founding fathers worked to frame the US government, they put great effort to build a government that would self-balance and naturally keep itself in check with different branches having limited solo authority as well as limited power over other branches. Overtime, however the government has changed, the federal government has grown both in power and bureaucracy, at times it has appeared that the balance of power has shifted. President Obama supported legislation and executive actions that often-increased federal influence while still allowing states flexibility in implementation. Rather than relying solely on mandates his administration frequently used funding incentives and cooperative federalism to encourage states to adopt national policy priorities. This approach preserved the formal balance of federalism while expanding practical federal leverage. President Obama's most significant domestic policy achievement was the Affordable Care Act, which reshaped national healthcare access and federal-state policy relations. "The Affordable Care Act" set requirements that each citizen must have health insurance or face a penalty. Race to the Top was controversial, because it used competitive federal grants to encourage state reforms, while critics argued it increased standardized testing pressure and accelerated adoption of Common Core standards. President Obama also signed into law "Every Student Succeeds Act", which updated and replaced President Bush's "No Child Left Behind Act". Although very little movement by Congress supporting immigration reform, President Obama did expand programs already in place by utilizing Presidential Executive Orders.

The "Affordable Care Act" or ACA was a controversial legislation that worked to fill campaign promises by President Obama and build the foundation of universal healthcare. Some aspects of the bill went before the US Supreme Court after it was passed. The Supreme Court ruled in *National Federation of Independent Business v. Sebelius, Secretary of Health and*

*Human Services* (567 U.S. 519 , 2012) that the individual mandate was constitutional as a tax. However, in the same decision the Supreme Court ruled that withholding federal funding in conjunction with other statutes was considered an unconstitutional and coercive use of Congress's spending power. The issue arose from the fundamental design of the ACA marketplace, a virtual location that helps connect citizens with insurance plans. Insurance for low-income citizens is subsidized by the federal government, to make the mandate affordable. The ACA assumed expanded Medicaid would assist with the lowest income citizens, and the ACA Marketplace would assist with those living at a poverty level of 100% to 400% (Robin Rudowitz, 2023). The ACA assumed all states would accept the expansion of Medicaid, however when some did not it became an issue. At the time of this writing ten states still have not expanded Medicaid. The central legal dispute was where the deferral government could pressure states to expand Medicaid by threatening the loss of existing federal funding. As mentioned, the Supreme Court found the pressure was unconstitutional use of federal power. This example of the federal government using financial support to pressure a state to adopt recommended showcases when it's taken too far.

States could choose to expand Medicaid using their own administrative systems, but the long-term fiscal burden stayed a major concern for many state governments. In the state of Florida, it is estimated that 1.7 million people will lose Medicaid health coverage in 2023, while the state does not have a plan to expand its care to cover these citizens, even with federal aid (Allen, 2023). Critics argue between two viewpoints, one that Medicaid expansion is needed to cover the low-income citizens, those living below poverty level. Others argue that by expanding Medicaid there will be more demand for care under a medical community that is unchanging in size and offerings ultimately reducing the quality of medical care (Childers, 2020). The Chief

Justice invalidated ACA's Medicaid expansion efforts on the basis of coercion. The court held that the federal government may encourage state participation through incentives but cannot coerce compliance by threatening the loss of existing medical funding. The Chief Justice likened this as a "gun to the head" (Hall, Thorpe, Hyatt, & Rosenbaum, 2012) to the states, this in turn cut the stick that was to be used against the states for not expanding Medicaid. The court's decision led to states being able to opt in to Medicaid without fear of losing all Medicaid funding if the state declined. The ruling established an important modern limit on federal spending power by defining when conditional funding becomes unconstitutional coercion. (Huberfeld, Leonard, & Outterson, 2013). As a result, Medicaid policy became a clear example of how national programs can produce unequal outcomes when state participation remains optional.

The Supreme Court addressed two major constitutional questions in *NFIB v. Sebelius*: Medicaid expansion, and the individual mandate with its associated tax penalty. The federal over-reach was decided by the Supreme Court citing what is considered commerce and how far the power of Congress to regulate reaches. The court decided the individual mandate did not fall under the Commerce Act, however as a tax, Congress was within its right to levy said tax as it was being paid to the IRS like any other tax. Understanding this, it could be viewed that if Congress had implemented a failure to comply with the individual mandate as a penalty paid to the Dept of Health it could have been ruled unconstitutional. The mandate is not an example of federal power over states, but an example of federal power over citizens. There is argument against the mandate that it represented an unconstitutional infringement on the rights of private citizens by requiring them to engage in a particular type of economic activity. Court's decision rested on the premise that the penalty for not purchasing health insurance was essentially a tax and thus fell within Congress's power to tax and spend for the general welfare. Therefore, while

some may argue that the individual mandate represented an infringement on private citizen rights, the Supreme Court ruled that it was a constitutional exercise of Congress's power to tax.

President Obama championed the Race to the Top program, which was part of the American Recovery and Reinvestment Act of 2009. Although scholars continued to debate the broader effectiveness of the Recovery Act during the Great Recession, Race to the Top became a notable example of using federal funds to shape state policy behavior. The result was states adopted more federal policies overall. States that applied and received grants had had adopted 30% more policies than those that did not engage with Race to the Top Programs (BCG Foundation, 2016). Several years later, Every Student Succeeds Act (ESSA) replaced key aspects of earlier federal education policy with more state-centered framework. Many of the criticisms of the Race to the Top program were not present in ESSA, namely the incentives preferred curriculum or assessments. It could be argued that the federal government wanted ESSA to be focused more on making states want to improve opposed to making states change their ways. There was more buy in and less resistance with ESSA than there was the Race to the Top program.

The ESSA expanded access to early childhood education, created provisions to support CTE programs. These programs provided students with the skills and knowledge they need to succeed in the workforce, required states to identify and support schools that are struggling to meet performance targets and required states to develop accountability systems that track student in areas like reading, math, attendance and graduation rates. With these requirements came the flexibility that allowed states to control how education and evaluation was conducted with their respective states. This was greater the previous "No Child Left Behind" legislation under which the federal government had much more prescriptive requirements, and states had less flexibility

to design their own education programs (Moran, Summary of Federal Every Student Succeeds Act, The Reauthorization of the Elementary and Secondary Education Act, 2015). ESSA uses its ability to provide federal funding to ensure that state governments are maintaining and reporting standards to the federal levels, specifically the US Department of Education. Research found that Race to the Top accelerated state policy changes in teacher evaluation systems, charter school laws, and data accountability frameworks as states competed for federal grants (McGuinn, 2012). In March 2023, Main was notified there was a potential to lose a portion of federal funding because “the State did not appropriately set and align criterion-referenced achievement standards on their assessments that would indicate to parents when students were exceeding, meeting, or below the state’s content standards” (Modan, 2023). The state of main could lose 25% of their federal funding that directly supports Title I schools, which are schools found in lower economic areas. Maine is working to develop a more constant method of achievement assessment reporting tools in place of the semester schedule reports. This is different then the “No Child Left Behind” programs that would allow the federal government to have stepped in after a school did not meet certain proficiency levels as outlined in the legislation (Klein, 2015).

President Obama’s approach with ESSA was to allow the flexibility of states to choose their own educational curriculum and evaluation methods but also held the states to an educational standard. The ESSA also strictly says that the federal government will not pressure or push for a preferred curriculum. In contrast, ESSA returned greater authority to the states by reducing federal control over accountability systems and allowing states to design their own school improvement strategies (Elizabeth DeBray, 2017). The legislation works to prevent the issues that the ACA had in that aspect, where states were all but mandated to expand the Medicaid program. The success of ESSA as a balanced approach to federal reach and state rights

and for the most part it has been successful. Unlike the ASA, ESSA has empowered states to make their own decisions leading to a lot less political drama and court cases. ESSA did have its challenges at state levels, however most of the issues were between school districts and the states themselves. One of the likely reasons ESSA has been so successful is the fact that it is a renewal of earlier law, redefined and tweaked to support modern educational priorities. ESSA had many provisions for disabled children or children with learning challenges. Overall, while it is still relatively early to judge the long-term effectiveness of ESSA, many educators view it as an improvement over No Child Left Behind due to the shift from federal control to an emphasis on local control and support for struggling schools. However, there are also ongoing debates and concerns about issues like funding and the impact of testing and accountability measures on student and teacher performance. Together, Race to the Top and ESSA demonstrate how federal education policy can alternate between national reform pressure and expanded state autonomy depending on political priorities.

The major differences between the success of federal and state cooperation with the ESSA and the initial issues with ASA are with the optional funding aspects. With the ASA there was a threat and ability for a state to lose all federal support with Medicaid. This was viewed by some states as a “adopt or else” approach. Federal government sets certain guidelines for education policy, but it gives states more flexibility in terms of how they implement those guidelines. ESSA allows states to develop their own academic standards, assessments, and accountability systems, giving them more control over how they spend federal funds. While the federal government still monitors and provides support to struggling schools, ESSA gives states more control in terms of education policy. For example, ESSA provides direct Title I funding for low-income areas, which is regulated by allowing the federal government to have limited

oversight. Most of the other financial support is achieved through grant programs that are fully optional. Grants and programs are managed by the Federal Dept of Education, which in turn adjust the incentives to prioritize direction. This is clear during President Obama's time by the changes in federal funding for sex education, namely the reduction of funding for abstinence only programs and the transition to a more progressive view of sex. Schools during Obama had programs that spoke to contraceptives as well as abstinence, were prior to, schools typically only supported abstinence programs (Donovan, 2017). These are optional programs that state educational programs decide to take part in or abstain from without the threat of losing funding in other established programs.

On the other hand, The Affordable Care Act is a health care reform law that includes a number of provisions aimed at increasing access to health insurance and improving health outcomes for citizens. The law requires citizen to have health insurance either personally or through their workplace or pay a penalty, expands Medicaid eligibility if states adopt, and includes a number of consumer protections for health insurance plans. The ACA also establishes several federal regulations and oversights to ensure that health insurance plans meet certain standards. the ACA does give states some flexibility in terms of how they implement certain provisions (such as setting up their own health insurance marketplaces), it establishes a significant amount of federal authority and control over health care policy. States are required to comply with the ACA's regulations and standards, and the federal government has the power to enforce these requirements if they fail. Overall, while both ESSA and the ACA represent significant federal involvement in policy areas overseen by the states, they have different approaches to federal and state relations. ESSA gives states more control in terms of education policy, while the ACA establishes a more federalized approach to health care policy.

Immigration policy during President Obama's administration further demonstrated how presidents often rely on executive authority when Congress fails to enact comprehensive reform. President Bush used an executive order to establish the Office of Homeland Security shortly after the September 11th attacks in 2001. Later Congress passed funding for department cementing the establishment of the department and it has existed since. Immigration policy during President Obama's administration differs from the two previously discussed points. During Obamas presidency, Congress failed to pass compressive immigration reform, leading the administration to pursue limited policy changes though executive action. The most significant of these actions was Deferred Action for Childhood Arrivals (DACA) which provided temporary protection from deportation for eligible undocumented individuals brought to the US as children. DACA allowed families with young children that were undocumented apply for protection. Although President Obama did call for longer lasting reform, Congress did not act on any during his time in office, and in the absence of congressional legislation the Presidents executive orders led to some controversy. The 5<sup>th</sup> District Court decision was affirmed due to a 4-4 split in the Supreme Court ruling that the President was bypassing Congress to grant legal status to undocumented immigrants (Álvarez, 2022). Although specific to immigration, it does continue to outline a pattern of executive overreach. DACA likely would have achieved greater legal durability had Congress enacted statutory reform rather than leaving the program dependent on executive authority. As of the mid-202's DACA remained legally contested, demonstrating the instability of major programs created without congressional enactment ( U.S. GOV, 2023).

Obama also redirected immigration enforcement priorities awa from broad removals and toward individuals with serious criminal records or public safety risks. In 2014 President Obama announced Immigration Accountability Executive Action that outlined a shifting of focus and

resources for the executive departments. Among these priorities was the announcement on “Deporting Felons not Families” (Office of the Press Secretary, 2014). This policy placed a heavy burden on law enforcement but did not provide additional resources. Additionally, some aspects were not as clear, such as the definition of felony which led to cases where individuals who have committed minor offenses are deported, while more serious offenders may be allowed to remain in the country. However, because none of these orders required funding changes, only shifted priorities under already existing mandates and established agencies there was truly little challenge. States were not directly affected because only federal agencies were affected, and no state support was required. These executive actions are a prime example of an effective use of the Presidential Executive Order; however, they did not have the sweeping changes that congressional support could have obtained. President Obama did successfully shift the focus of immigration enforcement to prioritize those with criminal records rather than all undocumented immigrants, however heavy reliance on local law enforcement to notify ICE and other federal agencies was a limiting factor. In retrospect, many Obama-era immigration reforms proved vulnerable because executive actions lacked the permanence, funding structure, and legal certainty that congressional legislation could have provided.

President Obama's administration demonstrated that modern federalism is less about direct confrontation between state and national governments and more about negotiation through incentives, funding, executive action, and judicial review. Like many presidents before him, he utilized federal funding support to incentivize states to adopt federal programs and initiatives. Educational programs were a remarkable success and heavily adopted while states maintained, or in many situations gained power over educational programs within their borders. The ACA proved that the federal government could go too far, and if not held back but the US Supreme

Courts Constitutional oversight federal creep over states would happen. Executive Orders can rapidly change policy direction, but they often lack the durability and institutional legitimacy of congressional legislation, however it can motivate Congress to act. Without doubt ESSA, ACA, and immigration will need to be revised and modernized as more issues and culture changes come to life. Although many claimed that federal power grew under President Obama, state rights flourished in education, and excessive federal overreach within the ACA was curtailed by the US Supreme Court. It would be fair to say that although President Obama didn't directly diminish state rights or power, he did expand the power of the federal government. The power between states and the federal government will continue to expand and overlap as time moves on. However, the balance of power between federal and state governments has shifted, with the federal government gaining more power and bureaucracy. Despite this, recent presidents, such as Obama, have made efforts to keep a status quo of federal and state powers. The US government, as set up by the founding fathers, has proven to be resilient and adaptable over the centuries, surviving various challenges and changes, however there will continue to be issues as time continues and more regulation is implemented.

Ultimately, Obama neither dismantled state power nor did he fully centralize national authority. Instead, his presidency reflected on a more modern model of cooperative but contested federal power and oversight. His administration pushed to normalize federal guiding of policy outcomes while states shaped the implementation. Into the future debates over healthcare, education, and immigration President Obama's administration will be a core example of balancing national influence and state independence.

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**President Obama's Balance of Federalism and State Independence**

Literacy Review

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POLS650 I001 Winter 2023

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Throughout the history of the United States, presidents have faced challenges in maintaining the delicate balance between federal and state power. President Obama is a recent President that used his role as the leader of the United States to address national challenges while working to ensure states could fine tune the federal efforts.

### **Research Question**

Has the degree and impact President Obama made in his approach of balancing federal and state power set an increased precedent of Federal mandates over state rights?

### **Literature regarding Affordable Care Act**

The Affordable Care Act or ACA is the prime example of President Obama's mandates over states. According to the Journal of Ethics in July 2013, the ACA grants state significant discretion in implementing many of the law's provisions. This discretion allows a state to tailor the law to their specific needs and circumstances. States implementation of the ACA is crucial to successful implementation. The article makes it clear that it is a federal requirement that requires state level management (Sommer, 2013).

The Journal of Ethics goes on to speak to the Supreme Court Ruling in 2012, striking down ACA's ability to withhold funds for states that refuse to expand Medicaid eligibility criteria. The article then discusses the Supreme Court's ruling on the constitutionality of the ACA in *National Federation of Independent Business v. Sebelius*. The author notes that the Supreme Court upheld the individual mandate as a valid use of Congress's power to tax but struck down the Medicaid expansion as an unconstitutional coercion against the states. The Supreme Court's ruling has provided some clarity on the constitutionality of the law, and it's abuse of power over

the states by withholding funds, however there is still much public debate surrounding the issue (Blake, 2012).

The Cato Institute published an article regarding executive overreach in 2013. President Obama used executive orders directly with implementing or delaying aspects of the ACA, something the states themselves could not do. This article speaks more to the direct acts of using executive orders to tweak and adjust how a law is implemented after it has been passed by congress and signed by the President. The article looks at the expansion of executive powers under President Obama regarding ACA; however, it is very critical in nature (Blackman, 2016).

## **Education**

In 2015 President Obama championed the legislation effort “Every Student Succeeds Act”, or ESSA, this replaced the “No Child Left Behind.” Dr. Saultz who has completed much research on ESSA. In the article Dr Saultz outlines how ESSA changed education to allow states to adopt strategies that work best to achieve the federal directives. The author states federal power is restricted by the new laws as it sets teacher evaluations and what student standards tools should be used (Saultz, 2016). In essence ESSA removes the federal “stick” from previous legislator, where in most of the power comes from financial support to programs at the state level, however the law still requires state educational programs to report to the federal Department of Education (Moran, SUMMARY OF FEDERAL EVERY STUDENT SUCCEEDS ACT, THE REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, 2013). Per these articles, President Obama reduced the federal control over education to the states.

## **Immigration**

President Obama's administration implemented several policies that increased federal control over immigration enforcement. Focus shifted to targeting illegal immigrants that posed a threat to public safety. President Obama expanded previous administrations' programs on immigration, which led to more overall deportations (about 3 million compared to President Bush's 2 million), however the effects of the changes led to an interesting fact, roughly the same number of illegal immigrants that resided in the US were the same upon leaving office as when he took over the Presidency. Under Obama states were required to cooperate with the federal government in a previous administration program called Secure Communities. This article published by Cato describes Obama's immigration policy as "harshest and largest immigration enforcement regime in American history". However, Obama did enact policy to help immigrant families known as DACA, shielding hundreds of thousands, which could have been extended but some of the efforts were deemed unconstitutional. Over the author writes that Obama's administration implemented policies that increased federal control and enforcement and made effort to pass more control to the states, however, could not bring it to fruition due to the limits on government imposed by the US Constitution (Nowrasteh, 2017).

## **Summary**

President Obama used executive orders to shore up issues that Congress was struggling to pass. Although many have often claimed that federal control over states increased under President Obama, there are several legislations that he championed and executive orders that worked to limit federal power overall. The balance of power between the federal government and states, as well as the role of the president in implementing policies in the absence of congressional action is laid out in several policies and subjects. Overall, the authors and subjects researched so far showcase that under President Obama federalism was used to work and ensure

that federal power set expectations but limited the involvement of the federal governments management of the programs. President Obama used federal support, specifically funding, to entice states to adopt the policies the federal government prioritizes (Metzger, 2011). Most of the research to support the argument of President Obama's role in federalism was created during his presidency. Directly looking at changes in legislation and direction from his executive orders and any result of state-changing policies has not been compared in retrospect.

**Thesis:**

President Obama wrote executive orders and supported legislation to give states more power but used the promise of federal support and funds to entice state governments to adopt preferred programs; keeping a balanced approach that supported a status quo at the completion of his terms. The enticement has allowed states to adopt policies long term opposed to shorter adaption for federal appeasement.

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**Artificial intelligence (ChatGPT, OpenAI GPT-5.3) was used in a limited support role for, source discovery assistance, proofreading, and organizational feedback.**