



Providing a fresh roadmap for a divided nation

ANNUAL REPORT 2022

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President's Letter

I'm excited and honored to be the new President of the Niskanen Center. I've spent my career in academia, government, and think tanks. For the last 13 years I was at the Brookings Institution, first leading its economics program and then as its Executive Vice President. I was drawn to Niskanen because I saw it as a dynamic and vibrant place, built to be adaptive and responsive to the modern information, technological, and political landscape. It is a source of optimism in a pessimistic policy and political landscape frequently consisting of either complacency or populist outrage.

I've had a mounting concern for the ability of our political, media, academic, and policy institutions to respond to real flaws revealed through the information age. We need strong and healthy institutions — otherwise we're left with populist passions, authoritarian impulses, and no credible governing philosophy of achieving social progress.

America in the 21st century faces a series of daunting challenges: low productivity and slow economic growth, mass incarceration combined with high crime rates, unaffordable housing costs that prevent people from moving to where they have the most economic opportunity, falling life expectancy despite high healthcare costs, the need for a transition to clean energy to defuse the threat of climate change, and a dysfunctional immigration system.

Successfully addressing these challenges will require the best of our institutions, and yet those institutions are currently under severe stress and plagued by a crisis of legitimacy. At Niskanen, we seek to redress this institutional infirmity through the practice of transpartisanship: We draw on the best ideas from across the ideological spectrum, and in particular, we recognize that innovative, free markets and an effective government that provides social

insurance and essential public goods are mutually dependent. We are an intellectual home for diverse and heterodox ideas and people seeking to transcend ideological tribalism and the false choices and zero-sum politics perpetuated by partisan battles, legacy coalitions, and ossified institutions.

Unlike split-the-difference bipartisanship, transpartisanship unbundles and recombines promising ideas long associated with competing partisan coalitions and appeals to the different factions on their respective terms. Transpartisanship represents the most viable strategy to renew American self-governance and to restore faith in liberal democracy by demonstrating that progress on important problems is possible.

Transpartisanship as we practice it is about more than just generating good ideas for achieving social progress. At Niskanen, we are deliberate in our approach to putting these ideas into concrete action. We work closely with a broad range of political actors, including legislators and their staff, presidential appointees, civil servants, policy experts, and interest groups, to help shape and enact public policies. Our goal is to build strong relationships and maintain a spirit of openness across political parties, so we can bring together the sorts of cross-partisan, odd-bedfellows coalitions that are increasingly effective in advancing meaningful social change.

In Niskanen's short history, our transpartisan approach has captured the imagination of public intellectuals and policy experts. And we've shown proof of concept by, for example, encouraging center-left Democrats to propose and enact a generous child allowance, getting moderates in both parties to endorse reforms toward a more welcoming and humane immigration system, and helping Republicans introduce carbon pricing legislation. All the while, we have acted as defenders of liberal democracy, the rule of law, and the principles of a free and open society. And we have only begun to realize our potential!

TED GAYER

President,
Niskanen Center

Chairman's Letter

In just eight years, the Niskanen Center has swiftly evolved from a small, idiosyncratic curiosity in the often staid D.C. think-tank space to an influential and highly-regarded organization that still manages to surprise and innovate thanks to its fresh approach to politics and policymaking. We may no longer be the new kids on the block, but we are not content to rest on our laurels. Instead, we evolve at pace with society's ever-shifting needs and work to restore faith in our democratic institutions by drawing on — and synthesizing — the best ideas from across the political spectrum.

I am pleased to announce that Niskanen's leadership transition was accomplished seamlessly and successfully with Ted Gayer joining Niskanen as president this year. Ted comes to us from the Brookings Institution, where he most recently served as executive vice president. We are confident that he will amplify Niskanen's commitment to gold-standard work, further solidifying our position as a formidable pillar in American policy and politics.

I am deeply proud of what Niskanen has come to represent and in awe of the speed with which it was able to do so. In these eight short years, this organization has built an intellectual space for the many individuals who reject the notion that they must neatly subscribe to one rigid ideological box. We recognize that to meaningfully and tangibly improve lives, working across partisan lines is a must, and combining rigorous intellectual work with direct advocacy and litigation can help solve society's most urgent issues.

This last year saw Niskanen advance even further toward our goals, with our prolific output and relationship-building culminating in a bevy of legislative successes and strategic partnerships. Our research and advocacy were instrumental in the launch of President Biden's Unite for Ukraine initiative, which has already enabled thousands

of Ukrainians to come to the U.S. through private sponsorship, and a similar program for Venezuelans. The climate team's work on transmission infrastructure has made them a regular source of expertise for policymakers and reporters.

Niskanen also continues its tireless push for a bipartisan Child Tax Credit (CTC) expansion that addresses concerns over work incentives, making a convincing case that child benefits are work-enabling. In light of the ever-present pandemic, we continue our steadfast advocacy for the liberalization of intellectual property regulations when fighting COVID-19. Finally, the criminal justice team made a potent splash with its instrumental work supporting the bipartisan VICTIM Act (which passed in the U.S. House of Representatives and is awaiting a vote in the U.S. Senate) and the SOBER and CIVIC Acts, both introduced in the U.S. House earlier this year.

The U.S. will continue to face complex challenges in the months and years ahead. Fortunately, we are uniquely positioned to play a crucial role in tackling these challenges. We wouldn't be in that position if it wasn't for your unwavering support and confidence in our distinctive vision and strategy — and for that, we are deeply grateful. We are optimistic that, with your continued support, we will have the necessary resources to rise to the occasion and help ensure security, prosperity, and justice for all people.

I encourage you to read on and learn about the Niskanen Center's many hard-won achievements this past year. As Chairman of the Board, a financial supporter, and an admirer, I hope you will join us at our upcoming events, sign up for our newsletters, and get to know who we are, what we do, and why we are worthy of your attention and support. With Ted's leadership, we are particularly excited and optimistic about the years ahead.

I expect great and impactful things to come from Niskanen, and I hope you continue alongside us on this journey.

BOB LITTERMAN

Chairman, Niskanen Center

Chairman, Risk Committee, Kepos Capital



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About the Niskanen Center

The Niskanen Center is a public policy think tank committed to strengthening liberal democratic governance by developing and advocating policies to provide widespread abundance, security, and opportunity. We believe that achieving these goals requires a strong and effective public sector and a dynamic and competitive private sector. We uphold the principles of a pluralistic and open society and a commitment to engagement, cooperation, debate, and learning.

Successfully addressing the challenges facing America in the 21st century will call upon the best of our liberal democratic institutions. Yet, those institutions are currently under severe stress, plagued by a crisis of legitimacy. By transcending ideological tribalism and the false choices and zero-sum politics perpetuated by partisan battles, legacy coalitions, and ossified institutions, the Niskanen Center can help to initiate a virtuous circle: restoring faith in liberal democracy by demonstrating that progress on important problems is possible, and then working with revitalized institutions to chart and achieve further progress.

The Niskanen Center offers a constructive and optimistic response to contemporary challenges. We call it transpartisanship because we draw on the best ideas from across the ideological spectrum. Unlike split-the-difference bipartisanship, our approach unbundles and recombines good ideas long associated with competing partisan coalitions and appeals to different factions on their terms. Transpartisanship is not just about idea generation. It's also our deliberate approach of working closely with a broad range of political actors to help shape these ideas into policies that get enacted. Transpartisanship represents the most viable strategy to reform American governance and achieve greater prosperity, security, and opportunity.

programs across the country. Our work also encouraged a pilot program aimed at employing SCF-based discipline to reduce the use of solitary confinement in federal prisons.

This year, we published several notable papers and commentaries on improving the justice system. Among the topics addressed: why and how both parties should improve their policy responses to violent crime; improving police responses to protests; why crime reduction is the key to ending mass incarceration; why lawmakers should

Criminal Justice

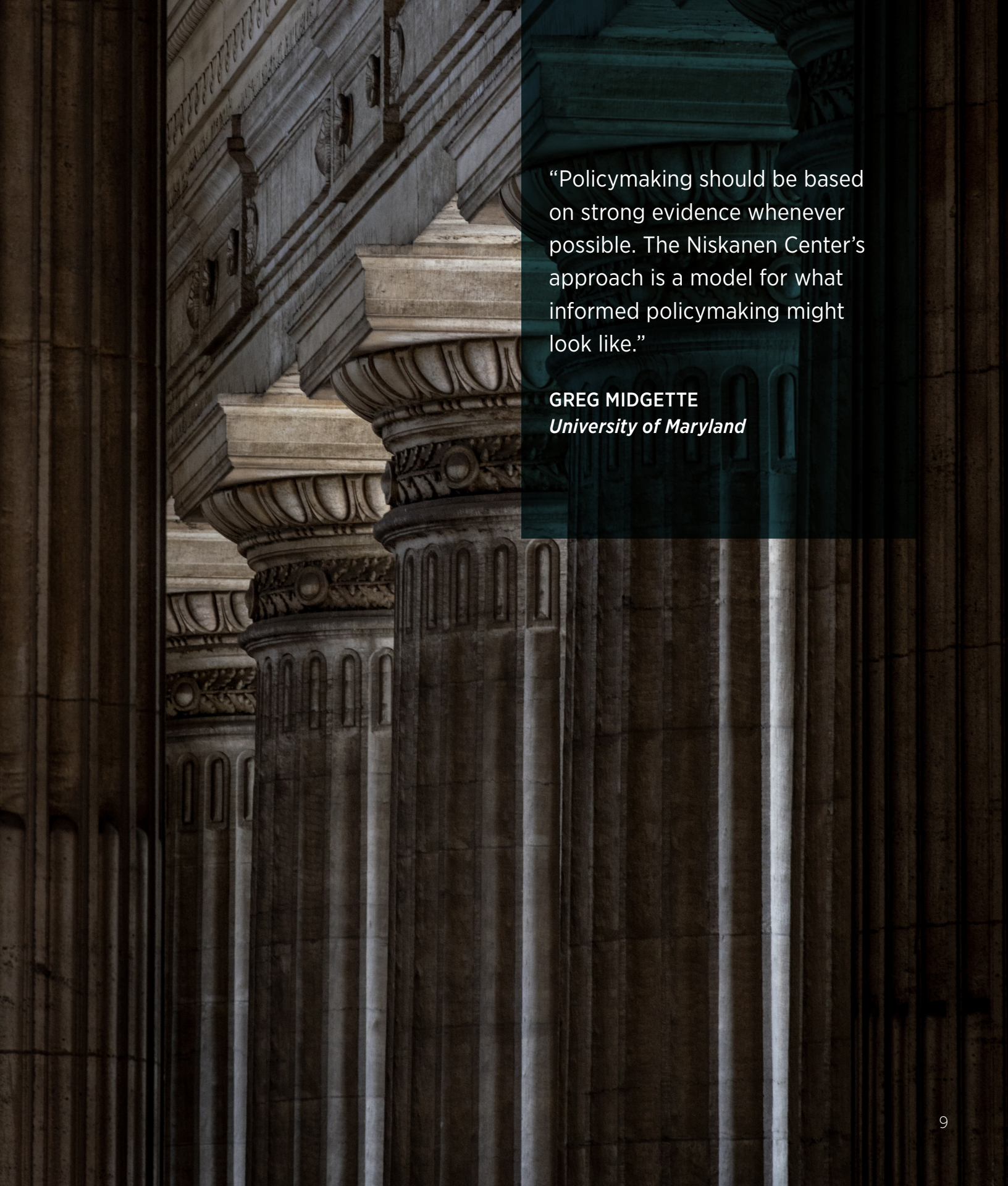
As crime and public safety emerge as top national issues, lawmakers across the ideological spectrum are clamoring for effective, evidence-based criminal justice policies. Niskanen's criminal justice department is proving instrumental in answering these calls. In its first full year, the department swiftly advanced a unique, bold policy agenda designed to improve the effectiveness and efficiency of the U.S. criminal justice system. It has subsequently emerged as one of the most credible and reliable resources for Capitol Hill, the press, and an interested general audience.

Niskanen worked closely with members of Congress in both parties to develop and advance critical legislation. For example, the bipartisan VICTIM Act, which would provide grants to hire, train, and retain detectives and victim services personnel to investigate shootings, passed in the U.S. House of Representatives and is awaiting a vote in the U.S. Senate. The SOBER Act, which would help expand "24/7 Sobriety" programs around the country, was also introduced in the House and Senate with strong bipartisan support.

Niskanen's research and advocacy also helped secure a substantial increase in appropriations for implementing and evaluating "swift, certain, and fair" (SCF) probation

"As we work to keep all Americans safe it is critical to have good data and expert analysis that can inform effective policy. I have been glad to partner with the Niskanen Center in our efforts to pass the VICTIM Act, legislation to hire additional homicide detectives and victim support specialists. Our work to protect public safety by catching murderers and getting bad guys off the street should be a joint and nonpartisan priority in Washington and I hope to continue these important efforts in the year ahead."

U.S. REP VAL DEMINGS (FL-10)



“Policymaking should be based on strong evidence whenever possible. The Niskanen Center’s approach is a model for what informed policymaking might look like.”

GREG MIDGETTE
University of Maryland

expand promising alternatives to jails and prisons; how cities can tackle endemic violence; and how a focused approach to policing has reduced gang-related gun violence.

The team also published several op-eds on timely topics, including why Congress should fund police efforts to solve murders; the shortcomings of criminal justice data collection; how “enforced inconvenience” can deter fare evasion on public transit; how cities should handle the problem of disorder and antisocial behavior; and a framework for how federal and state lawmakers should craft public safety policy after the midterm elections.

Niskanen is fortunate to have a strong network of elite criminal justice researchers who advise and counsel the staff. This includes University of Pennsylvania Associate Professor of Criminology Aaron Chalfin, who joined the department this year as a senior fellow.

The criminal justice team remains committed to the belief that the key to optimal criminal justice policy is constant experimentation, rigorous evaluation, and unwavering commitment to the highest evidentiary standards. And we are committed to helping lead the effort on behalf of intelligent solutions that promote the twin goals of public safety and social justice.

Given the current political landscape and the renewed importance of crime as a national political issue, Niskanen’s criminal justice work is vital. In less than two years, the team has helped shape the national conversation around crime, violence, social order, and punishment — and our influence continues to grow. We anticipate new federal legislation based on our research and analysis early next year and hope to expand education and advocacy efforts to the state level. This year was a resounding success for the young criminal justice department, and we look toward 2023 with much crucial and consequential work to come.

“The Niskanen Center’s support and guidance was critical in getting legislation for the 24/7 sobriety program introduced. The expertise the Niskanen Center provided along with means to introduction was invaluable and the result is commonsense legislation like the SOBER Act. I am grateful for its dedication to getting this bill across the finish line.”

U.S. REP. DUSTY JOHNSON (SD-AL)



Open Society Project

As American democracy continues to face urgent threats, the Niskanen Center's Open Society Project (OSP) has redoubled its efforts to rally the pro-democracy forces through action and analysis.

The principal OSP instrument for building and maintaining our pro-democracy network remains the biweekly Meetings of the Concerned, which we have hosted since early 2017. The off-the-record format and high participant engagement have allowed us to convene in-depth conversations on some of the more complex aspects of current politics and the ongoing threat to democracy.

Among the topics addressed in these meetings, Stanford Law School fellow Matthew Seligman discussed how to approach reform of the Electoral Count Act; columnist A. B. Stoddard delved into the details of Texas' voter suppression law; Tufts University's Daniel Drezner spoke on the Russian invasion of Ukraine; and TechFreedom's Corbin Barthold presented on the nondelegation doctrine behind the Supreme Court's *West Virginia v. EPA* case.

We also heard about the Republican Accountability Project from Bill Kristol; the Forward Party from co-founder Joel



“The Niskanen Center fills a badly-needed philosophical niche in the Washington think-tank world, and the analysis its staff provides is invariably provocative and useful. This is an organization that punches well above its weight.”

JONATHAN CHAIT
New York Magazine

Searby; the Supreme Court's *Dobbs* decision from columnist Jackie Calmes; America's demographic shift toward being a majority-minority society from George Mason University's Justin Gest; and the history of the moderate Republican activist group the Ripon Society from co-founder Emil Frankel and other members who were active in the 1960s and 70s.

Since February 2021, the OSP has sponsored the Vital Center Podcast to defend the political center against illiberal extremes and to have substantive conversations with people who are thinking creatively about how to save liberal democracy and restore a functional government. The podcast has broadcast almost 40 hour-long episodes to date. Notable interviewees included Rachel Kleinfeld on political violence, Greg Sargent on structural problems with American democracy, Aurelian Craiutu on the challenges to liberalism and moderation from within developed societies, and Michael Mazarr on the eroding societal foundations of American national competitiveness. The podcast also featured authors of impactful new books, including John Avlon, James Fallows, Nicole Hemmer, Andrew Koppelman, Richard Reeves, Jeremi Suri, and Philip Zelickow.

The OSP has continued to commission intellectual defenses of liberal democracy and studies that explore restoring faith in democratic institutions. We have also continued to engage in collective efforts to challenge the forces threatening democracy and effective governance. Partners in these efforts have included the Brennan Center for Justice, Business for America, the Campaign Legal Center, Common Cause, Issue One, Leadership Now, Protect Democracy, and the Southern Coalition for Social Justice.

The year-old State Capacity Project (SCP) complements OSP's initiatives by focusing on the sources of democratic and government dysfunction and proposing specific reforms to restore public trust by bringing about better institutional performance.


To that end, Brink Lindsey produced a crucial study this year, "Incapacitated: How a Lack of State Capacity Doomed the U.S. Pandemic Response." He concludes that COVID-19 was much deadlier in the U.S. than in most peer

countries because "American authorities proved incapable of standing up and executing testing at sufficient scale." Lindsey apportions blame to varying factors, including failures of political leadership and problems in the underlying political culture, but principally to a lack of relevant state capacity.

Another SCP project is a bipartisan research agenda with the Brookings Institution focusing on declining American state capacity and its consequences for governance in a democratic society — and, more specifically, on the decades-long outsourcing of federal government functions to private contractors. The project will produce white papers over two years and convene off-the-record seminars, bringing together a wide range of scholars and practitioners of civil service reform.

"I discovered Niskanen during the 2020-2021 COVID crisis, and found its broad network of experts, openness to cross-ideological conversations, and general commitment to the public good invaluable for the efforts of my research team to help develop effective COVID policy."

DANIELLE ALLEN
Harvard Kennedy School



“My work on democracy at the Carnegie Endowment for International Peace is better for the trenchant analysis of the Niskanen Center. Polarized politics makes for predictable policies that often fail the public interest: the Niskanen Center offers unique, operational insights that could revive the public trust in our democracy.”

RACHEL KLEINFELD
Carnegie Endowment



Immigration



Most congressional candidates in America — from far-right to the most progressive — featured immigration in their midterm election campaign platforms. On the Hill, this visibility did not translate to action. With Congress gridlocked, the Biden administration attempted to address increasingly-fraught immigration dilemmas.

The Niskanen immigration team's pioneering research and advocacy on private refugee sponsorship, which began in 2015, proved an indispensable tool this year in the Biden administration's rollout of two historic admissions programs: Uniting for Ukraine (U4U) and the Process for Venezuelans. Our work has also strongly informed the Biden administration's use of sponsorship for Afghans and its broader private sponsorship pilot, set to launch in January 2023.

The Venezuelan parole program is a premier showcase for Niskanen's impact on U.S. immigration policy. Having endorsed and published more analysis on U4U than any other think tank, Niskanen proposed that the administration apply the U4U model to Venezuelans. Soon after, newspapers of record endorsed the idea, and over 40 Venezuelan American groups sent a letter urging Homeland Security Secretary Alejandro Mayorkas to act on the Niskanen proposal.

As the administration considered the proposal, Niskanen continued to provide background information to outlets including the *Wall Street Journal*, *Bloomberg*, and the *New York Times*. These efforts came to fruition in October, when the Biden administration announced an expansion of the U4U program for 24,000 displaced Venezuelans. To date, over 165,000 Americans have volunteered to serve as sponsors of displaced Ukrainians and Venezuelans.

This year the immigration team also delved into the labor shortages that tangibly impact Americans' day-to-day lives, which featured prominently on CNBC this fall. In October, Niskanen published original research and policy recommendations on updating the Schedule A list. This is a Department of Labor designation that has not been updated in years, leading to slowdowns in processing for foreign employees taking roles in industries with critical shortages. In a stakeholder briefing with officials at the

White House and U.S. Citizenship and Immigration Services, Niskanen made a case for updating Schedule A to make the U.S. more globally competitive. We also included the idea in a joint paper published with the Center for Global Development and Institute for Progress that also laid out other innovative policy proposals to expand legal migration pathways from Central America.

Throughout the year, Niskanen engaged in private conversations regarding the future of the Deferred Action for Childhood Arrivals (DACA) program. With engagement from members of Congress, senior staff on Capitol Hill, and some of the most prominent lobbyists and advocates on the right and left, our thinking on DACA strategy and policy prescriptions — some published in *The Hill* — have been widely adopted in the immigration space.

When Rep. John Katko (R-NY) initially introduced “Bridging the Gap for New Americans” in 2020, Niskanen was one of the first organizations to endorse it. The immigration department helped recruit bipartisan co-sponsors for the House and Senate versions of the bill, working closely with lead offices and advocacy partners to build support for elements of the legislation that passed unanimously in the Senate and with enormous margins in the House. In the fall of 2022, President Biden signed the bill into law, requiring the Department of Labor to study how we can better employ immigrants with foreign credentials.

“The Niskanen Center is an engine for rigorous analysis and practical ideas to shape U.S. refugee and immigration policy for the benefit of newcomers and Americans alike.”

Cindy Huang
*Former Director of the Office of
Refugee Resettlement (ORR)*

“The Niskanen Center is a top tier thought leader on immigration policy, respected on both sides of the aisle among lawmakers and outside groups alike. The Niskanen Center’s immigration team couples its deep understanding of the political dynamics surrounding immigration with its impressive research capabilities to develop and produce innovative policy ideas that are crucial to efforts to advance the overall cause of overhauling our immigration system.”

CASEY HIGGINS

*Senior Policy Adviser at Akin Gump,
Former Assistant to Speaker Paul
Ryan*

In 2022, Niskanen’s immigration team remained a prominent voice in conversations on the most pressing immigration policy issues: how to help Ukrainians, what to do about the future of DACA, and how to expand legal pathways at the border. We published impactful research, frequently engaging with officials throughout the Biden administration, on the Hill, and with influential advocacy groups. The immigration team anticipates much more of this critical work in 2023, looking ahead with pragmatism and cautious optimism.




Climate

In 2022, the Niskanen climate department focused on unlocking energy abundance, advocating targeted governmental actions to spur markets to generate a bounty of low-carbon options. With the passage of the bipartisan Infrastructure Investment and Jobs Act and the Inflation Reduction Act, the team's abundance agenda gained significant momentum.

Niskanen is becoming an increasingly indispensable voice for new transmission infrastructure. There is a general consensus among policymakers that more energy infrastructure is necessary, and the status quo is not working. Still, disagreement remains on how to approach this problem. By emphasizing that transmission creates a more reliable grid *and* delivers affordable, clean energy, we are fostering support from those who urgently care about climate change *and* those who prioritize energy security and resilience. Our evidence-driven approach has made us a regular source of expertise for congressional offices, agencies, and the White House.

Building on our transmission work, Niskanen highlights how federal policy hinders many low-carbon energy sources by placing significant barriers — permitting, siting, and



“Niskanen has been a breath
of fresh air in the Washington
scene. It’s been a pleasure to
collaborate with them.”

TED NORDHAUS
Breakthrough Institute

leasing — in their path. We are pushing to remove those barriers and enable the construction of more transmission, geothermal, wind, solar, and nuclear power.

Niskanen is also investigating the role of local opposition and what the clean energy movement can learn from the housing “Yes in My Backyard” (YIMBY) movement. As part of the work to promote solutions with bipartisan appeal, our team has engaged with environmental justice communities to learn more about how they view climate policy and clean energy siting.

Our persistent efforts to include lawmakers across the partisan spectrum at the table to discuss climate science and risk are also paying dividends. Few Republican officials now openly deny climate science, and some even embrace the need for action. For example, our partnership with scientists at the Woodwell Climate Center has led to open conversations about how climate impacts Republican districts and what policymakers can do to address constituent concerns. We nurture bipartisan support for natural climate solutions like forest fire management and precision agricultural practices that benefit rural Americans and promote climate mitigation.

The climate team also continues to push for a carbon tax that would unleash the power of markets to scale low-carbon solutions. While there are no immediate prospects for a sweeping tax, the impending European carbon border adjustment policy has engendered intense bipartisan interest in an American analogue. Niskanen’s recognized expertise has put us at the center of many of these discussions. We published multiple white papers, commentaries, op-eds, and blogs on carbon border adjustments and hosted a well-received webinar. In addition, we are undertaking new research to show how carbon revenue could fund domestic policy priorities such as the Child Tax Credit. We expect that increasing pressure to raise federal revenue may lead to bipartisan support for a carbon tax as a source of funds.

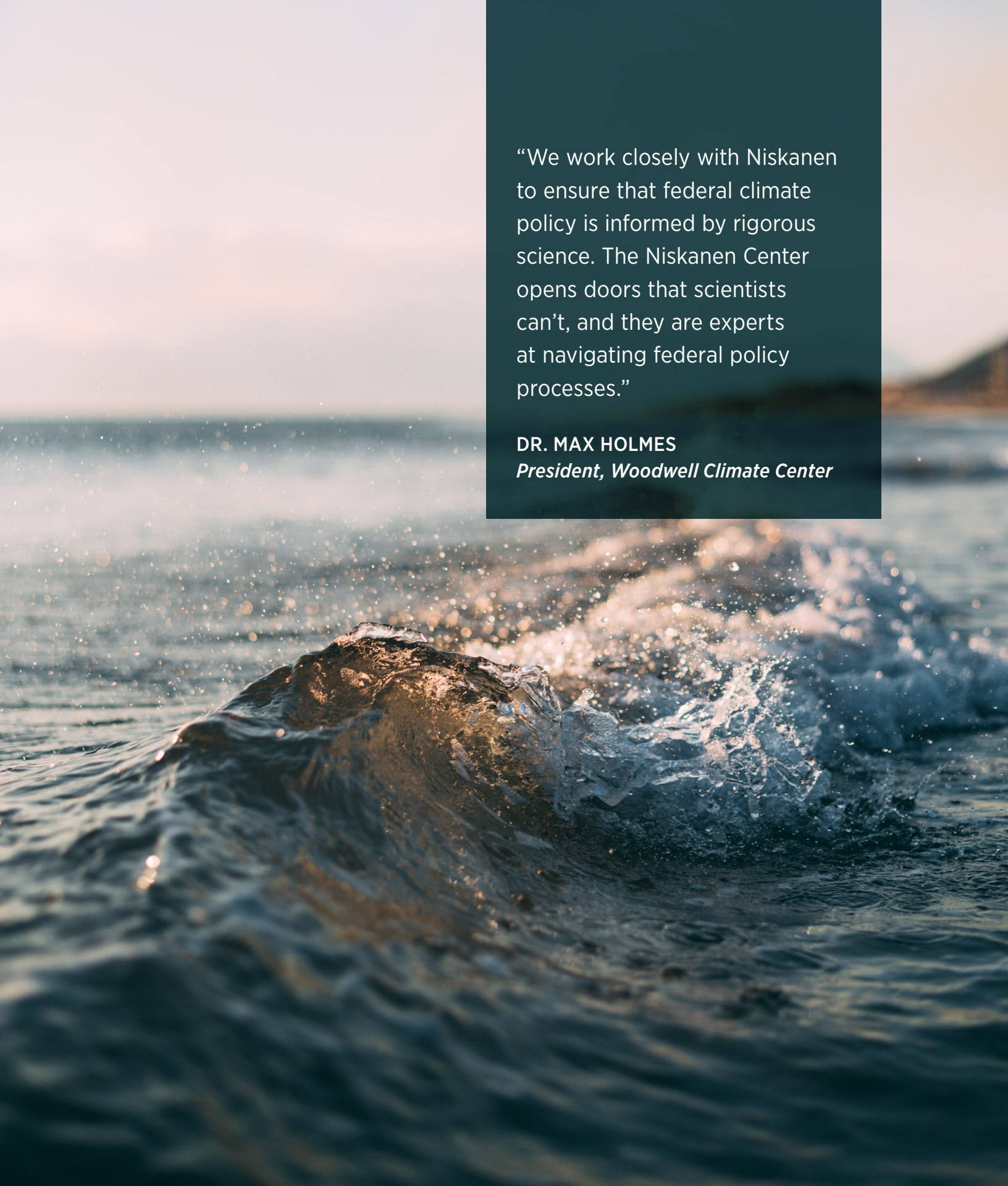
Our team’s commentary and expertise remain prominent in the most influential national and D.C.-based news outlets, including The New York Times, The Washington Post, The Atlantic, Bloomberg, Politico, and Axios. We

also remain fixtures in the most widely-read outlets in the climate community, such as E&E News, Utility Dive, and InsideClimate News.

There is, of course, much work to be done in the years ahead. Still, thanks to the indispensable climate team Niskanen has assembled and its tireless efforts, we are confident that we can steer consequential conversations in the right direction, positively influence climate policy, and ultimately improve the livelihoods of many Americans, present and future.

“The Niskanen Center brings priceless analytical rigor and bipartisan thought leadership to the important topic of carbon pricing. The Center’s team is collaborative, creative, and effective. They are indispensable partners to the Climate Leadership Council in our shared commitment to achieving federal carbon pricing and meaningful climate action.”

CATRINA RORKE
Climate Leadership Council



“We work closely with Niskanen to ensure that federal climate policy is informed by rigorous science. The Niskanen Center opens doors that scientists can’t, and they are experts at navigating federal policy processes.”

DR. MAX HOLMES

President, Woodwell Climate Center



STOPPING UNNECESSARY FOSSIL FUEL INFRASTRUCTURE

Under an archaic regulatory regime, the federal government gifts rates of return to interstate natural gas pipelines that they could never earn on their own. Thus, with the permission of the Federal Energy Regulatory Commission (FERC), the fossil fuel industry builds unnecessary projects that harm ratepayers, landowners, and communities — all while thwarting a clean energy transition. Niskanen fights unneeded gas infrastructure projects by representing landowners throughout the country in the courts, administrative proceedings, and other advocacy efforts.

A fundamental premise of our work is that the federal government must correct its flawed economic signals and meaningfully address whether the public needs these projects. With this in mind, our work in the mid-Atlantic and Gulf Coast continues to expand. As in our previous case challenging the now-defunct Jordan Cove project in Oregon, Niskanen represents landowners fighting proposed pipelines to supply liquefied natural gas (LNG) export terminals in Louisiana. In these cases, we argue to FERC (and will eventually argue to the D.C. Circuit) that export-only

projects are not in the public interest and that the project developers therefore cannot use eminent domain authority to compel landowners to sell the land needed for these pipelines.

Niskanen also represents landowners and organizations challenging FERC's decision to allow the now-canceled Atlantic Coast Pipeline to continue to hold on to property taken for this project. Our work includes litigation, advocacy efforts that highlight the adverse consequences of bad governance (e.g., landowners' properties taken and destroyed for nothing), and policy work that informs FERC about how to avoid such flawed decisions in the future.

On the proposed Transco Regional Access Pipeline — yet another superfluous project — Niskanen continues to submit data and analyses to FERC on behalf of our clients, demonstrating that the project is uneconomical and unnecessary. We will litigate this in the D.C. Circuit next year, either challenging a FERC approval or defending FERC's authorization denial.

Niskanen's work involves several other pipeline dockets. We represent Illinois landowners in FERC's proceedings to decide what happens to the Spire pipeline (where the D.C. Circuit vacated FERC's project approval after the pipeline began operating). In the Fifth Circuit, we recently represented Oklahoma landowners on the Midship pipeline whose property damages will require millions of dollars to restore. We also work to bolster FERC's proposed "Duty of Candor" rule that requires pipeline companies to submit truthful information supporting their projects — which the industry is fighting tooth and nail.

HOLDING FOSSIL FUEL COMPANIES RESPONSIBLE FOR CLIMATE DAMAGES

We continue to represent Colorado's Boulder County, San Miguel County, and the City of Boulder in a climate nuisance case against the fossil fuel industry. This is the first case focusing on impacts beyond sea-level rise — problems such as drought, increased wildfires, and flooding from extreme precipitation. For the second time, the 10th Circuit agreed that the case belongs in state court. The defendants asked the Supreme Court to hear the case, and

the Court has asked the Solicitor General (SG) to express the views of the United States on whether it should do so. We have briefed the SG's office as to why she should tell the justices that there is no reason to review the 10th Circuit's decision. Meanwhile, state court proceedings (now split into two separate cases) are on hold pending the Supreme Court's decision.

MAKING GOVERNMENT MORE TRANSPARENT

Our government transparency project is suing several federal agencies (including the FBI) for refusing to turn over documents under the Freedom of Information Act about pervasive monitoring of peaceful opponents to the Pacific Connector Pipeline. In this case, the pipeline company paid for at least four full-time "pipeline" deputies on the local sheriff department's staff.

"Niskanen was instrumental in the release of two easement agreements by [a major pipeline company] after almost 10 years of litigation. They navigated the intricacies of the legal system in ways that my wife Melissa and I never could. Their tireless actions brought about a clear win for landowners against a formidable and well-resourced opponent. Melissa and I are incredibly grateful to the Niskanen litigation team!"

WILLIAM BARR (MAJOR/USMC)

**Views expressed individually and not espoused by the Marine Corps*

"The Niskanen Center has deep knowledge and experience when it comes to litigating complex matters related to natural gas pipelines and other fossil fuel infrastructure. It has a strong track record of success in defending the rights of landowners and communities against damaging, unneeded projects."

TOM GILBERT

Co-Executive Director, New Jersey Conservation Foundation

Social Policy

From the beginning of 2022, the social policy team hit the ground running in its fight to renew the previous year's historic Child Tax Credit (CTC) expansion. In response to the concerns Senator Joe Manchin (D-WV) expressed over work incentives, we argued that child benefits are work-*enabling* and brought together a panel of national experts on both sides of the debate. We called on Democrats to “meet Manchin in the middle” by striking a compromise on behalf of America's kids. With neither side willing to budge, we turned to the pages of the *New York Times* to make a case for a bipartisan CTC expansion that addresses the concerns of Democrats and Republicans alike.

The Family Security Act (FSA) 2.0 released by Senator Mitt Romney (R-UT) is that compromise. As an early supporter of the FSA, Niskanen was thrilled to see legislation introduced again with two new Republican co-sponsors and an updated design that balances benefit generosity and simplifications with solid work incentives. While the fate of the CTC is still uncertain, we are hopeful that the approach pioneered by Senator Romney can one day serve as a template for bipartisan negotiations.

In the meantime, the Niskanen Center's social policy team has grown considerably over the past year to include experts on pro-family tax reform and paid family leave, innovative industrial strategy and small-business reform, and Unemployment Insurance modernization. This year also marked the launch of Niskanen's housing policy program, which will use zoning, transportation, and land use policy expertise to extend the Yes In My Back Yard (YIMBY) movement. Amid growing homelessness and a housing affordability crisis, our team plans to advance reforms that make housing abundance a reality nationwide.

Policy solutions focusing on expanding the economy's potential to supply essential goods and services are now a recurring theme across all our work. The success of our 2021 white paper, “Cost Disease Socialism,” pushed Niskanen's work into the center of the debate over what *New York Times* columnist Ezra Klein dubbed “supply-side progressivism.”

Health care access and affordability provide a clear case in point. While more work is needed on the coverage side, Niskanen's team spent much of the last year shedding light on policies that restrict the supply of doctors and other medical professionals by design. This work demonstrates that improving the supply and allocation of primary care providers through cost-neutral reforms to America's graduate medical education system is essential to achieving an equitable health care system. Our research has been featured in several prominent outlets and has become a cornerstone in what journalist Derek Thompson calls “the abundance agenda.”

Our presence and impact are widening in tandem with the growth of our team, and more expansion is on the horizon to meet the burgeoning demand for ideas that cut across partisan divides and plant the seeds for durable social change.





Over the past year, elected officials, commentators, and policymakers' critiques of corporate power have grown in the forms of renewed calls for antitrust enforcement and skepticism of private sector influence. Still, the first step in clipping the wings of corporate power requires undoing regressive regulations that prevent competition and entrench incumbents. Here, the most obvious place to start is to tackle intellectual property regulations that create exclusive rights ripe for abuse by private parties.

This year the Copyright Office considered creating “ancillary copyrights” for press publishers. This policy would seriously diminish the ability to link to articles on the internet or use “snippets” for news aggregation. The Office’s final report recommended against adopting such ancillary copyrights, relying in part on arguments made by the Niskanen Center and our coalition partners against a regulation that is a second-best means of financing media with tremendous risks to the open internet and the free exchange of information.

The Captured Economy team also collaborated with its litigation colleagues to support *Valancourt Books* in its lawsuit challenging the constitutionality of the Copyright

Act’s mandatory deposit requirement. The Copyright Act requires the deposit of copies to register a work product and achieve the full benefits of copyright protection. Yet it also imposes this requirement on those *who do not wish* to register their works—and without compensation. The Niskanen Center’s view of intellectual property is based on the belief that constitutionally guaranteed private property rights are distinct from the exclusive rights created by intellectual property statutes like the Copyright Act. The latter must yield when they come into conflict, as in *Valancourt*.

Similarly, the Niskanen Center continues its efforts to promote policies that allow the owners of physical property, ranging from phones and cars to dishwashers and televisions, to repair their objects themselves or use a third party, rather than being forced to rely on the original manufacturers. We support the suite of changes to our intellectual property laws that make the “Right to Repair” a reality. Reforms that provide for this kind of flexibility reduce barriers to entry for independent repair shops, bring down costs to consumers, and weaken the stranglehold that owners of patents and copyrights have over end-users who don’t fully control their property.

Finally, as the effects of COVID-19 continue to reverberate, the Captured Economy team remains dogged in its advocacy for liberalization of intellectual property regulations to fight the virus. The Niskanen Center makes a distinctive contribution to this debate in the press, in submitted regulatory comments, and conversations with public officials. Our positioning bolsters our ability to successfully communicate the merits of intellectual property liberalization as an institution that believes inventors and manufacturers of the tools to fight COVID-19 should earn handsome rewards. Traditional means of promoting innovation through grants of exclusivity, and not being the only way to reward private efforts, are counterproductive to the public interest in times of crisis. The new approach Niskanen advocates changes the debate landscape and expands the menu of solutions available to policymakers.

In service of an approach to patents and copyrights that favors open access to inventions and research, the White House’s Office of Science and Technology Policy has imple-

mented an open access policy for published scientific research supported with government funding. In a round-up on the support it has received, the White House featured a Niskanen Center statement, highlighting our belief that tools and incentives like direct financing can yield the same — or better — results without the costs associated with regulation. The White House's open access policy is a prime example of this and an excellent first step to making this part of a broader pro-innovation and pro-abundance strategy.

“The Niskanen Center works on the issues that matter most in our times. Their deep commitment to empowering multiple communities and perspectives results in ground breaking and transpartisan solutions for the betterment of society. The Captured Economy team provides thought leadership and an influential voice in the ongoing fight for COVID-19 vaccine equity, and its broader implications for domestic and international pandemic response.”

PRITI KRISHTEL
Patent Reform Advocate

“Niskanen’s work extends beyond public-policy debates and into courtrooms...Translating public-policy expertise into actual court filings is a crucial part of making sure the judiciary understands the impact laws and regulations have on real-world businesses like IJ’s clients, and Niskanen’s work has been an essential aspect of that fight.”

ROBERT MCNAMARA
Institute for Justice

In a political landscape where rising costs and industry concentration are top-of-mind issues, policy solutions to prevent the abuse of regulatory exclusivity with an appeal to audiences across the political spectrum can satisfy ongoing demands to check the excess of private power. The Captured Economy project looks forward to an environment where the once below-the-radar issue of intellectual property takes center stage.

Communications

The Niskanen Center has firmly established itself as one of the most compelling voices informing American politics and policy. Over the past year, our imprint on national media has continued to grow. Niskanen is regularly cited in the most widely-read and influential media outlets, including *The Washington Post*, *The New York Times*, *Bloomberg*, *The Atlantic*, *New York magazine*, *the Associated Press*, and *Reuters*. This year Niskanen maintained its formidable presence in key D.C.-based publications, including *Politico*, *Roll Call*, *Axios*, and *The Hill*.

Niskanen Center policy experts also reaffirmed their robust presence in the opinion pages of a broad range of prominent publications. Niskanen op-eds were published in outlets including *The New York Times*, *The Washington Post*, *The Atlantic*, *The Guardian*, and *The Bulwark*.

We were also highly visible in some of the most viewed and listened to broadcast outlets, with over 200 appearances on TV, radio, and podcasts. Among the TV and radio outlets that Niskanen policy experts have been interviewed for or cited on are *NPR*, *Bloomberg*, *CNN*, *CNBC*, the *BBC*, *CBS*, and *Fox*. Niskanen policy experts were also featured guests on numerous popular podcasts for outlets ranging from

The New York Times to *National Review* to *The Hill*.

Niskanen's influence and timely work continue to be highlighted by prominent journalists, columnists, and academics who endorse our work in their widely-read pieces. Such writers include Jamelle Bouie, Ezra Klein, Catherine Rampell, David Brooks, Thomas Edsall, Greg Sargent, and Jonathan Capehart.

SOCIAL MEDIA

Our growing digital and social media footprint supports and amplifies our relationships with media outlets. In particular, Twitter is essential for reaching journalists, policymakers, and other thought leaders with our ideas and commentary. To that end, we were pleased to see steady growth in our Twitter followers and subsequent reach this past year.

The communications department worked closely with policy teams to create focused, rapid-response campaigns around urgent policy issues. For example, when Russia invaded Ukraine in late February, we immediately called the Biden administration to extend Temporary Protected Status and Special Student relief for Ukrainians. Our prompt activity on social media established us as experts and leaders on this issue, with the campaign receiving attention from prominent organizations, media outlets, and individuals.

Our Facebook page has also enjoyed steady growth in followers over the past year. We grew our Instagram account by about 30 percent to 2,100 followers (many of whom are in the public policy and media spaces). Our engagement rate per post hovered at about 5 percent, more than double that of nonprofits' average engagement rate this year.

Finally, our web traffic reached over 800,000 sessions this year, thanks to our growing presence on social media and increased search engine optimization efforts. Our research has ranked among the top 10 results on Google for queries like "state capacity," "cost disease socialism," "uniting for Ukraine," "family security act 2.0," and "daca news," leading thousands of people to our policy work and advocacy.

The
Guardian



POLITICO



The New York Times

The Atlantic

The Washington Post

NEW YORK

AP



NATIONAL
REVIEW

Bloomberg



Podcast

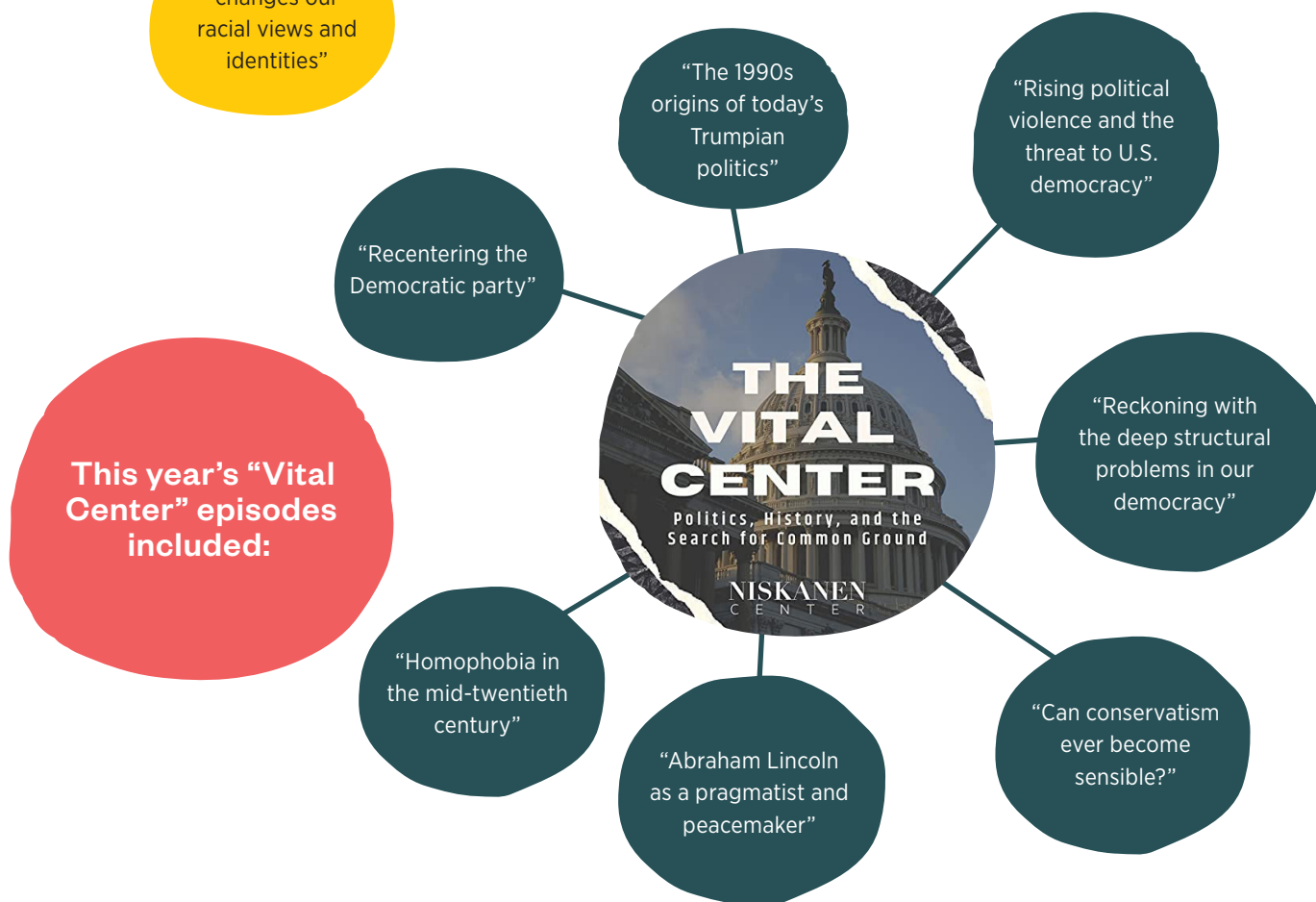
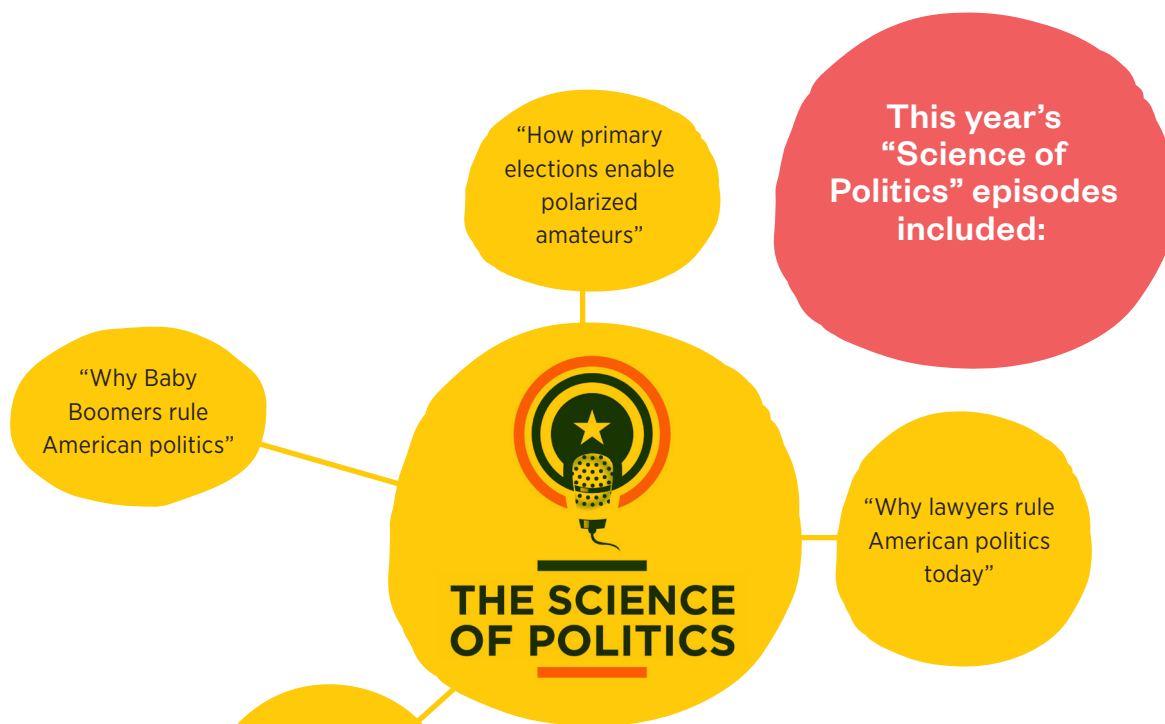


Niskanen's first biweekly podcast "The Science of Politics" — hosted by political scientist and senior fellow Matt Grossmann — celebrated its fifth year of helping listeners make sense of the ever-evolving terrain of American politics.

Over the past five years, "The Science of Politics" has featured top researchers delivering fresh insights on major trends influencing American politics and policy. The podcast is a crucial and recognized bridge between academia and political elites, illuminating the dynamics of democratic policymaking and providing a data-driven understanding of the political landscape upon which the struggle between open and closed societies is fought.

Niskanen's second biweekly podcast, "The Vital Center," hosted by Vice President of Political Studies Geoffrey Kabaservice, doubled its listenership as it celebrated its second year. Featuring guests such as *The Washington Post's* Greg Sargent, CNN's John Avlon, Reason's Stephanie Slade, and Brookings' Richard V. Reeves, the podcast highlights current academic scholarship, political literature, and the policy initiatives of the Niskanen Center and other nonpartisan institutions.





Financials

While the IRS allows 501(c)(3) think tanks such as the Niskanen Center — and 501(c)(4) organizations such as the related Niskanen Center for Public Policy — to keep the sources of their financial support confidential, we've decided to embrace donor transparency (the case for which is well made by, among others, On Think Tanks and Transparify). We disclose all donations of more than \$5,000 per year on our website, noting which policy departments or operations those donations are meant to support (if any). This list includes all donations that contribute to our current operating budget and is updated on our website as new donations arrive. We make exceptions for those donors who wish to remain anonymous.

There are good reasons for donor transparency. Think tanks' reputations are gradually degrading due to suspicions that they are deliberate lobbying operations for corporate interests. And those suspicions are not always unwarranted. Related concerns about foreign governments buying think tank influence are also rising. With the increasing unease about foreign money flooding the U.S. political system — money that may serve as a means of political entry for foreign governments — transparency is in the public interest.

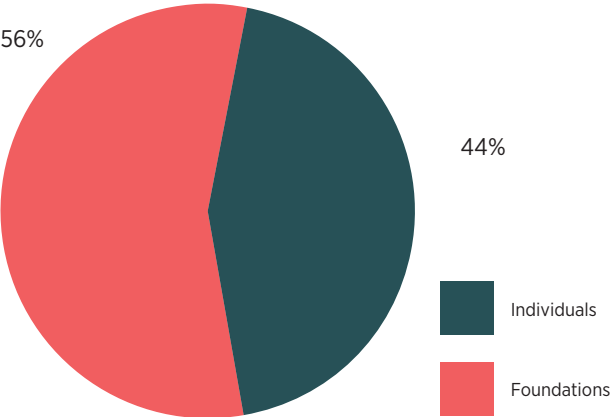
A lack of transparency also suggests that a think tank might have something to hide. We don't.

Donors who give to the Niskanen Center do so because they agree with what we stand for, what we're arguing in the policy arena, and how well we're advancing our case. While transparency does not necessarily extinguish suspicions that a think tank is taking position X because of money from donors A or B, it is certainly the case that transactional relationships are easier to execute without financial transparency. And if you've been following the Niskanen Center and its staff members for a while, you'll probably have a hard time believing that our opinions can be bought.

The Niskanen Center is proud to be associated with the individuals and foundations that provide the financial resources necessary for us to do our work. We invite you to join them.

NISKANEN CENTER FOR PUBLIC
POLICY 2020 REVENUE

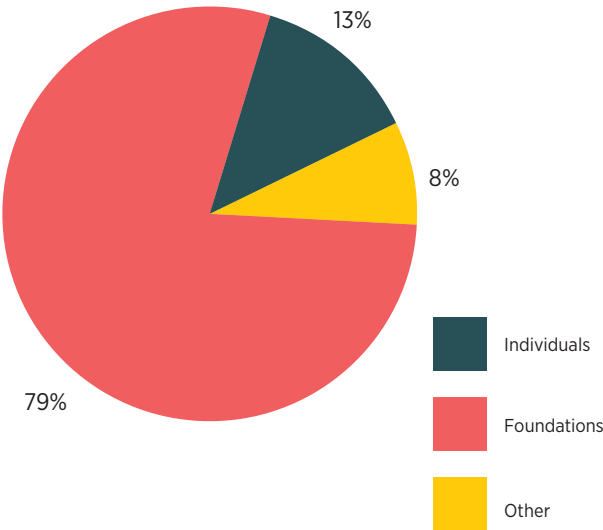
Total Revenue:
\$450,000



The Niskanen Center for Public Policy is an affiliated 501(c)(4) organization that engages in even more direct political action to advance our agenda.

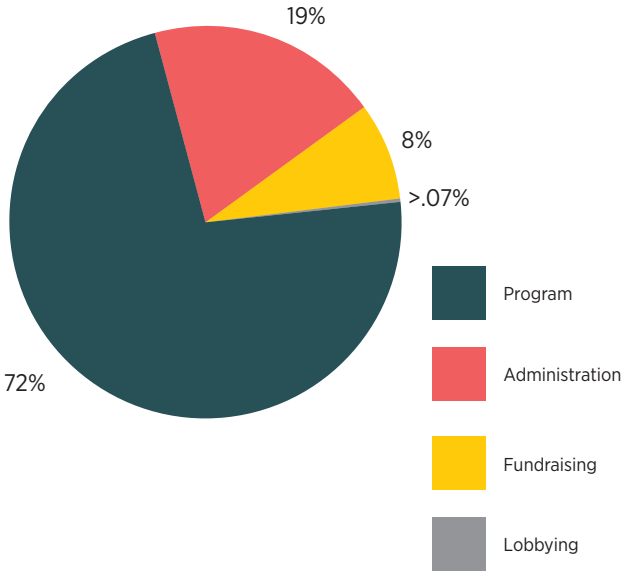
NISKANEN CENTER
2021 REVENUE SOURCES

Total Revenue:
\$12,163,223



NISKANEN CENTER
2021 EXPENSES

Total Expenses:
\$6,636,908





Call to Action

Niskanen recognizes the colossal challenges the 21st century poses and provides an alternative vision at a time when political and social dysfunction threatens to tear apart the fabric of our nation — and our democracy. We acknowledge the worthy concerns of the disparate political camps in America, dispensing with the antiquated notion that we must choose from an ideological dichotomy of the left and the right.

Instead, the Niskanen Center embraces the essential philosophies of each:

- Realizing social justice and reducing economic inequality;
- Protecting civil liberties and defending pluralism; and
- Promoting economic growth and bolstering innovation.

We appreciate the complexities and tradeoffs inherent in large-scale policy reform and eschew the tribalism that often accompanies the pursuit of singularly-focused ideological priorities.



Politics is the art of the possible, but Niskanen renounces the notion that what is possible must be an uninspired, split-the-difference approach to reform. Our animating political philosophy unites unexpected bedfellows, overturns old-fashioned notions of “left” and “right” ideas, and lays the groundwork for a future for those exhausted by the illiberal zealotry on display in American politics today.

Niskanen’s ambitions are lofty — but so are the nation’s challenges. With your support, we hope to continue to animate a new vision for America that meets our growing needs in these turbulent times.

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